

MINUTES

of an **Ordinary Council Meeting** held in the Council Chambers, Municipal Head Office, Swakopmund on **Thursday, 27 July 2023** at **19:00**.

PRESENT:

Councillor D Namubes	:	Mayor (<i>Chairperson of Council</i>)
Councillor W O Groenewald	:	Chairperson of MC
Councillor B R Goraseb	:	Alternate-Chairperson of MC
Councillor C-W Goldbeck	:	Member of Management Committee
Councillor P Shimhanda	:	Member of Management Committee
Councillor M Henrichsen	:	Member of Council
Councillor S M Kautondokua	:	Member of Council
Councillor H H Nghidipaya	:	Member of Council
Councillor E Shitana	:	Member of Council

OFFICIALS:

Mr H !Naruseb	:	Acting Chief Executive Officer
Mr M Haingura	:	GM: Corporate Services & HC
Mr V S Kaulinge	:	GM: Economic Development Services
Mr A Kationdorozi	:	Acting GM: Health Services & SWM
Ms A Kahuika	:	Administration Officer
Ms L Mupupa	:	Public Relations Officer
Ms D Hannes	:	Personal Assistant: Mayor

ALSO PRESENT:

Eighteen (18) Members of the public and two members of the Media.

1. **OPENING BY PRAYER**

Councillor B R Goraseb opened the meeting with prayer.

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

(C/M 2023/07/27 - 5/2/1/1/2)

On proposal of Councillor B R Goraseb seconded by Councillor M Henrichsen, it was:

RESOLVED:

That the agenda be adopted.

CO: A GM: CS&HC

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

3.1 Application for leave of absence:

Councillor D Am-I Gabeb : Approved

3.2 Declaration of interest:

None.

4. **CONFIRMATION OF MINUTES**

(C/M 2023/07/27 - 5/2/1/1/2)

4.1 **MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 29 JUNE 2023**

(C/M 2023/07/27 - 5/2/1/1/2)

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

RESOLVED:

CO: A
GM: CS&HC

That the minutes of the Ordinary Council Meeting held on 29 June 2023, be confirmed as correct.

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

None.

6. **PETITIONS**

6.1 **PUBLIC PETITION: INVALID APPROVAL OF SWAKOPUND BEACH ACCESS PLAN**

(C/M 2023/07/27 - 5/2/1/1/2)

GM: EDS

RESOLVED:

(a) That the public petition as submitted by Messrs Fork n Nice be noted.

(b) That Council refer the matter back to the Management Committee for investigation and discussion at Management.

7. **MOTIONS OF MEMBERS**

None.

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

None.

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

(C/M 2023/07/27 - 5/5/2)

Honourable Councilors, Mr. Helao Naruseb, our Acting CEO

General managers, Managers, and officials of Council, Esteemed Members of the community, Members of the media, Ladies and gentlemen

Good evening once again and welcome to the July Council meeting. We are immensely grateful that you took time to join us tonight. Thank you very much.

Please allow me to share a few highlights from the month of July.

Earlier in this month, the Office of the Mayor was invited to the induction ceremony of Ms Catherine McClean who was inducted as the President of the Rotary Club. The Rotary club is one of our key stakeholders who has contributed and continue to support the community upliftment programmes that we undertake in our town. We wish Ms McClean all the best in her tasks and hope that we will continue to work on sound smart partnership as we share a common goal for the community of Swakopmund.

Still on community outreach and stakeholder engagement news;

I had the pleasure to visit the Ruach Elohim where the lovely and passionate Ms Ronel and her family are raising babies who are abandoned. It was such a beautiful experience as we got to spend the morning with the mother and her children. The children are raised with love and care and we as the community wholeheartedly thank Ms Ronel for their kind hearts. I would like to thus encourage our community to please report babies who are neglected so that we can avoid baby dumping.

*Ladies and gentlemen
Honourable Councillors*

Moving on to regional news;

On the 10th of July, the Honourable Governor delivered the State of the Region Address. During the SORA, the Honourable Governor reported on the activities of the past year and look at the plans for the new year amongst for the Erongo region. We hope that we can continue to place Erongo as the region of excellence.

*Honourable Councillors
Ladies and gentlemen*

More good news;

Last week Friday, on the 21st of July, we handover a total 108 mass houses to the beneficiaries. It was indeed a joyous occasion as we are one step closer to meeting the housing needs of our community members.

When Council realized that there was an increase in housing demand whilst there was a huge number of houses abandoned, we initiated and collaborated with NHE to take over the initiation of the project through our line Ministry. I am happy that Council took this decision to fast track the completion of this project. Over 500 dwellings, including serviced land, were kept unfinished for eight years. 319 unfinished homes and undeveloped land were handed over to new era contractors in October 2022. We appreciate all that was done to make this dream become a reality.

The list is long and right now it may seem like only a dream, but please bear with us as we are determined to provide decent shelter for our community members especially since we also understand the frustration of living in a shack as it made of fire prone material which is one of the contributing factors to fire outbreaks in our town.

Honourable Councillors,

Ladies and gentlemen

In terms of education, I am pleased to share that I had the courtesy to address more than 1300 learners who attended the Annual Career Fair on the 25th of July. This platform has been crafted in efforts to create awareness amongst learners on the different types of career opportunities through exhibition and presentation of career options.

Honourable Councillors

Ladies and gentlemen

I believe you will all agree with me that our Namibian children depend on us as leaders to direct and guide them to take note of and understand the dynamics of the economic sectors so that they will be able to make the right choice for their own destiny. Bearing in mind, the rise in the social ills in our community, it is of paramount importance that we stand together to save our children. I believe that this career fair was indeed a great platform and a step towards the right direction as it may spark their interest and draw attention to the disciplines of their dreams.

Moving on to safety and security of our community members;

On a rather saddening note, we have been experiencing an increase in the number of fire outbreaks. Just this month, we have recorded fire outbreaks on the 5th of July which affected a family of four, another one on the 12th of July which affected more than 38 victims and again yesterday afternoon there was another fire which affected more than 23 victims.

This is becoming worrisome, and I understand it is also a difficult time for our community members who suffer as a result of this. However, I would like to stress on the importance of taking precautionary measures in order to curb this fire outbreaks.

As Council, we have been assisting the victims with basic items and I would like to express our profound gratitude to our stakeholders who have come on board to render their support.

Before I conclude the announcements, In response to the Safety meeting that we held last month, the Council in conjunction with the Namibian police will have a joint operation where they will conduct safety and security inspections. Through this, we hope to address the rise in crime in our town especially at the identified hotpots.

As Council, we strive to ensure the well-being and safety of our residents and are working tirelessly to combat the challenges. However, alone we won't be able to do, but through collective efforts, we can reach our goals.

With that said, thank you for your undivided attention and let us now proceed with the Agenda.

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 JULY 2023**

(C/M 2023/07/27 - 5/2/1/1/2)

RESOLVED:

<p>CO: A GM: CS&HC</p>
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That the report to Council on the resolutions taken by Management Committee meeting held on 13 July 2023, be noted.

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

11.1 **MANAGEMENT COMMITTEE MEETINGS HELD ON 13 JULY 2023**

11.1.1 **REQUEST FOR TERMINATION OF SPECIAL RATES AT THE SWAKOPMUND MUNICIPAL REST CAMP**

(C/M 2023/07/27 - 14/2/7/1/4)

RESOLVED:

GM: F
GM: EDS

- (a) That Council terminates the extension of special rates for the Swakopmund Municipal Rest Camp (SMRC) as from 1 July 2023.
- (b) That the following rates be approved as the new rates for the SMRC effective 1 July 2023:

<i>Unit Type</i>	<i>Peak Periods (15% VAT & 2% Tourism exclusive)</i>	<i>Non-Peak Periods (15% VAT & 2% Tourism exclusive)</i>
<i>Fish</i>	<i>526.75</i>	<i>480.53</i>
<i>Welwitschia</i>	<i>586.95</i>	<i>556.85</i>
<i>Gecko</i>	<i>606.30</i>	<i>581.58</i>
<i>Dunes A (new)</i>	<i>820.23</i>	<i>723.48</i>
<i>Dunes</i>	<i>869.68</i>	<i>771.85</i>
<i>Spitzkoppe</i>	<i>1,047.28</i>	<i>808.78</i>
<i>Brandberg A</i>	<i>1,141.62</i>	<i>904.18</i>
<i>Brandberg B</i>	<i>1,238.08</i>	<i>1,047.28</i>
<i>Moon Valley</i>	<i>1,427.82</i>	<i>1,141.62</i>

11.1.2 **ERF 6928, EXTENSION 25, SWAKOPMUND: PROPOSAL TO INVITE DEVELOPMENT PROPOSALS FROM QUALIFYING ENTITIES**

(C/M 2023/07/27 - E 6928)

RESOLVED:

CO: P
GM: CS&HC

- (a) That Council takes note of the availability of Erf 6928, Extension 25, Swakopmund which is zoned “*Institutional*” and measures 2 479m² in extent.
- (b) That Dr Justin Mukeba Mutombo be informed that Council takes note of his application to purchase Erf 6928, Extension 25 and to subsequently rezone it to a “*Business*” zoning, but that he be advised to take part in the sale of the 4 erven zoned “*Business*” once published for sale in terms of Council’s decision passed on 04 April 2023 under item 11.1.2.
- (c) That Council invites proposals for the sale and development of Erf 6928, Extension 25, Swakopmund from qualifying entities, i.e. non-profit companies, trusts and voluntary associations (including religious institutions).
- (d) That the purchase price for Erf 6928 be determined at 50% of the cost of installation of services as calculated in 2016,

i.e. N\$10.00/m² / 2 = N\$55.00/m² x 2 479m² = be in the amount of N\$136 345.00.

- (e) That development proposals be invited in terms of the requirements of Council's Property Policy which is as Annexure "D" (on file).

11.1.3 **FEEDBACK REGARDING THE SIGNING OF PRELIMINARY AGREEMENTS BY THE BENEFICIARIES OF EXTENSIONS 27, 29, 30 SWAKOPMUND "DRC PROPER"**

(C/M 2023/07/27 - 16/1/4/2/1/14)

CO: H GM: F GM: CS&HC

RESOLVED:

- (a) That Council notes the feedback of the DRC erf donation scheme.
- (b) That it be noted that a list of 339 beneficiaries have been forwarded to the Finance Department and Erongo RED to permit the beneficiaries to connect to services.
- (c) That an advert be placed in the newspapers calling for residents to sign the agreements within 30 days of the advert, and that the list be displayed in DRC by the committee members, failing which they forfeit the opportunity.
- (d) That if no response is received by the due date, the registration of other residents who currently occupy the erven commences.
- (e) That the registration and relocation of unauthorized residents / registered residents, especially where the 48 Social Houses have been constructed take place once the new reception area is ready for occupation.
- (f) That residents who occupy erven not allocated to them be informed and directed to move to the correct erven.
- (g) That the residents who trade on the single residential erven but reside elsewhere and have received an erf under another housing scheme be informed in writing to vacate the premises within 3 months.
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11.1.4 **REQUEST TO REVISIT AND RENEW THE EXISTING COOPERATION AGREEMENT BETWEEN COUNCIL AND THE ORANJEMUND TOWN COUNCIL**

(C/M 2023/07/27 - 5/2/4/5)

CO: MC
All GMS
GM: CS&HC

RESOLVED:

- (a) That the draft Memorandum of Understanding from Oranjemund Town Council be reviewed and amended accordingly for both 'parties' approval.
- (b) That the following identified strategic areas of collaboration be considered:
1. *Tourism and Investment promotion,*
 2. *Waste and Environmental Health Management,*
 3. *Town Planning and Waste Water (Water cure/ Water treatment)*
 4. *Corporate Services & Human Capital (Internships and attachment) - Administration, Communication and Marketing,*
 5. *Finance and Asset Management,*
 6. *Housing Development Initiatives.*

11.1.5 **SALE AND TRANSFER OF NEWLY CREATED ERF IN EXTENSION 31 TO ERONGO RED**

(C/M 2023/07/27 - E 8553, E 10967, 5/6/3)

CO: P
GM: CS&HC

RESOLVED:

- (a) That Council takes note that the services installation to Extension 31 was done with Council's funds and is calculated at a cost of N\$150.00/m².
- (b) That Council takes note that Erf 10967 (189m²) was created by the subdivision of Erf 8553 in order to create a separate erf for the substation located on Erf 10967.
- (c) That Council takes note that Extension 31 is a newly created township and that Erf 10967 is accordingly not listed in the Asset Transfer Agreement for transfer of ownership free of charge.
- (d) That in terms of Council's decision passed on 31 October 2019 under item 11.1.18 Erongo RED must pay for erven not forming part of the Asset Transfer as Council cannot justify the donation of land to a profit generating entity of which the asset base is increased and income generated in perpetuity, without being compensated for the creation or alienation of these erven.
- (e) That Erongo RED pays N\$28 350.00 for Erf 10967 (189m² x N\$150.00), the subdivision costs, the registration cost for the erf, for transfer of ownership and all related costs incurred by Council for the establishment of the erf.
- (f) That Council applies for approval from the Minister of Urban & Rural Development in terms of Section 30 (1) (t) of

the Local Authorities Act 23 of 1992, as amended to proceed with the alienation process.

- (g) That Erongo RED be requested to fence the substations in terms of Council's Building Regulations.

11.1.6

EXEMPTION FROM PAYMENT OF ASSESSMENT RATES

(C/M 2023/07/27 - 3/4/1/2)

CO: P
GM: F
GM: CSHC

RESOLVED:

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

Erf Number	Organisation / Body	Purpose for which the Erf is Used
<i>Erf 3355, Swk</i>	<i>Palm Court Retirement Village</i>	<i>Retirement Village</i>
<i>Erven 4264 & 1729</i>	<i>Swakopmund Baptist Church</i>	<i>Place of Worship</i>
<i>Erven 1772 & 1774</i>	<i>Private School Swakopmund</i>	<i>Educational</i>
<i>Erf 8159 & 9104,</i>	<i>DRC School Project and Community \ Tangeni Shilongo Namibia</i>	<i>Educational</i>
<i>Ext 21, Erven 4235, 4236 & 4237</i>	<i>Pro-Ed AKademie</i>	<i>Educational</i>
<i>Erf 598</i>	<i>Swakopmund Congregational Church</i>	<i>Place of Worship</i>
<i>Erf 1613</i>	<i>Scientific Society Swakopmund</i>	<i>Scientific Development & Educational</i>
<i>Erven 2108 & 681</i>	<i>The Old Apostolic Church</i>	<i>Place of Worship</i>
<i>Erf 602, M</i>	<i>Evangelical Lutheran Church</i>	<i>Place of Worship</i>
<i>Erf 4371</i>	<i>Evangelical Bible Church</i>	<i>Place of Worship</i>
<i>Re of Erf 1759</i>	<i>Evangelische Stadtmission</i>	<i>Place of Worship</i>
<i>Erven 614 & 567</i>	<i>A F M Tamariskia</i>	<i>Place of Worship</i>
<i>Erf 449</i>	<i>Owato Parish</i>	<i>Place of Worship</i>
<i>Erf 521</i>	<i>Blood Transfusion Service</i>	<i>Collecting Blood From Doner & Distributing to Hospitals</i>
<i>Erf 4650</i>	<i>Stepping Stone School</i>	<i>Educational</i>
<i>Erf 8680</i>	<i>A G S Filadelfia Swakopmund</i>	<i>Place of Worship</i>
<i>Erf 782, T</i>	<i>Jehovah's Witnesses</i>	<i>Place of Worship</i>
<i>Erf 3534 & 4234</i>	<i>Deutsche Pfadfinder</i>	<i>Youth Organisation</i>
<i>Erven 236 & 612</i>	<i>Full Gospel Church of God</i>	<i>Place of Worship</i>
<i>Erven 183</i>	<i>Deutsche Evang-Luth Gemeinde</i>	<i>Kindergarten & Church Service</i>
<i>Erf 3758 & E 10035</i>	<i>Tierschutzverein (S. P. C. A) Swakopmund</i>	<i>Looking after Stray/Homeless dogs</i>
<i>Erf 4367</i>	<i>Oruano Church</i>	<i>Community Service</i>
<i>Erven 723, 724, 725, 726 & 728</i>	<i>Deutscher Schulverein Swk</i>	<i>Hostel</i>
<i>Erf 2781, 801 & 420</i>	<i>Wo13 Lions Old age home</i>	<i>Old Age Home</i>
<i>Erf 763</i>	<i>New Apostolic Church</i>	<i>Place of Worship</i>
<i>Erf 910 & 779</i>	<i>Pentecostal Assemblies of God</i>	<i>Place of Worship</i>
<i>Erf 4324</i>	<i>Happy Du Children Charity Organisation</i>	<i>Welfare Purposes</i>
<i>Erven 3668 & 3669</i>	<i>Antonius Residence Trust</i>	<i>Old Age Home</i>
<i>Erf 356 A</i>	<i>Prinzessin Rupprecht Heim Foundation</i>	<i>A retirement Home & Frail Care Centre</i>
<i>Erf 63</i>	<i>Mondesa Youth Opportunities Trust</i>	<i>Educational</i>

Erf Number	Organisation / Body	Purpose for which the Erf is Used
<i>Erf 620</i>	<i>Rossing Foundation</i>	<i>Educational</i>
<i>Erven 195 & 196 A, 5063, 5064 & 5065</i>	<i>The mission Benedictine Sister's</i>	<i>Sisters Living Quatres</i>
<i>Erven 305, 588, 800 & 801</i>	<i>United Reformed Church</i>	<i>Place of Worship</i>
<i>Erf 2709</i>	<i>Vineta Seventh-day Adventist Church</i>	<i>Place of Worship</i>
<i>Erf 215, 4443</i>	<i>Eagle Christian Centre</i>	<i>Church Building</i>
<i>Erf 5158</i>	<i>Ned Herv Kerk</i>	<i>Place of Worship</i>
<i>Erf 4377</i>	<i>Swakopmund Central Church</i>	<i>Place of Worship</i>
<i>Erf 4633</i>	<i>The AFM of Namibia</i>	<i>Place of Worship</i>
<i>Erf 4656</i>	<i>The Dutch Reformed</i>	<i>Pastors residence</i>
<i>Erf 4633</i>	<i>The AfM of Namibia</i>	<i>Pastors residence</i>
<i>Erf 6645</i>	<i>DRC Women's Community Project</i>	<i>Welfare Purposes</i>
<i>Erf R 1 196</i>	<i>House Stella Maris</i>	<i>Living Quatre of Holy Cross Srs Community</i>
<i>Erf 4347 M</i>	<i>Swakopmund COSDEC</i>	<i>Institutional Training Centre</i>
<i>Erf 7891</i>	<i>Eagle Christian Centre</i>	<i>Welfare Purposes & Educational</i>
<i>Erf 508</i>	<i>Dutch Reformed Church Swakopmund</i>	<i>Place of worship</i>
<i>Erf 1514</i>	<i>Swakopmund Christian Academy</i>	<i>Educational</i>
<i>Erf 5229</i>	<i>Promiseland Trust</i>	<i>Educational & School Hostel</i>
<i>Erven 4235, 4236 & 4237</i>	<i>Riverside Private School</i>	<i>Educational</i>

- (b) That the exemption of payment of assessment rates be credited with effect 1 July 2023 where applicable.
- (c) That the following application not be approved as it is was submitted on 05 June 2023, i.e after the statutory closing date of 31 May 2023.

Erf Number	Organisation / Body	Purpose for which the Erf is Used
<i>Erf 455, M</i>	<i>St Boniface Anglican Church</i>	<i>Place Of Worship</i>

11.1.7

**MOBILE TELECOMMUNICATION PROPRIETARY LIMITED:
RENEWAL OF THE VARIOUS LEASE AGREEMENTS**

(C/M 2023/07/27

- 13/3/1/5; M 4350; M 7103; M 4374; M 3701; E 5630; E 6083; E 5361; E5979)

RESOLVED:

CO: P
GM: CS&HC

- (a) That Council approves the renewal of various lease sites and the placement of the antennae of Mobile Telecommunication company (Pty) Ltd (MTC) as listed in the tables below up to 30 September 2028:

(i) Expired leases:

	Site Name	Lessee	Size	Commence	Expiry
1.	Portion 6 (sewage works)	MTC	9	1 May 2021	30 Sep 2028
2.	Erf 4350, Mondesa	MTC	81	1 Feb 2021	30 Sep 2028
3.	Erf 7103, Mondesa	MTC	216	1 Oct 2021	30 Sep 2028
4.	Erf 4374, Mondesa	MTC	81	1 Oct 2021	30 Sep 2028
5.	Erf 3701	MTC	81	1 Oct 2021	30 Sep 2028
6.	Townlands 18km east of Swakopmund - Desert site	MTC	81	1 Sep 2021	30 Sep 2028
7.	Prt of Erf 5630, Swk	MTC	72	1 Oct 2022	30 Sep 2028
8.	Erf 6083, Swk	MTC	126	1 Sep 2022	30 Sep 2028
9.	Erf 5361, Swk	MTC	144	1 Sep 2022	30 Sep 2028
10.	Erf 5979, Swk	MTC	144	1 Sep 2022	30 Sep 2028

(ii) To Expire soon:

	Site Name	Lessee	Size	Commence	Expiry
1.	Water reservoir next to the Airport Water tower	MTC	Antennae on Council's infrastructure	01 Nov 2023	30 Sep 2028

- (b) That MTC continue to adhere to the following requirements for the sites in the point (a) 1 above:

- A maximum height of 25m
- Consent letter from the neighbours
- Environmental Impact Assessment (EIA) (for new sites)

- (c) That the following standard lease conditions be applicable to all lease sites in (a) above.

- (i) That building plans of all proposed buildings must be submitted to the Engineering Services Department;
- (ii) That the portion of land is leased on the explicit condition that the lessee indemnifies Council against any claim for damages resulting from its occupation by the lessee.
- (iii) That the leases be at the current tariffs per month with an annual escalation of 7% every July (first being 1 July 2024):
- Central town - N\$ 43.68
 - Mondesa - N\$ 39.30

- (d) That all costs relating to the lease renewal, including, but not limited to advertising costs, be for the account of the lessee.
- (e) That the following conditions be made applicable in addition to points (b) to (h) above to the lease:
- (i) *That Council will not reimburse MTC for any costs relating to the installation or removal of its properties or any other expense incurred during or after the termination of the lease agreement.*
 - (ii) *That any damages that may be caused to the lease site be for the account of MTC and shall be repaired at their cost and on demand.*
 - (iii) *That MTC will be responsible for the proper maintenance of the equipment and should such equipment not be well maintained and thus rust and become unsightly, the lease be cancelled and equipment removed at the cost of the lessee.*
- (f) **That the following additional conditions be applicable for the mounted antennae:**
- (i) *That the area on the water tower and on the ground be leased on the explicit condition that the lessee indemnifies Council against any claim for damages whatsoever resulting from its occupation and usage of the tower.*
 - (ii) *That any antennae and related cabling be mounted on the water tower with prior approval and supervision of the Engineering Services Department.*
 - (iii) *That the lease tariffs of the antennae be N\$ 5 531.62 as from 1 July 2023 with an annual escalation of 7% every July (first being 1 July 2024).*
 - (iv) *That Council will not reimburse MTC for any costs relating to the installation or removal of its antennae or related cabling or any other expense incurred during or after the termination of the lease agreement.*
 - (v) *That any damages that may be caused to the water tower (including pipes, etc.) as a result of MTC's lease of the tower shall be repaired at their cost and on demand.*
 - (vi) *That if the signal transmitted by the antennae of MTC at any time in any way interfere with any of Council's telecommunications signals, the lease be cancelled and antennae removed at MTC cost should no solution to the satisfaction of Council be offered.*
 - (vii) *That MTC will be responsible for the proper maintenance of the equipment and should such equipment not be well maintained and thus rust and become unsightly, the lease be cancelled and equipment removed at the cost of the lessee.*
 - (viii) *That MTC clearly marks their equipment, antennae and any other implements related to the BTS rental that is mounted on the water tower in order to be able to identify it as their property.*
 - (ix) *That on the termination of the lease MTC be required to remove any antennae and cabling placed by them on the tower at their cost and to the satisfaction of the Engineering Planning Services Department failing which, Council shall have it removed for the account of MTC.*
 - (x) *That the Engineering Services Department makes the necessary arrangements to allow MTC access to the tower whilst ensuring such access is still controlled and does not jeopardize the restriction of access of the public to the property.*

11.1.8 **40/40 (CREDIT-LINK) PROJECT: CONTRADICTION CLAUSES OF THE CONDITIONAL DEED OF DONATION**

(C/M 2023/07/27 - ????)

CO: P
GM: CS&HC

RESOLVED:

That clause 2.1.3 and 5.2 in the Conditional Deed of Donation be merged and amended to provide that the construction of a house on the property shall be completed within 12 months from the date of signing of the agreement.

11.1.9 **PRIVATE DEVELOPERS - DUTY TO SECURE FUNDING**

(C/M 2023/07/27 - 16/1/4/2/1/14)

CO: P
GM: CS&HC

RESOLVED:

(a) That the following developers:

- *Gheron Building Construction (Pty) Ltd*
- *Tapaya Investment Holding (Pty) Ltd*
- *Matsi Investment (Pty) Ltd*
- *Reviving Property Solutions (Pty) Ltd*

be referred to Nedbank or a registered financial institution for assessment for possible project finance and be granted time until 29 September 2023 to comply with clause 3.1.4 of the development agreement, i.e. to provide proof that a registered financial institution has committed to finance the full project cost and that they can provide between 20% - 30% of the equity requested and the sales to cover the 70% - 80% funding by a registered financial institution.

- (b) That a report on the performance of the developers under point (a) above be submitted to Council after the due date of 29 September 2023 for further consideration.
- (c) That for economic empowerment purposes the contractors be kept on the Council data base and be referred to other potential private investors / developers for sub-contracting.

11.1.10 **NAMIBIAN INSTITUTE OF WELDING CC: APPLICATION FOR AN EXTENSION OF TIME TO SECURE THE PURCHASE PRICE FOR ERF 4873, SWAKOPMUND (INDUSTRIAL)**

(C/M 2023/07/27 - 16/1/4/2/1/13, E 4873)

CO: P
GM: CS&HC

RESOLVED:

- (a) That Council takes note of the application by Namibian Institute of Welding CC for an extension of time to secure the purchase price and 15% VAT for Erf 4873, Swakopmund.
- (b) That Council grants Namibian Institute of Welding CC an extension of time until 13 August 2023 to secure the purchase price in the amount of N\$1 747 108.00 plus 15% in the amount of N\$262 066.20.

- (c) That the extension of time be subject to the levying on 10.5% interests from 12 June 2023 until date of payment in cash, or until date of transfer if the purchase and 15% VAT is secured by guarantee.
- (d) That no further extension of time be considered after 13 August 2023.
- (e) That should Namibian Institute of Welding CC fail to secure the purchase price by the extended due date, Erf 4873, Swakopmund be reserved for sale by private treaty once a suitable application is received as resolved by Council on 31 August 2022 under item 11.1.23.
- (f) That an addendum be added to the deed of sale recording the extension of time and other conditions.

11.1.11 **SUBDIVISION OF ERF 118, SWAKOPMUND PROPER INTO PORTION A AND THE REMAINDER AND THE SUBSEQUENT REZONING OF PORTION A FROM UNDETERMINED TO PARASTATAL**

(C/M 2023/07/27 - E 118)

RESOLVED:

GM: EPS

- (a) That the subdivision of Erf 118, Swakopmund Proper into Portion A (102.5m² in extent) and Remainder (1863.5m² in extent) be approved.
- (b) That Portion A, a portion of Erf 118, Swakopmund Proper be zoned *Parastatal*.
- (c) That the current title deed conditions registered against the Remainder of Erf 118, Swakopmund Proper be retained, and the following conditions should be registered against the title deed of the newly created Portion A of Erf 118, Swakopmund Proper:

The erf shall only be used or occupied for purposes which are in accordance with and the use or occupation of the erf shall at all times be subject to the provisions of the Swakopmund Zoning Scheme prepared and approved in terms of the Urban and Regional Planning Act, 2018 (Act No. 5 of 2018).
- (d) That upon completion of all the statutory procedures, the newly created erf be transferred to Erongo Regional Electricity Distributor Company (Pty) Ltd.

11.1.12 **SUBDIVISION OF THE REMAINDER OF ERF 2747, SWAKOPMUND PROPER INTO PORTION A AND REMAINDER AND SUBSEQUENT REZONING OF PORTION A FROM SPECIAL TO PARASTATAL**
(C/M 2023/07/27 - 2747)

RESOLVED:

GM: EPS

- (a) That the subdivision of the Remainder of Erf 2747, Swakopmund Proper into Portion A and Remainder be approved.
- (b) That the rezoning of Portion A from “Special” to “Parastatal” be approved.
- (c) That the applicant provides proof that the rezoning has been approved by the Minister and promulgated before any business registration and / or submission of building plans to the Engineering and Planning Services Department for approval.
- (d) That the title deed conditions registered against Erf 2747, Swakopmund Proper be retained for the Remainder of Erf 2747, Swakopmund 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);*
- (e) That upon completion of all the statutory procedures, the newly created erf be transferred to Erongo Regional Electricity Distributor Company (Pty) Ltd.

11.1.13 **REQUEST FOR FUNDS - REDIRECTION OF EXISTING PUMP STATIONS (PHASE 1)**
(C/M 2023/07/27 - 16/2/4/4)

RESOLVED:GM: EPS
GM: F

That approval be granted for Vote: 750031022200 (Redirection Existing Pumping Mains) to be increased from N\$5 000 000.00 to N\$9 700 000.00 for the Financial Year 2023 / 2024.

11.1.14 **CONSOLIDATION OF THE REMAINDER OF ERF 100 AND ERF 2744, SWAKOPMUND PROPER INTO CONSOLIDATED PORTION X**
(C/M 2023/07/27 - RE 100, E 2744)

RESOLVED:

GM: EPS

- (a) That the Consolidation of the Remainder of Erf 100, Swakopmund and Erf 2744, Swakopmund Proper into Consolidated Erf X be approved as per the table below:

PTN NUMBERS	PROPOSED SIZES	ZONING
<i>RE/100</i>	<i>701m²</i>	<i>Single Residential</i>
<i>ERF 2744</i>	<i>699m²</i>	<i>Single Residential</i>
<i>Consolidated Erf X</i>	<i>1400m²</i>	

(b) That the title deed conditions registered against Erf RE/100 and Erf 2744, Swakopmund Proper be retained and be registered against Consolidated Erf X 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);*
- (ii) *The building value of the main building, excluding the outbuilding to be erected on the erf shall be at least four times the municipal valuation of the erf.*

11.1.15 **TRANSFER OF FUNDS AND CONTINUATION: NEW 3.5 TON D/CAB TIPPER AND VACUUM SEWAGE TRUCK**
(C/M 2023/07/27 - 16/2/6/3)

RESOLVED:

GM: EPS
GM: F

- (a) That the General Manager: Finance be granted permission to transfer the amount of N\$761 299.00 (VAT excluded) in Vote: 502531008900 (NEW 3.5 TON D/CAB TIPPER) to the 2023 / 2024 Capital budget and list it as a Continuation project for the payment due to M & Z Motors Commercial Vehicles after delivery.
- (b) That the General Manager: Finance be granted permission to transfer the amount of N\$2 169 034.00 in Vote: 750031022400 (VACUUM SEWAGE TRUCK) to the 2023 / 2024 Capital budget and list it as a Continuation project for the payment due to M & Z Motors Commercial Vehicles after delivery.
- (c) That the General Manager: Finance be granted permission to transfer the amount of N\$8 557 600.00 to Vote: 7500031022300 (TWO JETVAC TRUCKS) to the 2023 / 2024 Capital budget and list it as a Continuation project for the payment due to Auas Motors (Pty) Ltd after delivery.

11.1.16 **ANNUAL PROCUREMENT PLAN 1ST JULY 2023 TO 30TH JUNE 2024**
(C/M 2023/07/27 - 6/1/3/1)

RESOLVED:

CEO

- (a) That Council take note that it was not operationally practical to finalise and submit the Annual Procurement Plan to the Procurement Policy Unit three months before the commencement of Council's 2023 / 2024 financial year.

- (b) That it be noted that the Annual Procurement Plan was submitted to the Procurement Policy Unit on 12 June 2023, and published on both the e-Government Procurement Portal and on Council's Website on same day.

11.1.17 **SUBDIVISION OF ERF 266C, SWAKOPMUND PROPER INTO PORTION A AND REMAINDER AND SUBSEQUENT REZONING OF PORTION A FROM LOCAL AUTHORITY TO PARASTATAL**
(C/M 2023/07/27 - E 266C)

RESOLVED:

GM: EPS

- (a) That the subdivision of Erf 266C, Swakopmund Proper into Portion A and Remainder be approved.
- (b) That the rezoning of Portion A from local authority to parastatal be approved.
- (c) That the applicant provides proof that the rezoning has been approved by the Minister and promulgated before any business registration and/or submission of building plans to the Engineering and Planning Services Department for approval.
- (d) That the title deed conditions registered against Erf 266C, Swakopmund Proper be retained for the Remainder Erf 266C, Swakopmund Proper, as follows:
- (ii) *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);*
- (e) That upon completion of all the statutory procedures, the newly created erf be transferred to Erongo Regional Electricity Distributor Company (Pty) Ltd.

11.1.18 **REQUEST FOR SPONSORSHIP: OPEN SPACE OF WEST OF GERMINA SHITALENI MULTIPURPOSE CENTRE**
(C/M 2023/07/27 - 9/3/1/2)

RESOLVED:

CO: MC
GM: CS&HC

- (a) That the Council take note of the request by Messrs Nashville Investment for sponsorship toward hosting the "Let's Eat Kapana" as scheduled to take place on 24-26 August 2023 at the open space west of Germina Shitaleni Multipurpose Centre.
- (b) That the Council approves the sponsorship toward hosting the "Let's Eat Kapana" for the following:
- Provide the open space Germina Shitaleni Multipurpose Centre at 50% discount of rental fees (i.e., N\$3 596.67x 50/100= N\$ 1 798.34)
 - Provide wheelie bins and waste removal service with a value of N\$2 206.72.

- *Assist with marketing the event on all the Municipal social media platforms.*
 - *Collaborate with Nashville Investment in hosting the event through Economic Development Service Office by sharing of MSME database.*
- (c) That Nashville Investment cc makes provision for ablution facilities for the duration of the event at their own cost.
- (d) 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.
- (e) That Nashville Investment cc provides for security during the event, and that the venue is restored to its original form after the event.
- (f) 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.
- (g) That all expenses (i.e., leasing of venue of open space at Germina Shitaleni Multipurpose Centre, 30 wheelie bins) be defrayed from the Publicity Vote: 450015533000 where an amount of N\$60 000.00 is available.

11.1.19 **PROPOSAL TO ESTABLISH A MINERAL SORTING AND TESTING CENTRE IN SWAKOPMUND**

(C/M 2023/07/27 - 16/1/4/2/1/13)

<p style="text-align: center;">GM: EPS CO: P GM: CSHC</p>

RESOLVED:

- (a) That Council supports the proposal by Messrs RockSort Consulting CC to establish a mineral sorting and testing centre within the Swakopmund town boundary.
- (b) That Council, in principle, supports the leasing of a 2-hectare size land, within the zone E (Heavy and Noxious Industry) as identified in the Swakopmund Structure Plan 2020-2040 to Messrs RockSort Consulting CC for a period of 5 years for the establishment and operation of a mineral sorting and testing centre.
- (c) That the exact size and location of the mineral sorting and testing centre, be determined by the General Manager: Engineering and Planning Services.
- (d) That once the size and location of the mineral sorting and testing centre are determined by the General Manager: Engineering and Planning Services, that the General Manager: Corporate Services and Human Capital submits to Council for consideration the full lease price and applicable terms and conditions for the lease.
- (e) That any costs associated with this proposal, such surveyor costs, municipal services to support the operations, applications for road accesses and electrical supply should be for the account of Messrs RockSort Consulting CC.

11.1.20 **DELEGATION OF POWER BY THE ACCOUNTING OFFICER IN TERMS OF THE PUBLIC PROCUREMENT ACT, (ACT: NO. 15 OF 2015) AS AMENDED**

(C/M 2023/07/27 - 5/2/4/4)

CEO
All GMs

RESOLVED:

- (a) That Council take note of the Public Procurement Act, 2015 (Act: No. 15 of 2015) as amended.
- (b) That the Council delegates its powers in terms of section 31(1) of the Local Authorities Act 23 of 1992 to the Chief Executive Officer to appoint at his discretion an Acting Accounting Officer in terms of section 1(a) Public Procurement Amendment Act, 2015 (No. 15 of 2015) as amended.
- (c) That the Chief Executive Officer shall communicate in writing to all Heads of Departments to appoint the Acting Accounting Officer, in terms of section 1(a) of the Public Procurement Amendment Act, 2015 (No. 15 of 2015) as amended, when he is absent from office.

11.1.21 **RECTIFICATION OF THE COUNCIL RESOLUTION NUMBER C/M 2023/04/27 - E 5848 ITEM NUMBER 11.1. 25**

(C/M 2023/07/27 - E 5848)

GM: EPS

RESOLVED:

That the Council Resolution of C/M 2023/04/27-E 5848 Item Number 11.1.25 be repealed and replaced with the following resolution:

- (a) That the Erf 5848, Swakopmund Extension 18 be rezoned from “*General Business*” with a bulk of 2 to “*Single Residential*” with a density of 1:300m² instead of one per erf initially requested by the applicant.
- (b) That the Erf 5848, Swakopmund Extension 18 be subdivided into seven (7) portions and Remainder as per subdivision plan submitted by the applicant.
- (c) That the following conditions be registered against the newly created portions:
 - *That the Erf shall be used or occupied for the purposes which are in accordance with, and the use or occupation of the Erf shall at all times be subject to, the provisions of the Swakopmund Zoning Scheme prepared and approved in terms of the Urban and Regional Planning Act, 2018 (Act No.5 of 2018),*
 - *The building value of the main building, excluding the outbuilding to be erected on the Erf shall be at least four times the municipal valuation of the Erf.*
- (d) That no betterment fee be payable.

- (e) That the subdivision of Erf 5848, Swakopmund be subject to compensation (endowment) fee in terms of the Urban and Regional Planning Act, 2018 (Act No.5 of 2018) as well as the Municipality of Swakopmund Property Policy.
- (f) That the applicant provides proof that the rezoning has been approved by the Minister and promulgated before any business registration and/or submission of building plans to the Engineering and Planning Services Department for approval.
- (g) That the applicant be responsible for all costs involved for the construction and installation of services.
- (h) That the design of services be submitted for the approval by the General Manager: Engineering and Planning Services.
- (i) That the installation be done to the satisfaction of the General Manager: Engineering and Planning Services.
- (j) That no building plans shall be approved until proof of payment of the compensation (endowment) fee has been received by Council.
- (k) 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.
- (l) That the resolution be issued to the applicant before the confirmation and signing of the minutes of the Council meeting.

11.1.22 **REQUEST FOR SPONSORSHIP: TOWARDS ADULTING 102 EPISODE 5**

(C/M 2023/07/27 - 3/15/1/6/1)

RESOLVED:

CO:MC
GM: CS& HC

- (a) That Council take note of the request by ZJG Enterprises requesting sponsorship toward hosting the Episode 5 of the Adulting 102 scheduled to take place on 29th July 2023 at the Thomas Hamunyela Amphitheatre, Swakopmund.
- (b) That the Council approves the sponsorship toward hosting the Episode 5 of Adulting 102 for the following:
 - *Provide the Thomas Hamunyela Amphitheatre inclusive of the parking area at 50% discount which is N\$ 376.00 (i.e., N\$376.00 x 0.50 x 2 days).*
 - *Provide wheelie bin and waste removal service at no cost during the event.*

- *Assist with marketing the event on all the Municipal social media platform.*
 - *Collaborate with Messrs ZJG in hosting the event through Economic Development Service Office by sharing database and disseminate information among local MSMEs.*
- (c) That Messrs ZJG pay a refundable deposit of N\$743.14. to cover for any damage to the venue after the event.
- (d) That Messrs ZJG be informed that Council cannot issue an endorsement letter / support letter to be used for seeking sponsorship only letters of intent, once a service has been provided.
- (e) That Messrs ZJG be informed that Council cannot sponsor electricity, safety and security neither financial assistance toward marketing material costs, the company must make its own provision.
- (f) 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.
- (g) That the 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.
- (h) That all expenses (50% of the rental fee of the venue, provision of wheelie bins and waste removal) be defrayed from Publicity Vote: 450015533000 with an available balance of N\$60 000.00.

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

None.

The meeting adjourned: **20:03**

Minutes to be confirmed on: **27 July 2023.**

**Councillor D Namubes
MAYOR**

**Mr A Benjamin
CHIEF EXECUTIVE OFFICER**