

AGENDA

Ordinary Council Meeting

on

THURSDAY





26 APRIL 2012

at

19:00



MUNICIPALITY OF SWAKOPMUND

 (064) 4104206
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 53 Swakopmund
NAMIBIA
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Ref No A 2/3/5

Enquiries: A Gebhardt

16 April 2012

The Mayor and Councillors
Municipality
SWAKOPMUND

Dear Sir / Madam

NOTICE: ORDINARY COUNCIL MEETING

Notice is hereby given of an **ORDINARY COUNCIL MEETING** to be held in the Council Chambers, Municipal Office Building, Swakopmund on:

THURSDAY, 26 APRIL 2012 at 19:00,

E U W Demasius
CHIEF EXECUTIVE OFFICER

AG/-

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1. **OPENING**

2. **APPLICATIONS FOR LEAVE OF ABSENCE AND DECLARATION OF INTERES**

2.1 Application For Leave Of Absence.

2.2 Declaration Of Interest.

3. **CONFIRMATION OF MINUTES**

(C/M 2012/04/26 - A 2/3/5)

3.1 Minutes of an **Ordinary Council Meeting** held on **29 March 2012**.
(pp 31/2012 - 41/2012)

4. **INTERVIEWS WITH DEPUTATIONS OR PERSONS SUMMONED OR REQUESTED TO ATTEND THE MEETING**

None.

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

5.1 Announcements by the Mayor and Chairperson of Council.

5.2 Long Service Awards.

6. **PETITIONS**

None.

7. **MOTIONS OF MEMBERS**

None.

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

None.

9. **FEEDBACK REPORT ON THE EXECUTION OF RESOLUTIONS
TAKEN BY COUNCIL IN MARCH 2012**

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10. **REPORT TO COUNCIL ON RESOLUTIONS TAKEN BY
MANAGEMENT COMMITTEE DURING MARCH AND APRIL 2012**

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10. (A) Minutes of a **Special Management Committee meetings** **5 - 13**
held on **29 March 2012** and **17 April 2012** an Ordinary
Management Committee Meeting held on **12 April 2012**.

11. **RECOMMENDATIONS OF THE MANAGEMENT COMMITTEE
MEETING HELD IN APRIL 2012**

11.1 **AN ORDINARY MANAGEMENT COMMITTEE MEETING HELD ON
12 APRIL 2012**

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10. **REPORT TO COUNCIL ON RESOLUTIONS TAKEN BY PREVIOUS
MANAGEMENT COMMITTEE MEETINGS HELD IN MARCH AND
APRIL 2012**

10 (A) **MINUTES OF A SPECIAL MANAGEMENT COMMITTEE MEETING
HELD ON 29 MARCH 2012**

5. **DISCUSSION POINTS**

5.1 **LOCAL ECONOMIC DEVELOPMENT CONFERENCE 2012**

(S/M/C 2012/03/29 - A 2/3/15)

RESOLVED:

That it be recorded that a quorum was not present to constitute a formal Management Committee meeting and that Councillors present agreed to grant provisional approval pending the resubmission of this item to the next Ordinary Management Committee for approval / condonation. *Section 24 (2) of the Local Authorities Act reads as follows: The majority of the members of a management committee having voting rights shall form a quorum for a meeting of the management committee.*

RESOLVED:

- (a) That permission be granted to the General Manager: Health Services to attend the Local Economic Development Conference from 16 - 19 April 2012 in Windhoek.
 - (b) That the cost for subsistence and travelling be paid from the Conference Expenses Vote 301010206500 where N\$17 996.23 is available.
 - (c) That special leave be granted to the General Manager: Health Services during this period.
-

5.2 **SWAKOPMUND WATERFRONT DEVELOPMENT: COMMENCEMENT OF
EARTHWORKS**

(S/M/C 2012/03/29 - G 4/1/1 (10))

RESOLVED:

That it be recorded that a quorum was not present to constitute a formal Management Committee meeting and that Councillors present agreed to grant provisional approval pending the resubmission of this item to the next Ordinary Management Committee for approval / condonation. *Section 24 (2) of the Local Authorities Act reads as follows: The majority of the members of a management committee having voting rights shall form a quorum for a meeting of the management committee.*

RESOLVED:

- (a) That permission be granted to Messrs Safari Investments to commence with earthworks only on condition that a sign board be erected informing the public that earthworks only are being carried out and that a management plan be agreed upon which routes and construction times be adhered to during construction of the earthworks.

- (b) That the permission granted in (a) above shall not prejudice any right of the Council to enforce the Building Regulations and / or the Town Planning Scheme as regards to the proposed Waterfront Development.

5.3 **OLD AND REDUNDANT ITEMS/EQUIPMENT: ENGINEERING SERVICES DEPARTMENT - WORKS SECTION**

(S/M/C 2012/03/23 - N 10/1, L 5)

RESOLVED:

That it be recorded that a quorum was not present to constitute a formal Management Committee meeting and that Councillors present agreed to grant provisional approval pending the resubmission of this item to the next Ordinary Management Committee for approval / condonation. *Section 24 (2) of the Local Authorities Act reads as follows: The majority of the members of a management committee having voting rights shall form a quorum for a meeting of the management committee.*

10 (B) **MINUTES OF AN ORDINARY MANAGEMENT COMMITTEE MEETING HELD ON 12 APRIL 2012**

2. **CONFIRMATION OF MINUTES**

(M/C 2012/04/12 - A 2/3/5)

2.1 **MINUTES OF A SPECIAL MANAGEMENT COMMITTEE MEETING HELD ON 23 FEBRUARY 2012**

On proposal of Councillor A N Bessinger seconded by Councillor L M Madi it was:-

RESOLVED:

That the Minutes of a Special Management Committee meeting held on 23 February 2012 be confirmed as correct.

2.2 **MINUTES OF AN ORDINARY MANAGEMENT COMMITTEE MEETING HELD ON 15 MARCH 2012**

On proposal of Councillor A N Bessinger seconded by Councillor L M Madi it was:-

RESOLVED:

That the Minutes of an Ordinary Management Committee meeting held on 15 March 2012 be confirmed as correct.

2.3 **MINUTES OF A SPECIAL MANAGEMENT COMMITTEE MEETING HELD ON 29 MARCH 2012**

On proposal of Councillor A N Bessinger seconded by Councillor L M Madi it was:-

RESOLVED:

That the Minutes of a Special Management Committee meeting held on 29 March 2012 be confirmed as correct.

5.5 **FINANCE**

5.5.1 **TOTAL EXPENDITURE**

(M/C 2012/04/12 - D 7/3/2/1)

RESOLVED:

That the total expenditure of N\$22 538 073.91 for the period 01- 31 March 2012 be accepted and approved as correct.

7. **MATTERS REFERRED BY PREVIOUS COUNCIL- AND MANAGEMENT COMMITTEE MEETINGS**

7.1 **SWAKOPMUND WATERFRONT DEVELOPMENT: COMMENCEMENT OF EARTHWORKS**

(M/C 2012/04/12 - G 4/1/1 (10))

RESOLVED: (For Condonation by Council)

- (a) That the permission granted to Messrs Safari Investments to commence with earthworks only on condition that a sign board be erected informing the public that earthworks only are being carried out and that a management plan be agreed upon which routes and construction times be adhered to during construction of the earthworks, be condoned.
- (b) That the permission granted in (a) above shall not prejudice any right of the Council to enforce the Building Regulations and / or the Town Planning Scheme as regards to the proposed Waterfront Development.

7.2 **OLD AND REDUNDANT ITEMS/EQUIPMENT: ENGINEERING SERVICES DEPARTMENT - WORKS SECTION**

(M/C 2012/04/12 - L 2)

RESOLVED: (For Condonation by Council)

- (a) That the writing off and selling of the following old and redundant vehicles, equipment and materials at the next public auction, be condoned:

Vehicles:

<i>Fleet No.</i>	<i>Reg. No.</i>	<i>Make</i>	<i>Model</i>
<i>S20M</i>	<i>N11807S</i>	<i>M/Benz Water Tanker</i>	<i>2000</i>
<i>S29M</i>	<i>N2698S</i>	<i>Hino Truck</i>	<i>1988</i>
<i>S14M</i>	<i>N3446S</i>	<i>Bomag Road Roller</i>	<i>1980</i>
<i>S178M</i>	<i>N3625S</i>	<i>Massey Furgasson Tractor</i>	<i>1979</i>
<i>S65M</i>	<i>N4022S</i>	<i>Toyota LDV-Wooden Load box</i>	<i>1990</i>
<i>S55M</i>	<i>None</i>	<i>Bomag Drum Roller</i>	<i>None</i>
<i>S79M</i>	<i>None</i>	<i>Walk Behind Mower</i>	<i>None</i>

Materials/Equipment:

<i>Description</i>	
<i>Old Rota-vator</i>	
<i>Old Aluminium irrigation pipes and fittings</i>	
<i>Old and broken shovels, rakes & garden forks</i>	
<i>Assorted tyres & rims:</i>	(a) <i>285/70 R19.5 (truck)</i>
	(b) <i>1100 x 20 (Road Roller)</i>
	(c) <i>750 x R16 (Trailer)</i>

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

7.3 LOCAL ECONOMIC DEVELOPMENT CONFERENCE 2012

(M/C 2012/04/12 - A 2/3/15)

RESOLVED:

- (a) That permission be granted to the General Manager: Health Services to attend the Local Economic Development Conference from 16 -19 April 2012 in Windhoek.
- (b) That the cost for subsistence and travelling allowance be defrayed from the Conference Expenses Vote 301010206500 where N\$17 996.23 is available.
- (c) That special leave be granted to the General Manager: Health Services during this period.
-

7.15 REQUEST FOR AN INCREASE IN MONTHLY PAYMENTS: PPP GROUPS

(M/C 2012/04/12 - A 2/3/15)

RESOLVED:

That this item be referred back and that the General Manager: Community Development Services investigates the cost implications of the proposed increment and report back to Management Committee.

7.18 NEW MUNICIPAL OFFICE COMPLEX - PROGRESS REPORT

(M/C 2012/04/12 - E 1/1)

RESOLVED:

- (a) That the date of 27 February 2012 be accepted as the practical completion date of the New Municipal Office Complex.
- (b) That the Chief Executive Officer, the General Manager: Finance and the Acting General Manager: Engineering Services be authorised to negotiate final settlements with Messrs Le Bau and Messrs Mackintosh Lautenbach Architects and Associates should it be necessary to do so.
- (c) That once the quantity surveyor has submitted his final calculations the Acting General Manager: Engineering Services submits a final summary report to Council setting apart the project costs.
-

8. **POLICY MATTERS**

8.3 **REQUEST TO ACQUIRE AN OPEN SPACE FOR ARTS AND CULTURE CENTER**

(M/C 2012/04/12 - H 5/4)

RESOLVED:

That the request from Messrs Dantago Arts and Crafts, for a piece of land to establish an Arts and Cultural Centre be kept in abeyance pending the formalization of the DRC Informal Settlement.

8.4 **REQUEST TO LEASE A PIECE OF LAND IN THE DRC INFORMAL SETTLEMENT TO ESTABLISH SWAPO PARTY - DRC BRANCH OFFICE**

(M/C 2012/04/12 - H 5/4)

RESOLVED:

That the SWAPO Party's request to lease a piece of land to establish the DRC Branch Office be kept in abeyance pending the finalization of the DRC Informal Settlement.

8.5 **BUILD TOGETHER LOANS NOT TAKEN UP BY BENEFICIARIES**

(M/C 2012/04/12 - H 5/3)

RESOLVED:

That the General Manager: Community Development Services investigates the status of the four (4) remaining erven allocated to the Decentralized Build Together Programme and report back to Management Committee before the next Council meeting.

8.10 **APPLICATION FOR PERMISSION TO OPERATE A PLACE OF INSTRUCTION (DAY CARE)**

(M/C 2012/04/12 - H 5/4)

RESOLVED:

That this item be kept in abeyance and that, in future, all consent use applications i.e. Home shops, Shebeens, etc. not be considered pending the formalization of the DRC Informal Settlement.

8.13 **PARTIAL OUTSOURCING OF THE START-UP OPERATION - WASTE WATER TREATMENT WORKS**

(M/C 2012/04/12 - B 1/1/4)

This item was considered jointly with item 9.1.

8.14 **FEEDBACK ON ERONGO REGIONAL ELECTRICITY DISTRIBUTOR COMPANY SHAREHOLDERS STRATEGIC COMMITTEE 2**

(M/C 2012/04/12 - A 4/3/1/16)

RESOLVED:

That this item be kept in abeyance pending the findings and comments from other stakeholders.

9. **PERSONNEL MATTERS**

9.2 **ORGANISATIONAL STAFF NEEDS ASSESSMENT REPORT**

(M/C 2012/04/12 - B 1/1)

RESOLVED:

That this item be referred back and that the General Manager: Corporate Services and Human Resources submits a complete Organisational Staff Needs Assessment Report to Management Committee, which includes the following:

- (i) *Future staff needs;*
- (ii) *Qualifications required;*
- (iii) *Qualifications of the current staff members and how they could advance to higher positions;*

9.3 **PROPOSED UPDATED STRUCTURE FOR ENGINEERING SERVICES DEPARTMENT**

(M/C 2012/04/12 - B 1/1/4)

RESOLVED:

That this item be referred back and that it be resubmitted to Management Committee pending the approval of the Organisational Staff Needs Assessment Report.

9.4 **REQUEST TO CREATE NEW POSITION FOR A PROJECT COORDINATOR / CLERK OF WORKS AT THE ENGINEERING SERVICES DEPARTMENT**

(M/C 2012/04/12 - B 1/1/4)

RESOLVED:

That this item be referred back and that it be resubmitted to Management Committee pending the approval of the Organisational Staff Needs Assessment Report.

9.5 **REQUEST TO CREATE NEW POSITION OF AN ADMINISTRATIVE ASSISTANT AT THE ENGINEERING SERVICES DEPARTMENT**

(M/C 2012/04/12 - B 1/1/4)

RESOLVED:

That this item be referred back and that it be resubmitted to Management Committee pending the approval of the Organisational Staff Needs Assessment Report.

9.6 **CREATION OF A NEW POSITION: GENERAL WORKER / CLEANER**

(M/C 2012/04/12 - B 1/1/2/1)

RESOLVED:

That this item be referred back and that it be resubmitted to Management Committee pending the approval of the Organisational Staff Needs Assessment Report.

9.7 **STAKEHOLDERS PROPOSAL FOR A FREIGHT AMENDMENT BILL**

(M/C 2012/04/12 - A 4/3/1/3)

RESOLVED:

That the Manager: Corporate Services, Mr A Plaatjie and Senior Traffic Officer Ms T Xoagus represents Council and participate in a series of policy and legislative workshops regarding the Freight Amendment Bill.

- 9.9 **MESSRS RÖSSING FOUNDATION TRUST : INVITE TO SERVE AS ALTERNATIVE TRUSTEE ON THE BOARD OF TRUSTEES**
(M/C 2012/04/12 - A 2/3/2/1)

RESOLVED:

That the Mayor or in her absence the Deputy Mayor serves as an alternative trustee on the Rössing Foundation Board of Trustees.

- 9.10 **COSDEF: INVITATION TO NOMINATE AN ADVISORY BOARD MEMBER**
(M/C 2012/04/12 - H 2/17)

RESOLVED:

That the Mayor or in her absence the Deputy Mayor serves on the COSDEC Mahetago Advisory Board.

- 9.11 **ERONGO REGIONAL ELECTRICITY DISTRIBUTOR COMPANY SHAREHOLDERS STRATEGIC COMMITTEE 2**
(M/C 2012/04/12 - A 4/3/1/16)

RESOLVED:

That the report by the General Manager: Finance regarding the Erongo Regional Electricity Distributor Company Shareholders Strategic Committee 2 meeting be noted.

- 9.12 **FEEDBACK REPORT: ROAD SAFETY THEME COMMITTEES WORKSHOP**
(M/C 2012/04/12 - N 8/15/1)

RESOLVED:

That the report by the General Manager: Community Development Services regarding the Road Safety Theme Committees Workshop meeting be noted.

10. **MATTERS NOT ON THE AGENDA, BUT DISCUSSED WITH PERMISSION OF THE CHAIRPERSON**

- 10.2 **INVITATION FOR TRAINING AND THE OFFICIAL HANDING OVER OF THE SWAKOPMUND FIRE PUMPER**
(M/C 2012/04/12 - A 1/3/6)

RESOLVED:

- (a) That the permission granted to the, Chief Fire Officer, Mr A Goosen and the Fire Fighter, Ms S I F Darius to attend a four (4) days specialised training on the new Fire Pumper from 27-30 March 2012 in Okahandja, be condoned.
- (b) That the permission granted to the Mayor to attend the official handing over of the Swakopmund Fire Pumper on 30 March 2012 in Okahandja, be condoned.
- (c) That special leave be granted to the two staff members during that period.
- (d) That the Chief Fire Officer be refunded the diesel expenses and that the cost be defrayed from the Fuel and Oil Vote 201010208500 where N\$11 376.51 is available.
- (e) That subsistence and travelling allowance for the Chief Fire Officer, Mr A Goosen and the Fire Fighter, Ms S I F Darius be defrayed from the Training of Personnel Vote 201010215700 where N\$36 716.29 is available.

- (f) That subsistence and travelling allowance for the Mayor be defrayed from the Conference Expenses Vote 100510206500 where N\$40 000.00 is available.

10.3 **ARREARS: DRC INFORMAL SETTLEMENT**

(M/C 2012/04/12 - A 1/3/6)

RESOLVED:

That the report submitted by the General Manager: Community Development Services regarding the arrears for services provided by Council to the DRC Informal Settlement be noted.

10.4 **INVITATION: OFFICIAL OPENING OF THE 5TH ANNUAL LUDERITZ CRAYFISH FESTIVAL 2012**

(M/C 2012/04/12 - A 2/3/2/1)

RESOLVED:

- (a) That the permission granted to Councillor A N Bessinger to attend the official opening of the 5th Annual Luderitz Crayfish Festival 2012 held on 07 April 2012, be condoned.
- (b) That subsistence and travelling allowance be defrayed from the Conference Expenses Vote 100510206500 where N\$40 000.00 is available.

10.5 **CONSTRUCTION OF A MULTI-PURPOSE COMMUNITY CENTER**

(M/C 2012/04/12 - M 630)

RESOLVED:

- (a) That Option A be accepted and that it be constructed in phases, subject to the availability of funds.
- (b) That the office of the Mayor obtains comments regarding the project from all the stakeholders.

10 (C) **MINUTES OF A SPECIAL MANAGEMENT COMMITTEE MEETING HELD ON 17 APRIL 2012**

5. **DISCUSSION POINTS**

5.1 **RENEWAL OF LEASE AGREEMENT AND SUB-LETTING: ERF 1308, SWAKOPMUND, WOERMANN HAUS - GARAGE**

(S/M/C 2012/04/17 - E 1/4/1)

During the discussion of this item Ms G Woermann briefed the meeting about her concerns regarding the lease agreement. After various questions were raised and answered to the satisfaction of Management Committee, it was:-

RESOLVED:

That the General Manager: Corporate Services and Human Resources investigates the proposal presented by Messrs Woermann Brock Pty (Ltd) and report back to the next Management Committee meeting.

5.2 **AUDIENCE: DRC CONCERNING GROUP**
(S/M/C 2012/04/17 - H 5/4)

RESOLVED:

That it be recorded that no representative of the DRC Concerning Group arrived to attend the meeting despite confirmation by Mr Nghiimbwasha David that he will attend.

5.3 **AUDIENCE: TRANSFER OF ERF 4326 (A PORTION OF ERF 63, MONDESA), MONDESA IN THE NAME OF MESSRS MONDESA PROPERTY INVESTMENT CC**
(S/M/C 2012/04/17 - M 4326)

RESOLVED:

- (a) That the date of audience with Mr J Kambueshe of Messrs Mondesa Property Investment CC be extended to 16 May 2012.
- (b) That Mr J Kambueshe of Messrs Mondesa Property Investment CC be informed that in order to finalize this long outstanding transaction he confirms his attendance for the above audience, as no further extension for a date for an audience will be considered.

5.4 **ADMINISTRATION OF RETAINED ITEMS TO FIRE VICTIMS**
(S/M/C 2012/04/17 - D 5, A 2/3/2/1/3)

RESOLVED:

That the handing over of redundant items retained for donation to victims of shack / house fires be delegated to the Mayoral Development Fund Management Committee and that it be reported to Council as specified in the Guidelines of the Mayoral Development Fund Management Committee.

6. **MATTERS NOT ON THE AGENDA, BUT DISCUSSED WITH PERMISSION OF THE CHAIRPERSON**

6.1 **BUDGET FOR THE INAUGURATION OF THE NEW MUNICIPAL OFFICE COMPLEX**
(S/M/C 2012/04/17 - E 1/1)

RESOLVED:

That the estimated amount of N\$130 000.00 be made available from Council's accumulated surplus funds to the Office of the Mayor to host the official opening of the New Municipal Office Complex on 27 April 2012 and that the following estimated amounts be approved:

1.	<i>Light Refreshments For The Invited Guest</i>	<i>N\$15 000.00</i>
2.	<i>Lunch For The Presidential Delegation</i>	<i>N\$20 000.00</i>
3.	<i>Advertising Material - Branded Gazebo's</i>	<i>N\$30 000.00</i>
4.	<i>Flags (Namibian, AU And Municipal)</i>	<i>N\$3 500.00</i>
5.	<i>Branded Table Cloths</i>	<i>N\$3 000.00</i>
6.	<i>Tent Hire</i>	<i>N\$31 000.00</i>
7.	<i>Security Services</i>	<i>N\$500.00</i>
8.	<i>Flower Arrangement And Boutonnieres</i>	<i>N\$550.00</i>
9.	<i>Printing Of The Programme</i>	<i>N\$2 000.00</i>
10.	<i>Photographer And Photos</i>	<i>N\$5 000.00</i>
11.	<i>Plaques</i>	<i>N\$13 000.00</i>
12.	<i>Chairs Rental</i>	<i>N\$2 800.00</i>

11. **RECOMMENDATIONS BY THE MANAGEMENT COMMITTEE**
- 11.1 **ORDINARY MANAGEMENT COMMITTEE MEETINGS HELD ON 12 APRIL 2012**
- 11.1.1 **APPLICATION BY MESSRS STOKVEL INVESTMENT CC TO PURCHASE A PORTION OF TOWNLANDS FOR COMMUNITY VEGETATION / CROP FARMING & HOUSING SCHEME**
(C/M 2012/04/26 - G 4/1/1 (5))
- Ordinary Management Committee Meeting of 12 April 2012, Addendum 7.4 page 06 refers.**
-

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

1. **Brief Background**

With reference to applications dated **11 March 2011** and **12 May 2011** from Messrs Stokvel Investment CC to purchase land in the area reserved for aquaculture ventures to establish a scheme for community vegetation / crop farming and housing; Council passed the following resolution on **28 July 2011** under item 11.1.21:

That Messrs Stokvel Investments CC be informed that the application for a community vegetation / crop farming and housing scheme cannot be considered as it is not in line with the zoning of the area.

Messrs Stokvel Investment CC was informed of the above decision on **01 August 2011**.

2. **Current Application**

Another application dated **23 March 2012** was received from Messrs Stokvel Investments CC requesting Council to reconsider its' resolution passed on **28 July 2011** and sell Portion A measuring approximately 5,0347ha to them at a purchase price of N\$400 000.00. Their letter and map is **attached** as **Annexure "A"**.

A reply dated **2 April 2012** was forwarded to them stating that Council reiterated its' decision on **29 February 2012** that the area remains solely for aquaculture development and shall not be rezoned for township development.

A copy of the letter from the Ministry of Fisheries and Marine Resources dated **07 February 2012** is **attached** to the reply (**Annexure "B"**).

The latest sub-divisional lay-out for the area is **attached** as **Annexure "C"**.

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

RECOMMENDED:

- (a) That the application by Messrs Stokvel Investment CC dated 23 March 2012 requesting Council to reconsider their application to purchase Portion A measuring ±50, 347ha to them at a purchase price of N\$400 000.00 for a community green scheme and housing project, be noted.
 - (b) That Council remains with its decision passed on 28 July 2011, which decision was reiterated on 29 February 2012, being that the area remains solely for aquaculture development.
-

11.1.2 **REQUEST FOR PERMISSION TO OPERATE A RESIDENTIAL GUESTHOUSE**

(C/M 2012/04/26 - VS 96)

Ordinary Management Committee Meeting of 12 April 2012,
Addendum 7.5 page 17 refers.

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

Attached application was received from the owner of Erf 96, Vogelstrand for consent to operate a Residential Guest House from the property.

The application was advertised in term of the Clause 6 of the Swakopmund Town Planning Scheme for objections. The proposed use was advertised in the Namib Times on the 4th and 11th of October 2011 and the closing date for objections were on **25 October 2011**. All neighbours were contacted for their comments. By the closing date for objection only one objection was received from Mr W C Kotze of Erf 95, Vogelstrand being a direct neighbour.

Objections raised by Mr W C Kotze

Objection	Comment by Engineering Services Department
<i>(1) The objector highlights the issue of plans not being forwarded to him as he requested. He indicated that he later received a site/roof layout plan which does not show the area to be utilised or the demarcated parking bays drawn to scale. He also indicated that upon enquiry the Town Planning Department did not have the plans either meaning that the application is defective in this respect.</i>	<i>No plans were initially supplied with the application to indicate which areas are to be used for the proposed Residential Guest House. When requested whether the Planning Department had the plans it was indicated that no such plans were in our possession. This was due to the fact that the application was still in the beginning stages of Clause 6 and the owner opted to do most of the steps himself. This is the reason why the Planning Department did not have the requested information. These plans were later received from the applicant. This however should not be seen as a valid reason for not allowing such use to be permitted. Better communication between the two parties could have avoided the situation.</i>
<i>(2) The objector indicated that there are two large accommodation establishments to the north and north east of Vogelstrand, being The Wreck and Atlantic Villa Suites. He also indicated that these Residential Guest Houses are strewn over the township adjacent to Vogelstrand and that he does not see the need for another Residential Guest House in Vogelstrand. He indicated that this will outweigh his interest as an owner of residential property in a residential area.</i>	<i>It is not for the objector to decide whether there are enough Residential Guest Houses in the area or not. The issue at hand is not the other established businesses but the application of his neighbour.</i> <i>Using the argument that there are enough Residential Guest Houses in the area cannot be supported. There exists no proper proof to substantiate such claims. What could be of concern to the objector is the fact that such establishment want to operate on the neighbouring property. This to a certain degree can affect his investment. It should also be noted that the applicant is requesting for consent to operate which can be revoked if so decided by Council.</i>
<i>(3) The objector argues that this area was developed as an upmarket township with particular emphasis on the size and location of erven between Sandpiper Street and the</i>	<i>The objector's concern is noted. The premises will become busier which can cause a disturbance to the neighbouring property. The design of the building is of such that it will not</i>

<p>Atlantic Ocean. It is further stated that this area in which the proposed guesthouse is to be operated, is a valuable and quiet neighbourhood with emphasis on holiday and family living. Mr Kotze also indicated that this is why he purchased the property. He further explains that although the Municipality sees the use as residential in character it is still a business. Guests will come and go at all hours and staff will be busy all over. There will be more activity on the premises than in any other residence in the area. This the applicant finds unacceptable. He indicated that he would not buy a residence next to a guest house and that many prospective buyers will agree. This he says will negatively affect the value of his property.</p>	<p>act as a barrier against sound created by activity. This can be directly linked to the parking issue to be discussed later in this submission. The area is seen as a more upmarket area but it does not mean that it is limited in its uses as allowed in terms of the Town Planning Scheme. Most of the activity referred to by the objector will take place during the day. Only the owner/manager that resides on the premises will be attending to clients during the night. Council reserves the right to impose any condition if deems fit to control the consent use.</p>
<p>(4) The objector indicates that the property contains four or more Jacuzzis and at least two saunas. Most of these face his property and are enclosed with partly sandblasted windows. The objector indicates that he has previously already successfully objected the erection of further Jacuzzis closer to his property. He indicated that the Jacuzzis and saunas are close to his house and will be utilised by guests as entertainment. It is indicated that these facilities are not units of limited services and the noise and activity emanating there from will disturb him in enjoyment of his property.</p>	<p>The objector expresses that the applicant have four Jacuzzis and two saunas and that these face his property. This is irrelevant to what is being asked for. If the person wishes to have 20 Jacuzzis it is his right just as long as he operates within the provisions of the Town Planning Scheme and Council Policies. Taking into consideration the nature of the proposed use it is not expected that the level of noise will reach the level the objector is portraying. These establishments are quiet and peaceful in nature and no owner will knowingly let his business suffer due to guests not behaving.</p>
<p>(5) Mr Kotze indicates that the applicant has not specified the area that will be used for the Residential Guesthouse as per the 40% requirement of the total floor area of the house. He indicates that it would be impossible to operate five rooms without exceeding this requirement.</p>	<p>The objector is incorrect in terms of his objection. From the plan as requested from the owner it can clearly be seen that the proposed area of usage will only be approximately 158m². The total area of the house is approximately 931,3m² and the 40% requirement will amount to approximately 372,4m². The proposed area to be used is far less than the required 40%. This reason for objection can thus not be supported.</p>
<p>(6) The objector indicates that in practice parking space P5 will be impossible to use as the gate does not allow access to this parking space. Parking bays No 9 and 10 are right in front of the entrance to the house and if vehicles are parked there access to the door would be difficult. Parking No. 3 is next to the house and Parking no. 1 and 2 at back of the property. All three parking bays are on his side of the premises and are in close proximity to his main bedroom and another room. Noise from entering and leaving the premises will be unacceptable. The objector indicates that he would also not appreciate having to look at the parked vehicles on the premises when standing on his upper floor. Mr. Kotze is of the opinion that very little planning went into the demarcation of the parking areas and that the applicant merely place the parking areas on these places to meet the requirements of parking.</p>	<p>Whether the parking is right in front of the entrance of the house should not be the concern of the objector. If the owner wishes to place the parking area in front of the entrance he may do so. This reason for objection cannot be supported. In a sense it can be understood that the parking bays on the objector's side of the property can be a disturbance when guests come and go very early in the morning or late at night. Concern is noted. The owner of the property can park as many cars on his property as he wishes and it is not for the objector to decide whether it would look good or not. The parking as indicated on the premises can work but it is the opinion that due to the objections raised the parking can become an issue. Concern is noted. It would be suggested that the parking no 5 not be used and that the parking on the back end of the Erf be used by the owner. The owner only requires 8 parking bays and in this case more is produced.</p>

Conclusion

The applicant does meet the requirements in terms of the Swakopmund Town Planning Scheme and the New Accommodation Policy. In terms of this the application can be considered and if approved Council still reserves the right to revoke the consent if and when valid complaints are received.

Looking at the parking and the number of rooms it is not expected that parking 3 or 4 will be used. There are 4 rooms and 5 parking bays in front of the house that will be used most of the time. This will affectively help reduce the noise level on the side of the house. The owner of the property can park his own car on any part of his premises as he wishes and it is not for the objector to decide where he can park.

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

RECOMMENDED:

(a) That the application to operate a Residential Guest House from Erf 96, Vogelstrand be approved subject to the following:

- *That final approval only be granted once permission from the Namibian Tourism Board has been received.*
- *That they register with the Health Services Department.*
- *That the applicant adheres to Council's Accommodation Establishment policy at all times.*
- *That Council reserves the right, to cancel a consent use should there be valid objections.*
- *That they provide a minimum of 2 plus 1.5 parking bays per Room.*
- *Only 4 bed rooms to be used for the proposed Guest House.*
- *No on-street parking to be allowed.*

(b) That Mr W C Kotze be informed of his right to appeal (in terms of Clause 8 of the Swakopmund Town Planning Scheme) to the Minister, within 28 days of this notice against Council's decision, provided that written notice of such an appeal shall be given to the Ministry, as well as the Council within the said period.

11.1.3 **HITCH-HIKING AREA-TRUNK ROAD 2/2 TO USAKOS**
(C/M 2012/04/26 - N 8/4, N 8/15/1)

Ordinary Management Committee Meeting of 12 April 2012,
Addendum 7.6 page 38 refers.

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

Attached is an e-mail (**Annexure “A”**) received from Mr T Makgone, indicating the need for a hitch-hiking area next to the B2 Main Road in the vicinity of the Engen Service Station in Nelson Mandela Avenue.

Mr T Makgone requests Council to make provision for a safe place where people can hitch-hike at the junction of the B2 Main Road and Nelson Mandela Avenue. He further claims that hitch-hiking will always be there, due to the following reasons:

- *Some people cannot afford the prices of minibuses.*
- *They can negotiate for less payment with the owners of the cars, or even score a free ride.*
- *Some of them may be in a hurry and do not want to wait until the minibuses are fully loaded.*

Brief Background:

Council on **04 December 2007** under item 11.1.17 resolved as follows:

- (a) *That no formal hitch-hiking area be created along the main road to Usakos (Trunk Road 2/2).*
- (b) *That the owner of the amenities (Taxi Shelters) at the current hitch-hiking site be instructed to remove them.*
- (c) *That the Roads Authority be requested to install the necessary signage and barricades along the edge of the road to prevent the current area from being used as a hitch-hiking area.*
- (d) *That the office of the Manager: Traffic Services in conjunction with the Department of Engineering Services erect an information sign board at the junction of Nelson Mandela Avenue and the main road to Usakos directing potential hitch-hikers to the new Taxi Rank in Nelson Mandela Avenue.*

Also **attached** is a letter (**Annexure “B”**) received from Messrs Roads Authority on **02 October 2007**, indicating that they are not in support of any pickup points within the boundaries of the road reserve. They instead proposed that a taxi or pickup point could be established outside the road reserve with proper accesses within a safe distance from the intersection Nelson Mandela Avenue and the trunk road at Council's expense. Unfortunately it would be difficult to establish a hitch hiking place outside the road reserve, considering the development of the new industrial erven, next to the trunk road.

During 2009 Council built a Taxi Rank along Nelson Mandela Ave with the aim to provide commuters including the hitch-hikers with proper and safe facility. This facility requires a significant number of customers in order to be attractive to bus and taxi operators; and creating a separate hiking point will drastically reduce the taxi rank customers, thereby rendering it unprofitable. Further, it would be very difficult to find a

suitable place for hitch-hiking in the vicinity of the B2 Main-Road and Nelson Mandela Avenue without having to sacrifice one of the industrial erven, which will result in a loss of income to Council.

The item was discussed at the Planning Forum on **27 March 2012** and the following concluded:

That Council remains with its original decision that no formal hitch-hiking area be created along the main road to Usakos (Trunk Road 2/2).

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

RECOMMENDED:

That Council remains with its original decision that no hitch-hiking area be created along the main road to Usakos (Trunk Road 2 / 2).

11.1.4 **APPLICATION BY MESSRS ERONGO DEVELOPMENT
FOUNDATION FOR AN ERF TO ESTABLISH A SHELTER**
(C/M 2012/04/26 - T 503)

Ordinary Management Committee Meeting of 12 April 2012,
Addendum 7.7 page 41 refers.

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

1. Introduction

An application dated **08 November 2011** was received from Messrs Erongo Development Foundation to acquire a piece land at a subsidised price to establish a shelter (Erongo House of Safety) to accommodate vulnerable and destitute children in Erongo Region and Namibia at large (**Annexure "A"**).

Messrs Erongo Development Foundation has indicated that they operate in line with rules and regulations stipulated by the Ministry of Gender and Child Welfare with regards to children shelters. Currently they are situated on Erf 610, Tamariskia and they feel it's not safe anymore for children and caretakers due to developments that occurred in the surrounding areas. Due to increased demand for services offered by Erongo Housing of Safety, they require a larger Erf to expand the facility in order to respond to the community's needs and expectations.

Messrs Erongo Development Foundation is a non-profit entity and in terms of Council's Property Policy, non-profit organizations purchase land from Council at 50% of the cost for the installation of services whereas private companies purchase land at the market related price determined by Council's valuer. **Attached as Annexure "B"** is the registration documentation indicating that Messrs Erongo Development Foundation is a registered trust.

2. Current Application

2.1 Messrs Erongo Development Foundation applied to purchase the Remainder of Erf 503, Tamariskia which is zoned "*Public Open Space*" and measures approximately 1.2066 hectares. Part of the Erf is developed into a playground and the rest of it is undeveloped.

With reference to a proposal for the subdivision of the Remainder of Erf 503, Tamariskia submitted to Management Committee on **08 September 2011**, the following was resolved:

That the proposal to subdivide the Remainder of Erf 503, Tamariskia be turned down and that the Remainder of Erf 503, Tamariskia remains a "Public Open Space".

2.2 The application was discussed by the Planning Forum on **27 March 2012** and it was proposed that Messrs Erongo Development Foundation be allocated a portion of Erf 503, Tamariskia, measuring approximately 2 515m² as indicated on the map attached as **Annexure "C"**.

3. Provisions of the Property Policy

With reference to the sale of land to non-profit organizations, Council's Property Policy reads as follows and mostly refers to the sale of land to churches:

❶ **NON PROFIT ORGANISATIONS**

(i) *Qualification requirements for subsidised land A (i). The following information should be submitted :*

- *A constitution.*
- *Provide a name list of at least 75 adult members residing in Swakopmund.*
- *A letter indicating the Power of Attorney granted by the institution to a particular person/s that he/she/they have the authority to sign on behalf of the institution.*
- *~~Proof of affiliation with a governing body within Namibia.~~ (C/M 2008/03/27 - Erf 986, M)*
- *Copies of financial statements for the last six months. In the case where it is not available, proof of financing from a financial institution will suffice.*
- *Proof that the organisation is operational in Namibia for at least two years before the sale of institutional land to the relevant organisation is considered.*
- *No application will be considered unless all the above information pertaining to the applicant has been submitted.*
- *That churches applying for land shall provide proof of their financial ability to develop the Erf immediately after transfer. (M/C of 14 January 2010)*

(ii) **Purchase Price:**

For subsidised land which is sold to non profit organisations the following prices shall be applicable:

- *A 50 % subsidy of the development cost, provided that the development level also be considered in determination of land.*

(iii) **Method of payment**

No deposit is required and payment to be done in monthly instalments over a period of 7 (seven) years, (from date of signing of the contract), at prime commercial overdraft rate as charged by any registered commercial bank operating in Namibia.

Council is currently revising the Property Policy and it might be that some of the above conditions will be amended.

4. **Cost of installation of Services**

In terms of Council's Property Policy the following price is applicable:

- *A 50 % subsidy of the development cost, provided that the development level also be considered in determination of land.*

The cost of installation of services in Tamariskia amounts to N\$12.30/m², as was approved by Council for the sale of a portion of Erf 626, Tamariskia to Evangelical Mission Church on **24 February 2012** (attached as **Annexure "D"**).

The cost for Erf 503, Tamariskia (2 515m²) amounts to approximately N\$30 934.50, whereof 50% is **N\$15 467.25**.

In terms of the revised Property Policy it is proposed that the cost of installation of services will not be escalated.

5. **Discussion**

Council on **24 March 2011** approved the sale of an industrial Erf to Messrs CosDef as follows:

- (a) *That the cancellation of the transaction of Erf 4348, Mondesa by Messrs COSDEF be noted as they will no longer develop SME incubation units on the said Erf.*

- (b) *That once Erf 4828, Swakopmund measuring 10 771m² is serviced it be sold to Messrs COSDEF, subject to the following conditions:*
- (i) *Advertising of Council's intention to sell in terms of Section 63 (2) (b) of the Local Authorities Act, Act 23 of 1992, as amended (in the name of Community Skills Development Foundation);*
 - (ii) *That Messrs COSDEF be responsible for the payment of the advertising cost;*
 - (iii) *That due to the nominal purchase price of N\$10.00 approved by Council on 24 November 2010 the Erf be used solely for the development of a National Arts and Craft Centre;*
 - (iv) *That all development be in line with the Town Planning Scheme;*
 - (v) *That should development not commence within 24 months from date of signing of the deed of sale, ownership of the land reverts to Council at no cost to Council; and*
 - (vi) *That Council retains a first right of refusal to purchase the developed land at the market value of the improvements at the time and N\$10.00 for the Erf should Messrs COSDEF decide to sell it.*

On the basis of fairness it is proposed that the application for Messrs Erongo Development Foundation be treated similar to the one for Messrs COSDEF as both entities share similar objectives which are to benefit the community and the less privileged.

For completeness sake, Council on **28 July 2011** approved the sale of the Remainder of Erf 63, Mondesa to Messrs Mondesa Youth Opportunities as follows:

- (a) *That the sale of the Remainder of Erf 63, Mondesa to Messrs Mondesa Youth Opportunities at a purchase price of 50% of the cost of the installation of services be approved subject to a first right of refusal by Council to obtain the land should Messrs Mondesa Youth Opportunities wish to sell; at the market value of the improvements and the purchase price charged for Messrs Mondesa Youth Opportunities; and subject to the condition that should Messrs Mondesa Youth Opportunities fail to be operational (i.e. should no teaching activities take place) for a one year period, the land reverts to Council without any compensation to Messrs Mondesa Youth Opportunities for improvements made (no residential units allowed, except for a caretaker's accommodation).*
- (b) *That the purchase price for the Remainder of Erf 63 be N\$122 753.64 (being 50% of N\$30.22 / m²; i.e. N\$15.11 / m² x 8 124m²).*

However, it remains Council's prerogative to decide the basis on which the application should be dealt with as per recommendations.

6. **Costs to be incurred by Council to create an Erf**

It should be kept in mind that in order to create an Erf by subdividing Erf 503, Tamariskia, Council will incur costs probably in excess of approximately N\$30 000.00 for the following:

- *the closure of the portion to be subdivided as a "public open space";*
- *the subdivision of the portion from Erf 503, Tamariskia;*
- *the surveying of the subdivided portion and the compilation of diagrams to be submitted to the Surveyor-General for approval;*
- *the rezoning of the portion to "institution" whereby in terms of the Environmental Management Act, Act No 7 of 2007 an Environmental Impact Assessment is required; and*
- *the advertising of Council's intention to sell the newly created Erf to Messrs Erongo Development Foundation.*

It is proposed that Messrs Erongo Development Foundation pays a minimum deposit in the amount of N\$30 000.00 in order for Council to attend to the various statutory disciplines. Should there be a shortfall the outstanding amount be paid by Messrs Erongo Development Foundation, likewise any balance remaining will be refunded to them.

7. **Proposal**

Considering the application of Messrs Erongo Development Foundation regarding the additional space required, it is proposed that Council considers exercising its discretion and allocate a portion of Erf 503, Tamariskia to Messrs Erongo Development Foundation at a nominal purchase price of N\$10.00 for the construction of a shelter to accommodate vulnerable and destitute children in Erongo Region at the same terms as was approved by Council on **24 March 2011** for the sale of an industrial Erf to Messrs CosDef.

OR

That Erf 503, Tamariskia be sold to Messrs Erongo Development Foundation at 50% of the cost of installation of services (\pm N\$15 467.25) with a reverting clause in favour of Council for a right of first refusal to obtain the land should Messrs Erongo Development Foundation wish to sell the land in future; furthermore subject to a condition that should no building activities be commenced with within 24 months from the date of transfer, the Erf reverts to Council and all moneys / fees paid by Messrs Erongo Development Foundation be forfeited to Council, without any compensation to Messrs Erongo Development Foundation for improvements made.

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

RECOMMENDED:

- (a) **That Council approves the sale of a portion of Erf 503, Mondesa to Messrs Erongo Development foundation at:**
- (i) *50% of the cost of the installation of services subject to a first right of refusal to obtain the land should Messrs Erongo Development Foundation wish to sell; at the market value of the improvements and the purchase price charged for Erongo Development Foundation; and subject to the condition that should no building activities be commenced with within 24 months from date of transfer, the erf reverts to Council and all moneys / fees paid by Messrs Erongo Development Foundation be forfeited to Council, without any compensation to Messrs Erongo Development Foundation for improvements made;*
 - (ii) *that the purchase price for a portion of Erf 503, Tamariskia be N\$15 467.25 (being 50% of N\$12.30/m²; i.e. N\$6.15/m² x 2 515m²).*
- (b) **That Council attends to the:**
- (i) *Subdivision of the portion;*
 - (ii) *The subsequent permanent closure thereof as a "Public Open Space";*
 - (iii) *The rezoning to "Institutional" of the newly created erf;*
 - (iv) *Compliance with section 27 (1) and (2) of the Environmental Management Act, 2007 (Act No 7 of 2007); and*
 - (v) *The "consent use" as a house of safety.*
- (c) **That all costs of the transaction be for the applicant's account which include, but are not limited to, all statutory disciplines for the closure of a public open space, subdivision, rezoning, alienation and transfer of land.**
- (d) **That Messrs Erongo Development Foundation pays a deposit in the amount of N\$30 000.00 prior to Council attending to the statutory procedures set-out in (b) above and that Messrs Erongo Foundation will be required to pay for any shortfall and will be refunded should a balance remain.**
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11.1.5 **APPLICATION BY MESSRS TEARS OF HOPE FOR AN ERF TO ESTABLISH AN ORPHANAGE**

(C/M 2012/04/26 - M 1790)

Ordinary Management Committee Meeting of 12 April 2012,
Addendum 7.8 page 51 refers.

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

1. Introduction and Brief Background

An application dated **20 January 2012** was received from Messrs Tears of Hope appealing once again to the Council to avail an Erf to erect a safe and suitable facility to accommodate vulnerable and homeless children in Swakopmund (**Annexure “A”**).

Messrs Tears of Hope is a welfare organisation registered with the Ministry of Health and Social Services as a safe house (W.O. 306) and is currently operating from a private residence, Erf 1790, Mondesa belonging to Ms N Mauha.

With the number of needy people escalating daily, they have indicated that they require a much bigger Erf measuring approximately 2 000 m² for their development. They have also indicated (**Annexure “E”**) the preferred erven that can be considered (these all form part of erven to be consolidated in the PDA area for institutional purposes), as indicated per **Annexure “C”**.

Messrs Tears of Hope is a non profit entity and in terms of Council's Property Policy, non-profit organizations purchase land from Council at 50% of the cost for the installation of services whereas private companies purchase land at the market related price determined by Council's valuer.

In 2008, Ms N Mauha of Messrs Tears of Hope applied to Council to donate an Erf to them in order to erect a building to accommodate the needy children which was submitted to the Management Committee on **16 October 2008** and the following was concluded, under item 8.23:

That Ms N Mauha be informed that Council supports her application for an Erf in principle, but will only consider the request after the applicant provides proof to Council that funds are available for the project.

In response to the above, Ms N Mauha indicated that they have accumulated more than 50% of the capital required to fund the commencement of the project with the rest expected from the foreign donors once the Erf is secured for development (**Annexure “B”**).

2. Discussion

2.1 Council's Previous Decisions with reference to similar Applications

2.1.1 Dr Theo Ben Gurirab Private Hostel

Reference can be made to the application of Messrs Theo Ben Gurirab Private Hostel to purchase institutional land to erect a private hostel for vulnerable children in Mondesa which was approved by Council on **27 October 2011**, although on a larger scale compared to what Messrs Tears of Hope have requested. Messrs Theo Ben Gurirab Private Hostel is a private entity therefore the purchase price was determined and approved by Council on **27 October 2011** based on market related price being **N\$159.50/m²**. The location of the erven (13 395 m²) allocated to Messrs Dr Theo Ben Gurirab Private Hostel is indicated on **Annexure “C”**.

2.1.2 Mondesa Youth Opportunities

Council on **28 July 2011** approved the sale of the Remainder of Erf 63, Mondesa to Messrs Mondesa Youth Opportunities as follows:

- (a) *That the sale of the Remainder of Erf 63, Mondesa to Messrs Mondesa Youth Opportunities at a purchase price of 50% of the cost of the installation of services be approved subject to a first right of refusal by Council to obtain the land should Messrs Mondesa Youth Opportunities wish to sell; at the market value of the improvements and the purchase price charged for Messrs Mondesa Youth Opportunities; and subject to the condition that should Messrs Mondesa Youth Opportunities fail to be operational (i.e. should no teaching activities take place) for a one year period, the land reverts to Council without any compensation to Messrs Mondesa Youth Opportunities for improvements made (no residential units allowed, except for a caretaker's accommodation).*
- (b) *That the purchase price for the Remainder of Erf 63 be N\$122 753.64 (being 50% of N\$30.22 / m²; i.e. N\$15.11 / m² x 8 124m²).*

2.1.3 COSDEF

Although not for an orphanage or hostel for children, but also to the benefit of the community, Council on **24 March 2011** approved the sale of an industrial Erf to Messrs COSDEF as follows:

- (a) *That the cancellation of the transaction of Erf 4348, Mondesa by Messrs COSDEF be noted as they will no longer develop SME incubation units on the said Erf.*
- (b) *That once Erf 4828, Swakopmund measuring 10 771m² is serviced it be sold to Messrs COSDEF, subject to the following conditions:*
 - (i) *Advertising of Council's intention to sell in terms of Section 63 (2) (b) of the Local Authorities Act, Act 23 of 1992, as amended (in the name of Community Skills Development Foundation);*
 - (ii) *That Messrs COSDEF be responsible for the payment of the advertising cost;*
 - (iii) *That due to the nominal purchase price of N\$10.00 approved by Council on 24 November 2010 the Erf be used solely for the development of a National Arts and Craft Centre;*
 - (iv) *That all development be in line with the Town Planning Scheme;*
 - (v) *That should development not commence within 24 months from date of signing of the deed of sale, ownership of the land reverts to Council at no cost to Council; and*

(vi) That Council retains a first right of refusal to purchase the developed land at the market value of the improvements at the time and N\$10.00 for the Erf should Messrs COSDEF decide to sell it.

2.2 Comments

As per **attached** memo (**Annexure “D”**) the Community Development Services Department indicated that there is no institutional land available in the PDA except those which are being consolidated for institutional purposes as approved by Council on **24 November 2011, Annexure “C”**.

The cost for the installation of services to the erven amounts to **N\$102.22/m²** as per **Annexure “F”**.

These erven to be consolidated are mainly earmarked for churches. There are currently 16 churches listed on the waiting list for church erven.

3. Provisions of the Property Policy

With reference to the sale of land to non-profit organizations, Council's Property Policy reads as follows and mostly refers to the sale of land to churches:

❶ NON PROFIT ORGANISATIONS

(i) *Qualification requirements for subsidised land A (i). The following information should be submitted :*

- A constitution.
- Provide a name list of at least 75 adult members residing in Swakopmund.
- A letter indicating the Power of Attorney granted by the institution to a particular person/s that he/she/they have the authority to sign on behalf of the institution.
- ~~Proof of affiliation with a governing body within Namibia.~~ (C/M 2008/03/27 - Erf 986, M)
- Copies of financial statements for the last six months. In the case where it is not available, proof of financing from a financial institution will suffice.

Tears of Hope is registered as a welfare organisation.

- Proof that the organisation is operational in Namibia for at least two years before the sale of institutional land to the relevant organisation is considered.
- No application will be considered unless all the above information pertaining to the applicant has been submitted.
- That churches applying for land shall provide proof of their financial ability to develop the Erf immediately after transfer. (M/C of **14 January 2010**)

Ms Mauha of Tears of Hope was already operational when she applied to Council for the donation of an Erf in 2008.

(ii) **Purchase Price:**

For subsidised land which is sold to non profit organisations, the following prices shall be applicable:

- A 50 % subsidy of the development cost, provided that the development level also be considered in determination of land.

The cost for the installation of services to the area where the proposed erven are located amounts to N\$102.22 as per **Annexure “F”**.

(iii) **Method of payment**

No deposit is required and payment to be done in monthly instalments over a period of 7 (seven) years, (from date of signing of the contract), at prime commercial overdraft rate as charged by any registered commercial bank operating in Namibia.

The purchase price is secured on date of signing the Deed of Sale in cash or by bank guarantee, thereafter transfer can be effected and construction of the project can be commenced with.

Council is currently revising the Property Policy and it might be that some of the above conditions will be amended.

4. **Application by Messrs Tears of Hope**

- 4.1 Ms N Mauha's previous request was supported by Council pending proof that funding for the project is available. Ms Mauha has been requested to provide proof of the amounts held in the trust and so far, only two letters confirming the donated amount held in trust have been received (**Annexure "G"**). In addition, Council's standard condition will be applicable whereby land which is not developed within a period of five years from date of sale will revert to Council and all moneys and fees paid to Council will be forfeited to Council (*as per current property policy*).

Council in the past did not have "*institutional*" erven available for allocation, but once the consolidation of erven in PDA area has been completed sufficient erven will be created, although this process might still take 2 years to finalize. A blind eye cannot be turned to organizations like Tears of Hope when Council decides to allocate these consolidated erven.

Messrs Tears of Hope being a welfare organization is currently operating from a small dwelling in the best interest of the public and deserves support from Council so that more needy and vulnerable children in Swakopmund will be catered for and kept off the streets.

Without doubt Messrs Tears of Hope has proven their seriousness and commitment in realising the dream of developing the project based on the outstanding effort they have put in and with Council's support in availing an Erf to them, it can be achieved.

- 4.2 The application was discussed by the Planning Forum on **27 March 2012** and it was suggested that Messrs Tears of Hope be allocated one of the "*institutional*" erven to be consolidate at a nominal purchase price of N\$10.00 for the construction of an orphanage.
- 4.3 With regard to the above, it is Council's prerogative to decide on the conditions of sale and a purchase price, being 50% of the cost for the installation of services; or a nominal amount of N\$10.00.

5. **Proposal**

Considering that Messrs Tears of Hope is a non-profit organization, it is proposed that Council considers exercising its discretion and sells the land to Messrs Tears of Hope at a nominal amount of N\$10.00 (as it is to the benefit of the less privileged); on the same terms approved by Council on **24 March 2011** for the sale of an industrial Erf to Messrs CosDef.

OR

That Council consider allocating one of the consolidated erven in the PDA area to be zoned “*institutional*” to Messrs Tears of Hope at 50% of the cost of installation of services, as per conditions resolved by Council on **28 July 2011** for the sale of the Remainder of Erf 63, Mondesa to Messrs Mondesa Youth Opportunities as a trust.

The following should be kept in mind:

- ① *Even though the zoning of the consolidated erven will be “Institutional”, the applicant needs to apply for consent use as an orphanage.*
- ② *The cost for the installation of services to the erven to be consolidated amounts to N\$ 102.22 / m². A consolidated Erf of 2 000 m² will therefore cost N\$102 220.00 (50% of the cost for the installation of services) (**Annexure “F”**).*

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

RECOMMENDED:

- (a) **That Council approves the sale of the “to be” consolidated “*Institutional*” Erven 3485, 3406, 3507 and 3508, Mondesa to Messrs Tears of Hope at:**
 - (i) *50% of the cost of the installation of services subject to a first right of refusal to obtain the land should Messrs Tears of Hope wish to sell; at the market value of the improvements and the purchase price charged for Messrs Tears of Hope; and subject to the condition that should no building activities be commenced with within 24 months from the date of transfer, the erf reverts to Council and all moneys / fees paid by Messrs Tears of Hope be forfeited to Council, the land reverts to Council without any compensation to Messrs Tears of Hope for improvements made;*
 - (ii) *that the purchase price for Erven to be consolidated be N\$102 220.00 (being 50% of N\$102.22 / m²; i.e. N\$102.22 / m² x 2 000m²).*
 - (b) **That all costs for the transaction be for the cost of Messrs Tears of Hope which include, but are not limited to the advertising of Council’s intention to sell in terms of Section 63 of the Local Authorities Act, Act 23 of 1992, as amended, the compilation of a deed of sale and the transfer cost.**
 - (c) **That all developments be in terms of the Town Planning Amendment Scheme.**
 - (d) **That Messrs Tears of Hope apply for consent use to operate an orphanage.**
-

11.1.6 **BUSINESS DEVELOPMENT PROPOSALS FOR ERVEN AT THE PDA MONDESA**

(C/M 2012/04/26 - H 5/2)

Ordinary Management Committee Meeting of 12 April 2012, Addendum 7.9 page 63 refers.

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

Management Committee on **12 January 2012** under item 7.11 resolved as follows:

That Messrs PJ Investments be informed to secure funding for its proposed development by 29 February 2012, failure which the offer shall be withdrawn.

Attached letter dated **23 January 2012**, regarding the above resolution was delivered to Messrs PJ Investments personally, however to date no response regarding the matter has been received.

In view of the fact that Messrs PJ Investments was given ample time to present their financial position to Council but to no avail, it's crucial that Council withdraw this offer and give it to other applicants who have been waiting for their applications to be considered.

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

RECOMMENDED:

- (a) **That the sale of Erf 3399, Mondesa to Messrs PJ Investments be cancelled.**
 - (b) **That the sale of business erven at the PDA be determined at a later stage.**
-

11.1.7 **APPLICATION TO PURCHASE ERF 5370, SWAKOPMUND**
(C/M 2012/04/26 - E 5370)

Ordinary Management Committee Meeting of 12 April 2012,
Addendum 7.11 page 99 refers.

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

1. Introduction

Council on **29 March 2012** passed the following resolution:

- (a) *That Council accepts Messrs Rössing Uranium Ltd's offer and purchases Erf 5370 (a portion of Erf 2811), Swakopmund for N\$1 184 100.00 plus the transfer cost which will amount to approximately N\$27 227.50.*
- (b) *That Ministerial approval be applied for in terms of section 64 of the Local Authorities Act, Act 23 of 1992, as amended to purchase Erf 5370, (a portion of Erf 2811), Swakopmund from Messrs Rössing Uranium Ltd.*
- (c) *That the future use of Erf 5370 (a portion of Erf 2811), Swakopmund be determined at a later stage.*

As per the above resolution, should Council purchase Erf 5370, Swakopmund from Messrs Rössing Uranium Ltd's and additional expense in the amount of N\$27 227.50 will be incurred.

Erf 5370, Swakopmund is zoned "*institutional*" and as per Town Planning Amendment Scheme 12 it will have to be rezoned if Council wants to make use of it for sports purposes or parking.

In terms of Town Planning Amendment Scheme 12:

Primary Use: Institutional Building
Consent Use: Dwelling House, Place of Assembly

Institutional Building means a building or portion of a building used or intended to be used as an old age home, crèche, public or private school, community hall, religious or charitable institution and / or the administration thereof, and includes a hospital, clinic or dispensary, whether private or public, used in connection therewith, but does not include:

- (a) *a hospital, sanatorium, dispensary or clinic for the treatment of infectious or contagious diseases, or*
- (b) *premises for the detention or mentally disordered persons, or*
- (c) *a mental hospital*

2. Previous Application by a Private Developer

An application dated **27 October 2009** was received from Mr G C J Mouton to purchase a portion of land at the northern beach area for the development of a fitness centre based on the concept of Virgin Active (**Annexure "A"**).

As an alternative to his application it was proposed that should Messrs Rössing Uranium Ltd not proceed with the establishment of a wellness centre on a portion of Erf 2811, Swakopmund (now Erf 5370, Swakopmund) the said portion be offered to Mr G C J Mouton.

The above application was discussed by the Planning Forum on **03 November 2009** whereafter the following was concluded:

- (a) *That Mr G C J Mouton be informed that the land situated within the northern beach area may not be alienated.*

- (b) *That he be advised that we await the response of Rössing in respect of the area on Erf 2811 which was earmarked for a Health Centre and that if Rössing declines the offer, he may apply for it.*

Mr G C J Mouton was informed accordingly on **24 November 2009**. As no response was received and in order to finalize the purchase of Erf 5370, Swakopmund from Messrs Rössing Uranium Ltd, Mr G C J Mouton was requested on 20 March 2012 to indicate whether he is still interested to obtain land for a fitness centre.

He confirmed his interest as per attached e-mail dated **22 March 2012 (Annexure “B”)**.

3. **Provisions of the Deed of Sale entered into with Messrs Rössing Uranium Ltd**

In order not to allow Messrs Rössing Uranium to speculate with Erf 5370, Swakopmund, the following clause was included in the Deed of Sale:

Clause 9 *It shall not be permissible for the Purchaser to alienate its rights, title and interest in and to this agreement, without the prior written consent of the Seller having been obtained. The Seller shall be entitled to attach such conditions and or provision's to its consent (if and when granted) as it in its sole discretion deem appropriate to safeguard its and / or the public's interest in this agreement.*

A copy of the deed of sale is attached as **Annexure “C”**.

4. **Proposal**

Taking the above into consideration, Council can decide to:

- 4.1 Allow Messrs Rössing Uranium Ltd to sell Erf 5370, Swakopmund to a private developer, subject to Council's conditions, such as that the Erf be solely for the construction of a wellness centre and be zoned accordingly. Thereby Council retains the purchase price in the amount of **N\$1 184 100.00** and also does not have to incur the transfer cost in the amount of approximately **N\$27 227.50**.

or

- 4.2 Council can remain with its decision passed on **29 March 2012** under item 11.1.14

(c) That the future use of Erf 5370 (a portion of Erf 2811), Swakopmund be determined at a later stage.

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

RECOMMENDED:

That Council remains with its' decision passed on 29 March 2012, which is as follows:

- (a) *That the offer of Messrs Rössing Uranium Ltd's be accepted and that Council purchases Erf 5370 (a portion of Erf 2811), Swakopmund for N\$1 184 100.00 plus the transfer cost which will amount to approximately N\$27 227.50.*
- (b) *That Ministerial approval be applied for in terms of section 64 of the Local Authorities Act, Act 23 of 1992, as amended to purchase Erf 5370, (a portion of Erf 2811), Swakopmund from Messrs Rössing Uranium Ltd.*
- (c) *That the future use of Erf 5370 (a portion of Erf 2811), Swakopmund be determined at a later stage.*
-

11.1.8 **APPLICATION BY MESSRS MANAH ENTERPRISES CC FOR LAND TO DEVELOP LOW TO MIDDLE INCOME ERVEN AND HOUSES**
(C/M 2012/04/26 - H 5/8)

Ordinary Management Committee Meeting of 12 April 2012, Addendum 7.12 page 111 refers.

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

1. Application by Messrs Manah Enterprises

An application and proposal dated **02 February 2012** was received from Messrs Manah Enterprises (Pty) Ltd to obtain un-developed land for development of residential, general residential and business erven for the low income community in Swakopmund and sell them at development cost plus 25% profit (**Annexure "A"**).

They indicated that current market leaders in various fields of expertise will be appointed to ensure the successful implementation of the development and they will support economic empowerment through community participation in the project.

The concept of the project will be similar to that of National Housing Enterprise whereby loans will be provided to the purchasers.

2. Applications received From Various Private Developers

Reference can be made to the submission / report tabled to the Management committee on **08 September 2011 (Annexure "B")**, informing Council of the number of applications received from private developers as from 2006 to purchase blocks of land for the development of low cost housing, whereafter the following was resolved:

That the report submitted by the General Manager: Corporate Services and Human Resources regarding applications received from Private Developers for the development of medium and low cost housing be noted.

Numerous applications from various private developers for similar purposes are still received by the Council. All applicants were informed about the Council's current status as far as the allocation of large portions of land is concerned. Upon receipt, applications and proposals received are listed, attached as **Annexure "C"**.

3. Council's Policy regarding the allocation of Large Portions of Land

With reference to applications and proposals received for large portions of land, the Management Committee of **10 March 2011** passed the following resolution:

(c) That in future Council attends to all Town Planning issues before land is sold to the public.

Council at this stage is not considering the allocation of large portions of land to private developers.

The latest resolution in this regard was passed by the Management Committee on **12 January 2012** with reference to an application by a developer to purchase Block 9. It was decided that Council will only consider these applications once the Property Policy is finalized.

4. **Conclusion**

Since Council is inundated with applications by private developers to avail land for development, it is proposed that upon finalization of the Property Policy, Council considers inviting all applicants currently on file and other interested members of the public to submit their development proposals for the development of a township on a portion of land still to be identified.

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

RECOMMENDED:

- (a) That Messrs Manah Enterprises be informed that Council remains with the decision of the Management Committee passed on 10 March 2011, whereby Council attends to all planning issues before land is sold; and in line with the Management Committee's resolution passed on 12 January 2012, that Council will only consider the sale of large portions of land once the revised Property Policy is finalized.
 - (b) That once land is available, Council will consider inviting development proposals from private developers to the benefit of the low income community members.
-

11.1.9 **EXTENSION OF TIME TO COMMENCE AND COMPLETE THE CONSTRUCTION OF THE KEMPINSKI STRAND HOTEL**

C/M 2012/04/26 - E 4743)

Ordinary Management Committee Meeting of 12 April 2012,
Addendum 7.13 page 117 refers.

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

1. Council on **29 February 2012** under item 11.1.11 passed the following resolution:

(a) *That point (d) of Council's resolution passed on 30 September 2010 be repealed:*

(d) *That Messrs Broll Namibia be informed that no further extension of periods or changes in the usages will be granted by Council and the remaining clauses of the existing agreement remain unaltered and enforced.*

And

That Council's resolution passed on 31 May 2011 also be repealed:

That the request by Messrs Broll Namibia for the extension of project implementation timelines not be approved.

(b) *That Messrs Ohlthaver & List Group of Companies be advised that Council does not accept the new condition of 80% sales for construction to commence.*

(c) *That the developer shall commence with construction not later than 01 August 2012, failing which Council will invoke the breach clause.*

(d) *That the developer be offered 82 weeks from 01 August 2012 to complete the project.*

(e) *That the developer must accept the conditions and provide a schedule of works accordingly on or before 23 March 2012.*

(f) *That penalties to the amount of N\$10 000.00 per day be levied to should the developer not complete the project on schedule.*

(g) *That Messrs Kinghorn Associates be requested to compile a further addendum to the main agreement of sale reflecting the extended dates for the commencement and completion of construction at the cost of the developer:*

- *commencement date: 01 August 2012*
- *completion date: 82 weeks after 01 August 2012*

(h) *That Messrs Ohlthaver & List Group of Companies be advised to accept the conditions by 23 March 2012 and the developer must sign the addendum by end of April 2012 failing which Council will invoke the breach clause.*

(i) *That the developer be informed to submit monthly progress reports once construction starts.*

(j) *That the Developer be informed that they are responsible for the cleaning of the Arnold Schad Promenade which falls within their property.*

2. Messrs Ohlthaver & List Group of Companies and Messrs Broll Namibia were informed of the above resolution on **01 March 2012** (letter on file),

whereafter they accepted Council's resolution in writing on **23 March 2012 (Annexure "A")**. In their letter they request Council **to reduce the penalty amount of N\$ 10 000.00 per day to N\$ 5 000.00 per day** should they exceed the 82 weeks construction period.

Attached as **Annexure "B"** is a construction program indicating the construction period starting from **01 August 2012 until 27 January 2014**. According to the developer a work schedule will be forwarded to Council once same is finalized and progress reports will be submitted on a monthly basis upon commencement of the project. The developer also indicated that they will submit the first set of drawings to the Municipality for approval before end of April 2012.

3. With reference to the application of Mr Q Liebenberg on behalf of The Trustees for the Time Being of the Lighthouse Property Investment Trust dated **23 June 2011** for the extension of time to complete the construction of the new swimming pool on Erf 5372, Swakopmund, Council on **24 November 2011** among others passed the following resolution:

(d) That the developer be informed that a penalty of N\$10 000.00 per day will be applied, should the development not be completed by 21 March 2013 and that no further project completion extension will be considered.

4. Taking into consideration that the penalty of N\$10 000.00 per day is also a condition for the construction of the new swimming pool complex, it is proposed that Council should not consider the request of Messrs Ohlthaver & List Group of Companies to reduce the penalty of N\$10 000.00 per day to N\$5 000.00 per day in order for them to be committed and keep their work schedule in line with the prescribed time.

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

RECOMMENDED:

- (a) That the application of Messrs Ohlthaver & List Group of Companies requesting Council to reduce the penalty from N\$10 000.00 to N\$5 000.00 per day should they not complete the construction of the Kempinski Strand Hotel within a period of 82 weeks starting from 01 August 2012, not be considered.
 - (b) That Messrs Ohlthaver & List Group of Companies be informed that Council remains with its decision passed on 29 February 2012 and that the penalty of N\$10 000.00 per day is a standard condition applicable to all developers.
 - (c) That Messrs Kinghorn Associates be informed to proceed with the compilation of a further addendum to the main agreement of sale reflecting the extended dates for the commencement and completion of construction at the cost of the developer:
 - commencement date: 01 August 2012
 - completion date: 82 weeks after 01 August 2012
 - (d) That the addendum must be signed on / before 30 April 2012 (as per Council's resolution passed on 29 February 2012), failing which Council will invoke the breach clause.
-

11.1.10 **AMENDMENT OF DUE DATE FOR PAYMENT OF MUNICIPAL SERVICE ACCOUNTS**

(C/M 2012/04/26 - D 7/3/11)

Ordinary Management Committee Meeting of 12 April 2012,
Addendum 7.14 page 123 refers.

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

Municipal service accounts for the payment of rates and taxes, water supply and other related services are currently due for payment on the 15th day of each month. Following non-payment by the 16th, a consumer is placed on the cut-off list and water supply is then suspended until payment has been received.

There has however been a substantial increase in the number of late payments with the number of consumers on the cut-off list being as follows:

Period	Number of Consumers on cut-off list	Total N\$
March 2010	793	942,273
March 2011	882	1,085,132
October 2011	1078	1,210,236
February 2012	1523	1,748,897

Currently the majority of consumers employed by Government, commercial banks and the mines who receive their salaries on the 20th of a month only pay their previous month's account that was already due on the 15th, on the day of receipt of their salaries. The list of properties whose water services have to be suspended due to non-payment has however lately grown so substantially that the Water Section effecting the physical cutting of the water supply at the properties in default, seldom gets through the list before the next month's suspension list is already available for action. It then often happens that a client in default who only makes his payment by the 20th of a month, does not have his services suspended as his payment, although late, still reaches Council before the Water Section can effect the cut-off.

Human nature dictates that debtors are more likely to pay their accounts that are due at the end of a month or shortly thereafter as soon as they receive their salaries which is around the same date. Accounts that are however due at a later date in the month are left for settlement closer to the due date before payment is made. As most people receive their salaries around the end/beginning of the month, i.e. between the 20th and the 1st of the next month, accounts are likely to be paid in order of merit of the date that they are due resulting the Municipal accounts being left for last in the debtor's list of payments to be made.

It is suggested that should the due date for the payment of Municipal accounts be changed to the 7th of each month, the following problems will be eliminated and Council will be more effective in its debt collection process:

- (i) *The due date for the payment of the account will be in closer proximity to the date that most people receive their salaries. This should eliminate the problem where consumers tend to wait to the last day allowed for payment of accounts (currently the 15th) but then find that their finances have been depleted due to the time that has elapsed since their last pay-day. The priority of payment of Municipal accounts compared to other accounts will increase.*

This will result in the cut-off list being reduced and the average outstanding monthly debt on service accounts will decrease.

- (ii) *Consumers that currently evade the suspension of services and penalty charges to reconnect their services again as they pay their accounts on the 20th or 25th (their pay-day's), will no longer be able to do so.*
- (iii) *Businesses have suggested that it would be more user-friendly and convenient should the payment of Municipal accounts be due at the beginning of a month as it can then be treated as a normal creditor and form part of the business' normal credit run payments that are done at the last/first day of every month.*

Should an amendment to the due date for the payment of accounts be made to the 7th of each month, preparatory work over a period of a few months will be made before the actual implementation of the new due date.

This will be done by pre-dating the start of meter readings with one day every month so as to prevent consumers receiving a large account in one month because of a longer period's water consumption that was recorded.

Once the entire reading process has been predated with one week after 5 months (1 day per month), the new pay-date can be introduced without consumers experiencing any abnormal financial implication due to the amendment.

Should the due date for account payments be changed to the 7th of every month, the meter reading period and accounts creation dates will change as follows:

	Currently	New Due date
Due date for payment	15th	7th
Meter Reading	23rd - 15th	15th - 10th
Accounts creation	20th	15th

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

RECOMMENDED:

- (a) That Council *in principle* approves the adjustment of the due date for the payment of consumer accounts to the 7th of each month and that the adjustments be implemented as from 01 July 2013.
- (b) That recommendation (a) above only be implemented once the reading process has been pre-dated to avoid any financial implications for the consumers and that the public be informed accordingly, well in advance.
-
-

11.1.11 **REQUEST TO REDUCE TARIFFS FOR LEASE OF MUNICIPAL LAND (PUBLIC OPEN SPACES)**

(C/M 2012/04/26 - N 7/3/1/2, G 3/10/2)

Ordinary Management Committee Meeting of 12 April 2012,
Addendum 7.16 page 129 refers.

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

1. Introduction

A letter dated **24 February 2012 (Annexure “A”)** was received from Mr E H Xoagub, requesting Council to reduce the tariffs for lease of Municipal land (public open spaces) or to put other measurements in place as he is of the opinion that the tariffs are too high.

The following areas are available and are leased for various events:

- Mole Area
- Amphitheatre
- Lawn Areas
- Palm Beach
- Northern Beach Recreational Area
- Town Hall

2. Background

A submission for the review and increase of tariffs for the lease of different public open spaces for different periods was tabled for **24 November 2009**, whereby Council resolved the following under item 11.1.3:

That the Council resolution of 25 April 2002 under item 11.1.8 be repealed and replaced with the following:

- (a) *That the tariffs for use of municipal land including, but not limited to the Mole Area, Amphitheatre, Central Beach Area and Northern Beach Recreational Area, be as follows for all users (15% VAT excluded):*

For an area of 16m² or less

- | | | |
|---------------------|---|-----------|
| (i) Daily | - | N\$ 50.00 |
| (ii) Weekends | - | N\$ 75.00 |
| (iii) Long weekends | - | N\$100.00 |
| (iv) Monthly | - | N\$300.00 |

For an area bigger than 16m²

- | | | |
|---------------------|---|-----------|
| (i) Daily | - | N\$ 75.00 |
| (ii) Weekends | - | N\$100.00 |
| (iii) Long weekends | - | N\$300.00 |
| (iv) Monthly | - | N\$500.00 |

- (b) *That the use of the areas be subject to the following conditions:*

- (i) *Payment of a N\$150.00 refundable deposit irrespective of the size of the area.*
- (ii) *Applicant responsible for keeping the area clean at all times.*
- (iii) *Council be indemnified against any claims that may arise from using the area.*
- (iv) *That the area be restored to its original condition and to the satisfaction of the Health Services Department.*
- (v) *That sound be restricted to the immediate surrounding area.*

- (vi) *On receipt of any complaints due to noise or misbehaviour, the use of the area be cancelled immediately.*
 - (vii) *The applicant has to pay for the lease of refuse bins if required and the removal thereof afterwards.*
 - (viii) *The applicant has to arrange for public ablution facilities if no municipal facility is available.*
 - (ix) *Register with the Health Services Department (if required).*
 - (x) *That no over-nighting be permitted.*
- (c) *That the Corporate Services Department be responsible for the lease of areas from the River Mouth, including the Mole, Amphitheatre and Public Grass Areas up to the Skateboard Ramp.*
- (d) *That the Northern Beach Recreational Area remains the responsibility of the Community Development Services Department.*

3. **Increase of Refundable Deposit**

To cover the cost of clean up operations, losses or damages (if any) after an event took place at a public open area; the **Management Committee** on **7 September 2010** resolved the following, under item 11.1.9:

That the increase of the refundable deposit for the leasing of Municipal land at the Mole, Amphitheatre, lawn areas, Palm Beach and Northern Beach Recreational area from N\$150.00 to N\$357.50 to cover clean up operations, losses or damages (if any) be approved.

After an event took place the refundable deposit will be paid out on written request and by presenting the original receipt.

4. **General**

With reference to the increase of the lease tariffs on **24 November 2009**; it is still affordable as Council still frequently receives applications to use the Mole Area, Amphitheatre, Public Lawn Areas between the Tug and the Aquarium, north of the Swimming Pool, Palm Beach (central beach areas) etc. for a few hours, a day, a weekend or week. Various applications for sport and social events, weddings and promotional events are received to host at some of these areas.

It should be noted that the installation of a temporary electricity connection is quite costly. These tariffs for a temporary electricity connection by **Erongo RED** ranges from the amperometers as set out below:

- 20 Amps - N\$615.00, deposit
- 30 Amps - N\$916.00, deposit
- 40 Amps - N\$ 1 232, deposit
- Plus an extra - N\$95.00, connection fee
- Plus an extra - N\$95.00, disconnection fee

5. **Proposal**

As the tariffs were last adjusted on **24 November 2009** and are assumed to be affordable, it is proposed not to reduce the current tariff structure; but it is suggested that in addition to the above tariff structure, a weekly tariff be determined which will be applicable to all users and the long weekend tariff be abolished. Long weekends mostly fall over weekends and it is convenient to then rather charge a weekend / weekly tariff as some lessees require additional days to set-up for the activities. The tariff structure is applied to the benefit of the lessee.

It is further proposed that it be explained to Mr E H Xoagub that the lease tariffs are affordable and after an event took place the refundable deposit is paid out on written request and by presenting the original receipt. That it should be noted that the installation of a temporary electricity connection is expensive.

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

RECOMMENDED:

- (a) That point (a) of Council's resolution of 24 November 2009 under item 11.1.3 be repealed and replaced with the following:

- (a) *That the tariffs for use of Municipal land including, but not limited to the Mole Area, Amphitheatre, Central Beach Area and Northern Beach Recreational Area, be as follows for all users (15% VAT excluded):*

For an area of 16m² or less

(i)	Daily	-	N\$ 50.00
(ii)	Weekends	-	N\$ 75.00
(iii)	Weekly	-	N\$100.00
(iv)	Monthly	-	N\$300.00

For an area bigger than 16m²

(i)	Daily	-	N\$ 75.00
(ii)	Weekends	-	N\$100.00
(iii)	Weekly	-	N\$125.00
(iv)	Monthly	-	N\$500.00

- (b) That the remaining conditions of Council's resolution passed on 24 November 2009 under item 11.1.3 remain unchanged, except the payment of the refundable deposit which was approved by Management Committee on 07 September 2010 in the amount of N\$357.50.
- (c) That Mr E H Xoagub be informed that the lease tariffs for public areas were last adjusted on 24 November 2009 and Council regards these affordable as no other requests for reductions were received; furthermore after an event took place the refundable deposit is paid out on written request and by presenting the original receipt.
- (d) That it should be noted that the installation of a temporary electricity connection is expensive.
-

11.1.12 **REPORT ON UTILIZATION OF THE VEGETABLE GARDEN AT THE SWAKOPMUND NURSERY BY THE COMMUNITY OF HOPE PROJECT**

(C/M 2012/04/26 - N 7/4/1)

Ordinary Management Committee Meeting of 12 April 2012,
Addendum 7.17 page 133 refers.

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

The Planning Forum of **27 March 2012**, under item 4.7 resolved:

That Council supports the discontinuation of Council's agreement with the Community of Hope Project based on the findings of the Wellness Officer.

1. Background

The Community of Hope Project approached the Municipality on **03 February 2011** for permission to utilize the Municipal Veggie Garden as an income generating project for their members. This request was discussed during the Management Committee meeting of **10 March 2011**, where after the General Manager: Health Services was given permission to establish a partnership between Messrs Community of Hope Project and the Municipal AIDS Committee. Subsequently, a meeting was held on **16 March 2011** between the General Manager: Health Services and Community of Hope Project, where the group presented its plan and intentions with the Municipal Veggie Garden. The group was thereafter tasked to draft an operational plan, which was supposed to be submitted to the Management Committee.

The Management Committee of **28 April 2011**, under item 11.1.3 then resolved:

- (a) *That permission be granted to the Community of Hope Project to use the Municipal Veggie Garden for its project in collaboration with the District AIDS Committee on a trial period of six months.*
- (b) *That the General Manager: Health Services be authorized to assist the group once off with the purchasing of seeds, tools and pesticides needed to start the project which expenses will be funded from the Veggie Garden vote 103510218400 where N\$2,500.00 is available.*
- (c) *That the Community of Hope Project source for technical assistance and training from related institutions and businesses for the maintenance of the Veggie Garden as well as the envisaged produce.*
- (d) *That an additional piece of land be allocated to the group at the Municipal Nursery in consultation with the Superintendent Parks and Gardens for the purpose of extending the planting of crops after the trial period has proved to be successful.*
- (e) *That the Community of Hope Project be exempted from payment of water consumption for a period of six months.*

The group was informed of the above Management Committee resolution, and was again urged to finalize the overdue operational plan which should clearly indicate who will be involved with the

gardening, since on their previous proposal they only indicated that the group is made up of unemployed youths from Mondesa and DRC. It has however in the meantime come to light that there were also employed youths, and despite numerous consultative meetings between them, the General Manager: Health Service and the Wellness Officer, this group failed to meet and agree on some of these points.

During the consultative meeting, it came out that the group did not have a detailed project and operational plan; and that resulted in the group only starting its gardening activities on 15 June 2011, instead of **02 May 2011**.

1.1 Group composition/membership

Although the group started with 9 members, the group leader assured us that there are more than 50 youth members who are willing to work at the Municipal Veggie Garden. The group leader further informed us that the majority of group members are unemployed youths with low skills on agriculture. However, the group leader assured us that they already have advisors and experts in gardening.

1.2 Daily operations

During the meetings, the group indicated that the unemployed youths will work weekdays while the employed youth will work over weekends. Some group members however did not support the idea, and they were advised to rather discuss this matter within the group.

1.3 Financial management

Although the group did not have a detailed financial management plan, the group leader assured us that they will open a bank account, and they will only share the profit amongst unemployed group member.

1.4 Report

The group leader was informed that they need to submit a weekly report on the progress, and/or challenges to the Employee Wellness Officer.

2. Cleaning of Municipal Veggie Garden

The group started with the cleaning and stock-taking on the **15 June 2011**. The items recorded included:

- (i) 2 x Watering pipe
- (ii) 1 x rubbish bin
- (iii) 3 x water containers
- (iv) 3 x brooms
- (v) 1 x rake
- (vi) 1 x wheelbarrow
- (vii) 1 x climbing ladder

- (viii) 3 x garden forks
- (ix) Pipes
- (x) Garden plastic bags
- (xi) Expired garden chemicals

It is imperative to indicate that although Council has authorized the utilization of the N\$2 500.00 on the Veggie Garden Vote 103510218400 to assist the Community of Hope Project, that Council has to-date spent N\$3 543.20 on the following items as “start-up” financing for the Community of Hope Project, namely:

- 20 x sachets of tomato seeds;
- 10 x cabbage seeds,
- 10 x carrots seeds,
- 10 x spinach seeds,
- 10 x cucumbers seeds,
- 6 x chillies seeds,
- 3 x green pepper seeds,
- 1000 x plastic bags for hydroponics,
- 2 x garden forks,
- 1 x container for watering,
- 1 x garden rake,
- 2 x large water containers,
- 6 x 20 kg of Nutrifeed chemicals,
- 2 x 500g Bexadust chemical, and
- 2 x extra large containers of sawdust

The group was further assisted by the Works Section with transportation, levelling of sand and horse compost (or manure) for the additional piece of land for gardening.

3. **Sowing, Planting and Harvesting**

Although the group purchased a variety of seeds, it only planted tomatoes, cabbage, spinach and carrots. Even though the group started harvesting tomato and spinach in **January 2012**, they failed to harvest cabbage and carrots. The product is being sold in the Mondesa and DRC location.

4. **Challenges and constraints**

Disagreements erupted between the unemployed youths and the group leaders (employed group) over the working agreement. To date the group has failed to meet to solve those differences. The unemployed youths felt that they are overworked and although the employed group works on Saturdays it is not known how many they are.

The unemployed youths did not know who the rest of the group members were, and more importantly who the so called advisor/s were.

The group leader/s has failed to respond to the unemployed youth's requests to call a meeting and discuss some of these issues. Most of the group members whose names were submitted to the Municipality, have pulled out of the group due to work commitment and lack of interest in the project.

Therefore, a meeting was held on the **28 June 2011**, where it was concluded that the group leader will call a meeting over the following weekend to discuss these concerns. The meeting never took place, which then frustrated the unemployed group even more.

This has led to the initial nine (9) group members of Community of Hope Project to withdraw from the group citing lack of communication and cooperation amongst each other. Six (6) new members took over the activities of the Community of Hope Project, with no idea of the aims and objectives for the Municipal Veggie Garden.

To compound matters further it was soon realized that the new members lacked gardening skills and experience and failed to seek technical assistance from relevant stakeholders. Although the Superintendent: Parks & Gardens and a Municipal employee who previously worked at the Municipal Veggie Garden offered their assistance and technical knowledge, the group found it hard to establish itself.

It was further noted that the group advisor referred to by the initial group members did not exist and that the current group failed to manage itself.

Although the current group members managed the garden up to the harvesting stage, the group did not work together and had constant disagreements amongst themselves, thus failing to manage and lead itself. This has led to the withdrawal of three (3) more members. The remaining three (3) group members are not cooperating, to the extent that it failed to open a bank account, and therefore no proper account is kept of the produce harvested and the funds generated, and as such the project sustainability is seriously doubted. The group has failed to secure a proper market for its products and lacks marketing skills.

Although the group was tasked to at least submit their meeting minutes related to the Municipal Veggie Garden, none have been submitted to date.

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

RECOMMENDED:

- (a) That Council discontinues its agreement with the Community of Hope Project based on the findings of the Wellness Officer.
 - (b) That permission be granted to the General Manager: Health Services to invite prospective Swakopmund HIV and AIDS Support Groups to run the Municipal Veggie Garden in conjunction with Swakopmund District AIDS Committee.
 - (c) That the prospective Swakopmund HIV and AIDS Support Group submits a detailed project proposal to Council for consideration.
-

11.1.13 **CANCELLATION: SALE OF ERF 989, SWAKOPMUND TO MESSRS LUXURY INVESTMENTS ONE HUNDRED & ONE (PTY) LTD**

(C/M 2012/04/26 - E 989)

Ordinary Management Committee Meeting of 12 April 2012,
Addendum 7.19 page 144 refers.

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

1. **Purpose**

The purpose of this submission is for Council to consider the cancellation of the sale of Erf 989, Swakopmund to Messrs Luxury Investments One Hundred & One (Pty) Ltd in terms of conditions of sale as the purchaser failed to return the signed Deed of Sale within 21 days as requested. The purchase price and 15% are not yet secured either.

2. **Background**

2.1 **Sale**

Messrs Luxury Investments One Hundred & One (Pty) Ltd (a company represented by Mr Ghandy Gerson Gaoseb) bought Erf 989, Swakopmund at the closed tender held on **30 September 2011** at the purchase price of **N\$ 21 600 000.00 plus 15 % VAT (N\$ 3 240 000.00).**

Messrs Luxury Investments One Hundred & One (Pty) Ltd paid a deposit of N\$ 5 000.00 on **05 October 2011**. In terms of the tender procedures, the N\$ 5 000.00 deposit will be forfeited should the transaction be cancelled for any reason, meaning that Messrs Luxury Investments One Hundred & One (Pty) Ltd will not be refunded by Council should Council decide to cancel the transaction.

2.2 **Rezoning**

On **28 January 2010**, Council resolved to sell Erf 989, Swakopmund by closed bid. The new owner was required to rezone the Erf to "General Business" but to avoid complicating transaction, Council on **29 September 2011** passed the following resolution:

That point (d) of Council's resolution passed on 28 January 2010 be repealed and replaced with the following:

(d) That the Engineering Services Department attends to the rezoning of Erf 989, Swakopmund to "General Business".

Subsequent to the above resolution, Council on **29 February 2012** under item 11.1.16 approved the rezoning as follows:

(a) That the rezoning of Erf 989, Swakopmund from "Local Authority" to "General Business" be approved.

(b) That the approved rezoning of Erf 989, Swakopmund be included in the next Amendment Scheme for final approval by the Ministry of Regional and Local Government, Housing and Rural Development.

3. **Discussion**

A deed of sale for Erf 989, Swakopmund was compiled and it was forwarded to Messrs Luxury Investments One Hundred & One (Pty) Ltd on **21 February 2012 (Annexure A)**. Messrs Luxury Investments One Hundred & One (Pty) Ltd was requested to sign the deed of sale and return the same on **12 March 2012** being 21 days from 21 February 2012 but no signed document was received.

Messrs Luxury Investments One Hundred & One (Pty) Ltd was also informed to submit a bank guarantee on/ before **13 April 2012** to secure the purchase price plus 15 % VAT. A bank guarantee is awaited.

Mr Ghandy Gerson Gaoseb visited the office of General Manager: Corporate Services and Human Resources on **05 March 2012** requesting the reduction in the purchase price but the General Manager: Corporate Services and Human Resources explained to him that it is impossible to reduce the purchase price as it is not in line with the tender procedures and conditions of sale.

The Property Section thereafter contacted Mr Ghandy Gerson Gaoseb on numerous occasions and inquired when he will return the signed deed of sale, a letter dated **23 March 2012** as per **Annexure "B"** was sent to Messrs Luxury Investments One Hundred & One (Pty) Ltd giving him five (5) days until **30 March 2012** to return the signed deed of sale but no correspondence was received until **30 March 2012**.

Taking into consideration that no signed deed of sale was returned by Messrs Luxury Investments One Hundred & One (Pty) Ltd, it is proposed that the sale of Erf 989, Swakopmund to Messrs Luxury Investments One Hundred & One (Pty) Ltd be cancelled in terms of the conditions of sale. A copy of the conditions of sale signed by Mr Ghandy Gerson Gaoseb on **30 September 2012** is attached **Annexure "C"**.

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

RECOMMENDED:

- (a) That the sale of Erf 989, Swakopmund to Messrs Luxury Investments One Hundred & One (Pty) Ltd be cancelled.**
 - (b) That Council invites closed bids for the alienation of Erf 989, Swakopmund at the upset price of N\$ 20 100 000.00.**
-

11.1.14 **INTERNAL AUDIT REPORT: COMPLIANCE WITH THE LOCAL
AUTHORITIES TENDER BOARD REGULATIONS : LOCAL
AUTHORITIES ACT OF 1992**

(C/M 2012/04/26 - D 10/1 / D 16 / D 16/2 / A 2/2/9/1 / A 2/2/9)

Ordinary Management Committee Meeting of 12 April 2012,
Addendum 8.1 page 01 refers.

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

Attached, a copy of the Internal Audit Report received from Messrs Ernst & Young on the compliance with the Local Authorities Tender Board Regulations : Local Authorities Act of 1992.

All recommendations and findings had been taken up with each department and were approved by Council's Audit & Risk Management Committee.

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

RECOMMENDED:

That the Internal Audit Report from Messrs Ernst & Young on the compliance with the Local Authorities Tender Board Regulations: Local Authorities Act be accepted, and that the recommendations be implemented by all Departments accordingly.

11.1.15 **USE OF FUNDS IN CAPITAL BUDGET FOR PURCHASE OF AUDIO VISUAL EQUIPMENT**

(C/M 2012/04/26 - E 1/1, B 2/2/2)

Ordinary Management Committee Meeting of 12 April 2012,
Addendum 8.2 page 12 refers.

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

1. The amount of N\$220 000.00 was budgeted for the Telephone Credit Management System, however this project was successfully covered under the Operational Budget due to judicious negotiations with Telecom Namibia.
2. Audio visual equipment were included in the contract for the construction of the New Municipal Office Complex but due to the delays by the contractor it was withdrawn from the project. A need has been identified for the installation of audio visual equipment in the Council Chambers, Management Committee Room, Training Room and various Board Rooms. An informal quotation (**attached**) was obtained from Messrs Orion in order to assess the total cost involved.
3. The funds available under the Telephone Credit Management System will be used for the 1st Phase, to equip the Training Room and it is requested to make it a continuation project in order to provide able time to investigate and negotiate good prices for the remaining venues as it is envisaged to be quite expensive.

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

RECOMMENDED:

- (a) That permission be granted to the General Manager: Corporate Services and Human Resources to use the amount of N\$220 000.00 which was budgeted for the Telephone Credit Management System, for the purchasing of audio visual equipment.
 - (b) That the project be made a continuation project for the 2012 / 2013 Financial Year.
-

11.1.16 **BUILD TOGETHER LOANS NOT TAKEN UP BY BENEFICIARIES**

(C/M 2012/04/26 - H 5/3)

Ordinary Management Committee Meeting of 12 April 2012,
Addendum 8.5 page 22 refers.

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

The **attached** list contains names of 53 beneficiaries who did not take up their Build Together loans because of death, possession of housing or moved to other towns. Alongside these beneficiaries are names of Build Together applicants taken from the Master Waiting List with the view of replacing those beneficiaries who did not take up their loans.

As can be seen applicants in positions 4, 11, 16 and 20 on the Master Waiting List have been omitted as it was discovered that they have secured alternative housing in the mean time (see **attached** proof) hence no need for them to benefit from the Build Together Program.

No. on Waiting list	Names	I D No.	Reason
4	Erenstine Naobes	720703	Erf 3430 Mondesa
11	Anna Kharon	64101101043	Erf 3349 Mondesa
16	Rosina Witbooi	74072900060	Erf 1771 Mondesa
20	Immanuel Taniseb	73040100351	Erf 2769 Mondesa

The matter was submitted to the Build Together Committee on **06 March 2012** and it was approved.

The demand for housing in Swakopmund has become an important aspect as such unclaimed Build Together loans need to be re-allocated to applicants on the Master Waiting List in order to reduce the housing backlog in our town.

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

RECOMMENDED:

- (a) That the attached list with proposed names of Build Together applicants who are to take-over the loans of Build Together beneficiaries who failed to take-up their loans be approved.
 - (b) That the applicants be allocated with the erf numbers as assigned on the attached list.
-

11.1.17 **APPROVAL OF AMENDMENT SCHEME NO. 50**

(C/M 2012/04/26 - G 3/2/2/2)

Ordinary Management Committee Meeting of 12 April 2012,
Addendum 8.6 page 25 refers.

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

Attached Amendment Scheme No. 50 was received from Messrs Urban Dynamics Africa on behalf of their clients for the following:

- *Rezoning of Erf 608, Swakopmund, from "Single Residential" with a density of 1:900 to "General Business" with a bulk of 1.2. (Council Resolution 28-04-2011)*
- *Rezoning of Erven 5201 to 5216, 5174 and 5175, Swakopmund Ext 15, from "Single Residential" with a density of 1:600 to "General Residential 2" with a density of 1:300. (Council Resolution 26-01-2012)*
- *Rezoning of Portions 117 and 118 (of the Farm Swakopmund Town and Townlands No. Re/B41), Mondesa, from "Undetermined" to "Special". (Council Resolution 28-10-2010)*

All items as contained in Amendment Scheme No. 50 were approved by the Council through the resolutions taken. The consultant is in need of formal approval of the Scheme by Council in order to submit the Amendment Scheme to the Ministry of Regional and Local Government, Housing and Rural Development for final approval.

The applicant is therefore requesting Council's permission for the Approval of Amendment Scheme No. 50.

The rezoning of portions 117 and 118 will however have to be removed from the Town Planning Amendment Scheme as the agreement with Messrs DMA has been cancelled

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

RECOMMENDED:

- (a) That Council approves Amendment Scheme No. 50 as submitted by Messrs Urban Dynamics Africa on behalf of their clients with the exception of portion 117 / 118 which will no longer be sold to Messrs DMA.
 - (b) That Messrs Urban Dynamics Africa be informed to submit Amendment Scheme No. 50 with the amendment as per (a) above to the Ministry of Regional and Local Government, Housing and Rural Development for approval by the Honourable Minister.
-

11.1.18 **APPLICATION TO USE THE BEACH FRONT AREA AT THE MOLE FOR SWAKOPMUND TREASURE HUNT**

(C/M 2012/04/26 - N 7/2/1)

Ordinary Management Committee Meeting of 12 April 2012, Addendum 8.7 page 69 refers.

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

Attached letter was received from Messrs Swakopmund Treasure Hunt to utilize the beach front area at the Mole (between the Jetty and the Mole) in order to host its annual Swakopmund Treasure Hunt on the **29 December 2012.**

Swakopmund Treasure Hunt is facilitated by Swakopmund Treasure Hunt Fund, a non-profit organization which is dedicated to helping children and the development of Pro Ed Academy to get the resources they need for education. The treasure hunt consist of various stages throughout the day whereby 500 diggers in each stage will dig for hundreds of white mussel shells hidden in the demarcated area within a certain time period, in each mussel there are a number of prizes to be won. The more stages the diggers take part in, the better their chances in proceeding to the grand final stage, where the grand price (a car) and many other prices will be won (see photograph pictures **attached**).

The Swakopmund Treasure Hunt is a family event, alcohol free and absolutely environmental friendly and only a four hours event. Further, it is an educational fundraising event and promotes the holiday spirit and allows Swakopmund holidaymakers to participate and enjoy in this new fun filled activity.

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

RECOMMENDED:

- (a) That permission be granted to Messrs Swakopmund Treasure Hunt to lease the main beach area on 29 December 2012 at the cost of N\$ 115.00 + 15% VAT plus a refundable deposit of N\$ 357.50.
- (b) That Messrs Swakopmund Treasure Hunt be responsible for keeping the area clean at all times.
- (c) That Council be indemnified against any claims that may arise from using the area (indemnity form to be attached, signed and returned to the Municipality).
- (d) That the area be restored to its original condition after the event and to the satisfaction of the Health Services Department.
- (e) That sound must be restricted to the immediate surrounding. On receipt of any complaints due to noise or misbehaviour, the use of the area will be cancelled immediately.

- (f) That the applicant be informed that public toilets are available on site, but should they require additional ablution facilities, they should contact a private supplier who can provide them with portable ablution facilities.**
 - (g) That Messrs Swakopmund Treasure Hunt arranges for refuse bins and the removal thereof afterwards (cost per bin N\$15.00 + 15% VAT and removal = N\$ 357.5 + 15% VAT).**
 - (h) That the General Manager: Community Development Services ensures that the Beach Area remains accessible to the public during that period.**
-

11.1.19 **REQUEST BY MESSRS ERONGO REGIONAL COUNCIL TO USE SWAKOPMUND TOWN HALL FREE OF CHARGE FOR A CAREER EXHIBITION**

(C/M 2012/04/26 - 11/12)

Ordinary Management Committee Meeting of 12 April 2012, Addendum 8.8 page 75 refers.

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

Attached letter was received from Messrs Erongo Regional Council, Directorate of Education requesting for permission to utilize the Swakopmund Town Hall free of charge for the career exhibition from **04-05 June 2012.**

The career exhibition in Erongo region is either held in Swakopmund or Walvis Bay, and this year it is due to be held in Swakopmund on **4 and 5 June 2012.** The exhibition aims to provide the learners with information on a variety of career opportunities in order for them to make informed decisions on their future. Exhibitors include tertiary education institutions from Namibia and South Africa, various line ministries, as well as private companies and bursary providers.

It is indeed essential that Council makes a contribution towards this noble initiative in order to provide wider possibilities to learners, unemployed youth and educators and also provide a platform for interaction and knowledge.

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

RECOMMENDED:

- (a) That permission be granted to Messrs Erongo Regional Council to make use of the Swakopmund Town Hall free of charge from 04-05 June 2012 for the hosting of a Career Exhibition.
 - (b) That the expenses of N\$2 800.00 be defrayed from the Publicity Vote 500510212700 where N\$9 885.00 is available.
 - (c) That Messrs Erongo Regional Council keeps the facility clean at all times and restored it to its original state after the event. Should it be found that the Hall was not cleaned, it will be cleaned by Council and the normal deposit for hiring the Hall will be payable on demand.
 - (d) That Council's sponsorship be acknowledged and that the applicant be informed to display Council's banner prominently during the exhibition.
-

11.1.20 **REZONING OF ERVEN 5168 AND 5169, SWAKOPMUND FROM “SINGLE RESIDENTIAL” WITH A DENSITY OF 1:600m² TO “SINGLE RESIDENTIAL” WITH A DENSITY OF 1:300m²; CONSOLIDATION OF ERVEN 5168 AND 5169 INTO CONSOLIDATED ERF “X”, SWAKOPMUND, EXT.15; AND SUBDIVISION OF CONSOLIDATED ERF “X” INTO PORTIONS A, B AND CONS. ERF RE/”X”, SWAKOPMUND, EXT 15**
(C/M 2012/04/26 - G 3/9/6)

Ordinary Management Committee Meeting of 12 April 2012, Addendum 8.9 page 79 refers.

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

Attached application was received from Messrs Urban Dynamics Africa for the rezoning of Erven 5168 and 5169, Swakopmund, from “*Single Residential*” with a density of 1:600m² to “*Single Residential*” with a density of 1:300m²; Consolidation of Erven 5168 and 5169 into consolidated Erf “X”, Swakopmund, ext.15; and subdivision of consolidated Erf “X” into Portions A, B and Cons. Erf Re/”X”, Swakopmund, Ext 15.

The erven are approximately 852m² and 797m² in extent. The two erven are larger than the surrounding erven which makes conditions favourable to accommodate the intentions of the applicant. It is the intention to rezone the properties to a density of 1:300m² only to allow for the subdivision into three portions after consolidation is finalised. There was a concern that the density requested might lead to other rezoning applications to the next higher density which will ultimately place greater pressure of the services of the area. In this case it can be argued that once all procedures have been completed the sizes of the erven will be approximately in line with the surrounding “*Single Residential*” erven with the only difference being the density of 1:300.

The rezoning is only initiated to allow for the consolidated Erf “X” to be subdivided into Portions A, B and Remainder. The intentions of the applicant can be allowed on condition that if the density of 1:300m² is allowed the Remainder of subdivided Erf X should be prohibited to be further subdivided.

It can be argued that this case enjoys special merits that could be considered favourably. No extension created will remain as it was established and it should not be seen negatively. It is the duty of the Local Authority to promote healthy development and promote sustainable land use where possible.

On the other hand the Local Authority has no guarantee that the applicants, although they indicated to commit, that they will initiate the consolidation and subdivision after the rezoning has been approved. This means that the owners can erect two townhouses on the property after the rezoning has been completed. This will open the Municipality up for some criticism from the public if other similar rezoning applied for is not approved. This can lead to the majority of other properties also applying for a rezoning in density to achieve the same.

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

RECOMMENDED:

- (a) That the applicants be informed that the application is not supported by Council and that no further densification of the area is to take place.**
 - (b) That all erven to the west of the Henties Bay road are to remain with their low densities and current erf sizes as approved by Council.**
-

11.1.21 **APPLICATION FOR PERMISSION TO OPERATE A RESIDENT
OCCUPATION (ADMINISTRATIVE OFFICE)**

(C/M 2012/04/26 - E 1152)

Ordinary Management Committee Meeting of 12 April 2012,
Addendum 8.11 page 104 refers.

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

Attached application was received for the registration of an Administrative Office in terms of the Town Planning Regulations:

- *Erf 1152 Kramersdorf (114 Libertine Amadhila Street) - Mr G Brits t/a Messrs XD Information Technology Namibia cc (Administrative Office)*

The owners of the above-mentioned Erf has requested Council for permission to operate an Administrative Office on their property. The property is zoned “*Single Residential*” and according to the Town Planning Scheme Regulations, with special consent of Council a resident occupation may be allowed.

Insert from the Town Planning Amendment Scheme No.12:

“RESIDENT OCCUPATION” means any commercial or industrial use conducted within a dwelling and carried on by the inhabitants thereof, subject to the following:

- (i) *The resident occupation shall be confined to one third of the total floor area of the said dwelling;*
- (ii) *The resident occupation must be carried out entirely within the dwelling to include the basement, outbuilding, garage, and/or attic of the dwelling.*
- (iii) *The home occupation must be clearly incidental and secondary to the residential use of the dwelling;*
- (iv) *The residential character and appearance of the dwelling and the property on which it is located shall not be changed in any visible manner. No advertisement of the existence of the resident occupation shall be visible from the dwelling or the Erf on which it is located, except for one sign as permitted by this Scheme;*
- (v) *No materials or products shall be stored on the Erf outside in such a manner as to be visible from any adjacent property;*
- (vi) *Display of merchandise or products of the resident occupation for sale may be permitted at the discretion of Council in keeping with subparagraph (iv) above;*
- (vii) *The resident occupation shall not create any objectionable noise, odor, vibration or unsightly conditions;*
- (viii) *The resident occupation shall not create a health or safety hazard;*
- (ix) *The resident occupation shall not create any interference with communication transmission or reception in the vicinity;*
- (x) *Only products that are substantially manufactured or fabricated in the dwelling solely by the inhabitants thereof shall be sold as part of the resident occupation. Products not manufactured or fabricated within the dwelling by the inhabitants may only be sold by catalogue sales and may not be stocked for retail sales within the residence. Incidental sales of products directly associated with the resident occupation may be permitted by Council;*
- (xi) *The resident occupation may employ up to 2 full time employees.*

All adjacent neighbours were contacted and no objections were received. The proposed consent use was also advertised as per Clause 6 of the Town Planning Scheme Regulations in the Namib Times on **27 January** and **03 February 2012** and in the Namibian on the **30 January** and **06 February 2012**. No objections were received.

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

RECOMMENDED:

- (a) That the following application for permission to operate an Administrative Office be approved:**
 - *Erf 1152, Kramersdorf (114 Libertine Amadhila Street) - Mr G Brits t/a Messrs XD Information Technology Namibia CC (Administrative Office)*
 - (b) That they register with the Health Services Department and the standard Health Regulations will apply.**
 - (c) That the consent use be subject to the following:**
 - *That Council reserves the right, to cancel a consent use should there be valid complaints.*
 - *That they must operate within the Town Planning Scheme regulations.*
 - *That the consent is not transferable.*
 - *That no on street parking to be provided.*
-

11.1.22 **APPLICATION FOR THE RELAXATION OF BUILDING HEIGHT**

(C/M 2012/04/26 - VS 180)

Ordinary Management Committee Meeting of 12 April 2012,
Addendum 8.12 page 116 refers.

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

Attached application was received from Messrs Deidre de Waal Architects on behalf of their client Mr P van Niekerk for a proposed height relaxation on Erf 180, Vogelstrand.

The applicant is requesting Council's permission to exceed the prescribed height of 8.00m. The new proposed height will be 9.95m. The height of the roof will contribute positively to the appearance of the building. **Attached** drawings illustrate the roof.

Excerpt from Town Planning Amendment Scheme No.12, Clause 5/A /2.3 for convenience.

2.3 Height Control

No dwelling house shall exceed a height of 8 metres.

Provided that:

The Council may relax the maximum height to 10 metres if it is satisfied that no interference with the amenities of the neighbourhood, existing or as contemplated by the Scheme, will result.

The Erf is zoned "Single Residential" and has a height restriction of 8.00m. According to the Town Planning Scheme Regulations, Council may grant a relaxation of the height up to 10.00m, should it feel that it would not adversely affect the aesthetics of the area.

The intended use was further advertised as per Clause 6 (**Notice No. 28/2011-08-19**) and no objections were received. Registered post was also sent to some of the neighbours and no objections were received.

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

RECOMMENDED:

That the application received from Messrs Deidre de Waal Architects on behalf of their client Mr P van Niekerk for the relaxation of height from 8.00m to 10.00m on Erf 180, Vogelstrand be approved.

11.1.23 **PARTIAL OUTSOURCING OF THE START-UP OPERATION - WASTE WATER TREATMENT WORKS AND NEW STAFF REQUIREMENTS FOR SWAKOPMUND WASTE WATER TREATMENT WORKS**

(C/M 2012/04/26 - B 1/1/4)

Ordinary Management Committee Meeting of 12 April 2012,
Addendum 9.1 page 01 refers.

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

Introduction

A Waste Water Treatment Works (WWTW) is in fact a factory, which treats raw sewerage by separating solids from the effluents, maintains a balance of micro-organisms which digest suspended organic matter, filters and chlorinates the remaining effluent for pathogenically safe re-use as irrigation water and treats the resulting sludge to be used as fertiliser. This is to minimise the amount of contaminated waste to be disposed off at landfill sites and to protect ground water resources from contamination through raw or poorly treated sewerage. All processes and the resulting waste or recyclable products must meet certain health and pathogenic standards prescribed by law.

The existing works can no longer achieve acceptable results due to the overload in quantity of inflowing sewerage and the biological loads thereof.

The new works have been designed to meet the current and future needs of our growing town. Although many processes will be automated and mechanised, it is necessary to have a well-trained staff contingent to perform routine tests and maintenance functions and to monitor the automated processes ensuring that the envisaged production standards are met.

Construction work on the new 12ml/d Swakopmund WWTW is planned to be completed by the end of 2012 and commissioning and start-up of this activated sludge plant is envisaged to start early 2013

After various discussions on additional staff required for running the new Waste Water Treatment Works, it was agreed between the various stake holders to partially outsource the initial start-up phase. This will be a combination of moving our existing staff from the old works to the new one and give them in-operations training, while additional staff will be provided on contract basis by the company who installs the mechanical components of the works, Messrs. Aqua Services & Engineering, oversees the automation of certain process and supervises the growing of the micro-organisms required for the treatment processes. It is anticipated that the new works will be ready for operation only in the second half of the next financial year (12/13). Thereafter it will be considered to employ additional staff to replace those provided by the outsourcing exercise. Perhaps some of the trained staff can be taken over.

The **attached** spreadsheet is therefore the budget estimate for running the new plant over a period of six months (See **Annexure**).

Discussion

It takes about 45 days for the mirco-organisms to respond to changes in the settings. Should the aerators stop working for about half an hour the balance of mirco-organisms is already seriously disturbed; after three hours the microbes living on the oxygen enriched suspended particles in the effluent die and it takes again 44 days to re-establish them. During this period only poor quality effluent is produced.

Outsourcing the operation partially offers the opportunity to see, what staff is actually required to run the new works. Messrs. Aqua Services & Engineering has a sister company, **Aqua Utilities Corporation (Pty) Ltd** (AUC). This company is operating the WWTW in Lüderitz. They have readily available trained operators.

For the assessment the future Staff requirement of the absolute minimum number of personnel for operating and supervising the new plant 24h per day for seven days a week (24/7). In accordance with the Machinery Act, it is not allowed to have less than two people on site at any given time therefore the absolute minimum staff contingent required to continuously operate this activated sludge plant, would be as follows:

Staff

- 1 off Plant Manager (PM) to supervise operators and schedule all operation and maintenance - Mr W Schlechter (employed by the Municipality);
- 4 off Teams (for 3 off shifts per day), **each** team consisting of:
 - 1 off Shift operator; supplied by Aqua Utilities
 - 1 off Assistant Shift Operator - must be appoint by the Municipality
- off General Laborers - use of small contractors
- 1 off Laboratory chemist/assistant chemist on a part-time basis (once a week for ca 6 h) to do a weekly analyses of all major performance parameters;
- 1 off Process specialist on a part-time basis only to oversee the biological process. This is a requirement by the Department of Water Affairs and Forestry (DWAF). (Supplied by Aqua Utilities.)

Besides the above operators, certain technicians will be necessary to assist in emergency mechanical and electrical break-downs, if and when required on a call-out basis. These would include:

- Fitter and turner with his assistants (for mechanical equipment, pipe work and valve break-downs);
- Electrician;
- Control and instrumentation technician.

These functions are currently handled by outside contractors to the Municipality and they should also be available to the new plant, once commissioned.

This means that a total of ten (10) newly appointed employees are need to operate the plant at a 24h day operation. To appoint all these employees at once will have a huge financial implication to the Municipality.

We therefore look at a solution and found that the following proposal by **Aqua Utilities Corporation** will have the least financial implications at this stage.

They will supply:

- 1 off Process Engineer for start up. (1 moth only)
- 1 off External Supervisor (Engineer) as required by Ministry of Water Affairs and Forestry (12 months)
- 4 off qualified shift operators for a period. (2-3 Years)

Swakopmund Municipality must supply:

- off shift assistants. (trainees)
- off labourers (will be contract labourers or Small business contractors)

The idea is that these 4 off Shift assistants supplied by the Municipality will be trained to become shift operators that can take over from the outsourced AUC shift operators after they are ready in two to three years time. After this new assistants can be appointed to fill their positions.

Financial Consideration

The tables below will show the proposed different financial implications over a period of 1 year if:

A) Staff include ten municipal employees and two AUC employees.

Item Description	MONTHS	QTY	Rate/month	Amount
<u>Municipal Staff</u>				
Grade II Operators - Shift Operator (B3)	12	4	13,851.45	664,869.60
Trainee/Assistant Shift Operators (A3)	12	4	8,546.18	410,216.64
Labourers (A1)	12	2	5,227.45	125,458.80
			Sub Total:	1,200,545.04
<u>AUC Staff</u>				-
Other - Junior Process engineer, first month	1	1	45,700.00	45,700.00
Process Specialist (Off Site Attendance Included)	12	1	5,500.00	66,000.00

Sub Total: **111,700.00**

Total/year **1,312,245.04**

Please take note post grades for municipal staff is just a guideline and no benefits are included in the salaries

Staff include six AUC employees and four municipal employees

Item Description	MONTHS	QTY	Rate/month	Amount
<u>Municipal staff</u>				
Trainee/Assistant Shift Operators (A3)	12	4	8,546.18	410,216.64
Labourers Small Contractors	12	2	1,700.00	40,800.00
			Sub Total:	451,016.64
<u>AUC Staff</u>				
Grade II Operators - Shift Operator	12	4	10,300.00	494,400.00
Other - Junior Process engineer, first month	1		45,700	45,700.00
Process Specialist (Off Site Attendance Included)	12	1	5,500.00	66,000

Sub Total: **606,100**

Total / year **1,057,116.64**

Please take note post grades for municipal staff is just a guideline and no benefits are included in the salaries.

If proposal B is accepted the financial implications for 2012/13 will be as follows:

Six months only (**January 2013-June 2013**)

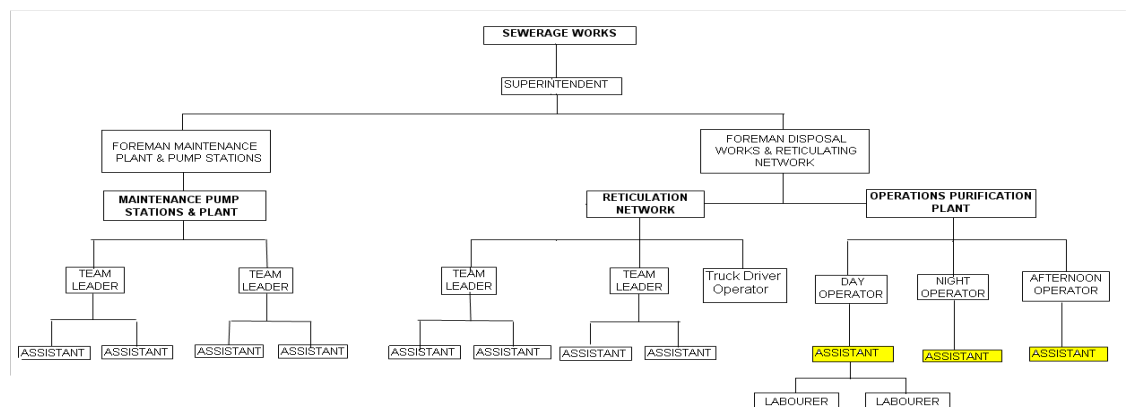
Municipality Swakopmund:

- **4 off assistant shift operators / trainees** **N\$ 205,108.32**
- **2 off labourers (use small contactors)** **N\$ 20.400.00**

Aqua Utilities Corporation (subjected to annual CPI increase in 2013)

- **4 off Grade 2 shift operators** **N\$ 292,200.00**
- **Junior Process Engineer** **N\$ 45,700.00**
- **Process specialist** **N\$ 33,000.00**

TOTAL: N\$ 596.408.32



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

RECOMMENDED:

- (a) That the operation of the new Waste Water Treatment Works be partially outsourced to Messrs Aqua Utility Corporation, a sister company to Messrs Aqua Services & Engineering who installed the mechanical components for the new works and will assist in establishing the initial micro-organism needed for the purification process.**
 - (b) That the following be included in the agreement with Messrs Aqua Utility Corporation:**
 - (i) That the outsourcing period be for six (6) months, i.e. 1 January 2013 to 30 June 2013.*
 - (ii) That the above period includes a transitional period of three (3) months; and*
 - (iii) That a staff need assessment be identified by Messrs Aqua Utility Corporation.*
 - (c) That condonation be obtained from the Tender Board to waive normal tender procedures.**
 - (d) That the estimated amount N\$4 294 162.50 be budgeted for under the 2012 / 2013 Operational Budget.**
 - (e) That the creation of four new position of Assistant Shift Operators / Trainees for the Sewerage Works be approved.**
 - (f) That provision be made in the 2013 / 2014 Operational Budget for the appointment of four Assistant Shift Operators/ Trainees under Sewerage Works General Expenses and that the appointment be done in terms of Council's policy.**
 - (g) That job descriptions be submitted to Management Committee for approval.**
 - (h) That the structure of the Sewerage Works Section be changed accordingly.**
 - (i) That the appointment of staff members in (e) above be subject to review by Management Committee during April 2013.**
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11.1.24 **COUNCIL'S AUDIT & RISK MANAGEMENT COMMITTEE**

(C/M 2012/04/26 - D 10/1)

Ordinary Management Committee Meeting of 12 April 2012,
Addendum 9.8 page 20 refers.

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

Council on **27 October 2011** approved, as per item 11.1.9 amongst others:

(c) *That Council's Audit & Risk Management Committee comprise of a minimum of three (3) members with a maximum of six (6), who are:*

1.	Chairperson of Management Committee	:	Chairperson of Audit Committee
2.	Vice Chairperson of Management Committee	:	Vice Chairperson of Audit Committee
3.	Member of Management Committee		
4.	Member of Management Committee		
5.	Chief Executive Officer		
6.	Designated Representative - Internal Audit	:	Non-voting capacity

At the 1st Audit & Risk Management Committee meeting held **15 March 2012** the committee proposed that the compilation of the committee be changed to be as follows:

The Audit Committee will comprise of a minimum of four (4) members with a maximum of six (6), who are:

1.	Member of Management Committee	:	Chairperson of Audit Committee
2.	Member of Management Committee	:	Vice Chairperson of Audit Committee
3.	Member of Management Committee		
4.	Member of Management Committee		
5.	Chief Executive Officer		
6.	Designated Representative - Internal Audit	:	Non-voting capacity

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

RECOMMENDED:

That Council's Audit & Risk Management Committee be changed to comprise of a minimum of four (4) members with a maximum of six (6), who are as follows:

1.	Member of Management Committee	:	Chairperson of Audit Committee
2.	Member of Management Committee	:	Vice Chairperson of Audit Committee
3.	Member of Management Committee		
4.	Member of Management Committee		
5.	Chief Executive Officer		
6.	Designated Representative-Internal Audit	:	Non-voting capacity

11.1.25 **ALIENATION OF ERVEN 604 AND 605 MONDESA TO THE ANGLICAN CHURCH MONDESA AND IMMANUEL LUTHERAN CHURCH**

(C/M 2012/04/26 - M 604; 605)

Ordinary Management Committee Meeting of 12 April 2012,
Addendum 10.1 page 00 refers.

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

Management Committee on **15 March 2012** among others resolved as follows:

That the progress on the subdivision of Erf 604, Mondesa be noted and that this item be resubmitted to determine the exact sizes of the subdivided portions.

Subsequent to the above resolution, CDS was advised that Council intends to offer the above erven viz. Erf 604 and 605 Mondesa to the two adjacent churches on a proportional base. A sketch (**attached**) was therefore prepared by the Engineering Services Department reflecting the new subdivision of Erf 604 into two portions i.e. 604/1 and 604/2.

Portion 604/1 Mondesa is measuring 1012m² while portion 604/2 Mondesa is 2122 m² in extend. In order to offer the two erven to the two churches on an equal basis, it proposed that the newly created portions 604/1 and Erf 605 with a combined size of 2121m² be offered to Immanuel Lutheran Church while Erf 604/2 measuring 2122m² can be offered to the Anglican Church Mondesa.

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

RECOMMENDED:

- (a) That Council approves the alienation of Erf 605 and portion 604/1 with a combined size of 2121m² to Messrs Immanuel Lutheran Church and portion 604/2 measuring 2122m² to Messrs Anglican Church (Mondesa).
 - (b) That the sale be advertised in terms of Section 63 (2) of the Local Authorities Act, Act 23 of 1992, as amended, for objections.
 - (c) That all costs related to this transaction, including the carrying out of statutory processes, be for the applicant's account.
 - (d) That the purchase price be determined through the Municipal valuers.
-

11.1.26 **SWAKOPMUND WATERFRONT DEVELOPMENT: COMMENCEMENT OF EARTHWORKS**

(C/M 2012/04/26 - G 4/1/1 (10))

Ordinary Management Committee Meeting of 12 April 2012,
Addendum 7.1 page 01 refers.

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

The Developer's representatives paid a visit to the Mayor's office requesting their wish to be considered. The Chief Executive Officer explained the situation of the Aesthetics Committee. The Aesthetics Committee took the stance that once aesthetic approval has been obtained they can start with the earthworks. **Attached** application refers. It was then decided that the Chief Executive Officer submits the matter to the Special Management Committee for consideration.

Comment was requested from:

Corporate Services whether this can be considered in terms of the agreement between Council and Safari Investment Namibia.

Engineering Services: Do they need Council permission, i.e. a kind of approval from the building section to proceed with the earthworks.

Comment received:

- *If the developer has legal possession of the land as rightful owner, he has the right to fill and shape the Erf for any future envisaged development. This however, needs to be done such as to minimise impact on neighbouring erven (dust and noise). They will also need to provide sanitary facilities if the earthworks take more than a few hours.*
- *In the case of the Waterfront Development they also envisage developing on-shore and near-shore. This falls outside the Erf boundary. Special permission is required from Ministry of Fisheries and Marine Resources. They also need to submit an EIA with an assessment by a qualified marine engineer because any earthwork / construction of groins or jetty may impact up-stream / up-current beaches and developments.*
- *The proposed "earthworks" may not include the excavation of foundations, because the latter are dependent on an approved building plan, which is not in place to date.*
- *Ideally they would put up a board "earthworks only" (or place a relevant advertisement), because our offices will be inundated with enquiries on how the Municipality could approve any construction work without the other approval processes having been completed.*

Council further needs to take note that the public scoping exercise is not yet completed and Council stands to be criticised for allowing the developers to start with the earthworks before that process is completed. It was agreed with Safari that once the aesthetic approval is obtained feedback to the public on the design of the building will be given.

The Chief Executive Officer is of the opinion that the developers can start with the earthworks and they can only start with building activities once building plan approval has been obtained. Council also needs to tie down working hours for earthworks and what routes to use for heavy construction vehicles during the construction period.

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

RESOLVED: (For Condonation By Council)

- (a) That the permission granted to Messrs Safari Investments to commence with earthworks only on condition that a sign board be erected informing the public that earthworks only are being carried out and that a management plan be agreed upon which routes and construction times be adhered to during construction of the earthworks, be condoned.**
 - (b) That the permission granted in (a) above shall not prejudice any right of the Council to enforce the Building Regulations and / or the Town Planning Scheme as regards to the proposed Waterfront Development.**
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11.1.27 **OLD AND REDUNDANT ITEMS/EQUIPMENT: ENGINEERING SERVICES DEPARTMENT - WORKS SECTION**

(C/M 2012/04/26 - L 2)

Ordinary Management Committee Meeting of 12 April 2012, Addendum 7.2 page 05 refers.

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

The following old vehicles, equipment and materials have become redundant and thus need to be written off and sold at the next public auction:

Vehicles:

<i>Fleet No.</i>	<i>Reg. No.</i>	<i>Make</i>	<i>Model</i>
<i>S20M</i>	<i>N11807S</i>	<i>M/Benz Water Tanker</i>	<i>2000</i>
<i>S29M</i>	<i>N2698S</i>	<i>Hino Truck</i>	<i>1988</i>
<i>S14M</i>	<i>N3446S</i>	<i>Bomag Road Roller</i>	<i>1980</i>
<i>S178M</i>	<i>N3625S</i>	<i>Massey Furgasson Tractor</i>	<i>1979</i>
<i>S65M</i>	<i>N4022S</i>	<i>Toyota LDV-Wooden Load box</i>	<i>1990</i>
<i>S55M</i>	<i>None</i>	<i>Bomag Drum Roller</i>	<i>None</i>
<i>S79M</i>	<i>None</i>	<i>Walk Behind Mower</i>	<i>None</i>

Materials/Equipment:

<i>Description</i>	
<i>Old Rota-vator</i>	
<i>Old Aluminum irrigation pipes and fittings</i>	
<i>Old and broken shovels, rakes & garden forks</i>	
<i>Assorted tyres & rims:</i>	(a) <i>285/70 R19.5 (truck)</i>
	(b) <i>1100 x 20 (Road Roller)</i>
	(c) <i>750 x R16 (Trailer)</i>

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

RESOLVED: (For Condonation By Council)

- (a) That the writing off and selling of the following old and redundant vehicles, equipment and materials at the next public auction, be condoned:

Vehicles:

<i>Fleet No.</i>	<i>Reg. No.</i>	<i>Make</i>	<i>Model</i>
<i>S20M</i>	<i>N11807S</i>	<i>M/Benz Water Tanker</i>	<i>2000</i>
<i>S29M</i>	<i>N2698S</i>	<i>Hino Truck</i>	<i>1988</i>
<i>S14M</i>	<i>N3446S</i>	<i>Bomag Road Roller</i>	<i>1980</i>
<i>S178M</i>	<i>N3625S</i>	<i>Massey Furgasson Tractor</i>	<i>1979</i>
<i>S65M</i>	<i>N4022S</i>	<i>Toyota LDV-Wooden Load box</i>	<i>1990</i>
<i>S55M</i>	<i>None</i>	<i>Bomag Drum Roller</i>	<i>None</i>
<i>S79M</i>	<i>None</i>	<i>Walk Behind Mower</i>	<i>None</i>

Materials/Equipment:

<i>Description</i>	
<i>Old Rota-vator</i>	
<i>Old Aluminium irrigation pipes and fittings</i>	
<i>Old and broken shovels, rakes & garden forks</i>	
<i>Assorted tyres & rims:</i>	(a) <i>285/70 R19.5 (truck)</i>
	(b) <i>1100 x 20 (Road Roller)</i>
	(c) <i>750 x R16 (Trailer)</i>

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

11.1.31

(C/M 2012/04/26 -)

Ordinary Management Committee Meeting of 12 April 2012,
Addendum 0.0 page 00 refers.

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

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

RESOLVED: (For Condonation by Council)

11.1.32

(C/M 2012/04/26 -)

Ordinary Management Committee Meeting of 12 April 2012,
Addendum **0.0** page **00** refers.

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

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

RESOLVED: (For Condonation by Council)
