

AGENDA

Ordinary Council Meeting

on

THURSDAY





26 JANUARY 2012

at

19:00



MUNICIPALITY OF SWAKOPMUND

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 53 Swakopmund
NAMIBIA
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Ref No A 2/3/5

Enquiries: A Gebhardt

18 January 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 Meduletu Community Hall, Mondesa, Swakopmund on:

THURSDAY, 26 JANUARY 2012 at 19:00,

E U W Demasius
CHIEF EXECUTIVE OFFICER

AG/-

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1. **OPENING**

2. **APPLICATIONS FOR LEAVE OF ABSENCE**

None.

3. **CONFIRMATION OF MINUTES**

(C/M 2012/01/26 - A 2/3/5)

3.1 Minutes of a **Special Ordinary Council Meeting** held on **18 November 2011**.
(pp 169/2011 - 171/2011)

3.2 Minutes of an **Ordinary Council Meeting** held on **24 November 2011**.
(pp 172/2011 - 190/2011)

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 NOVEMBER 2011**

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10. **REPORT TO COUNCIL ON RESOLUTIONS TAKEN BY
MANAGEMENT COMMITTEE DURING NOVEMBER 2011**

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10. (A) Minutes of **Special Management Committee meetings** held on **01, 18, 24, 25 November 2011, 19 January 2012,**
a **Recess Committee meetings** held on **05, 22 December 2011,**
and an **Ordinary Management Committee Meeting** held on
12 January 2012. **5 - 19**

11. **RECOMMENDATIONS OF THE MANAGEMENT COMMITTEE
MEETING HELD IN DECEMBER 2011 AND JANUARY 2012**

11.1 **RECESS COMMITTEE MEETING HELD ON 25 NOVEMBER 2011 AND
22 DECEMBER 2011, AN ORDINARY MANAGEMENT COMMITTEE
MEETING HELD ON 12 JANUARY 2012 AND SPECIAL
MANAGEMENT COMMITTEE MEETING HELD ON 19 JANUARY 2012**

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11.1.10	Objections To The Alienation Of A Portion Of Erf 2827, Swakopmund To Messrs Erf Two Eight Two Seven Swakopmund CC	E 2827	88

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11.1.14	Interim Lease Of Additional 2.2 Ha Land For Telemetry Station: Application By The Ministry Of Works And Transport	G 4/1/1 (12)	113
11.1.15	Alienation Of Erf 3486, Swakopmund To SWAPO Of Namibia	E 3486	128
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10. **REPORT TO COUNCIL ON RESOLUTIONS TAKEN BY PREVIOUS
MANAGEMENT COMMITTEE MEETINGS HELD IN NOVEMBER 2011
AND JANUARY 2012**

10 (A) **MINUTES OF A SPECIAL MANAGEMENT COMMITTEE MEETING
HELD ON 01 NOVEMBER 2011**

5. **DISCUSSION POINTS**

5.1 **PRESENTATION: STACKS PROPERTY THIRTY SEVEN CC**
(S/M/C 2011/11/01 - E 3656, 3777, 444, 773 & 466)

During the discussion of this item the Chairperson of Management Committee welcome the delegation of Messrs Stacks Property Development CC to the meeting and introduced all Councillors and officials present. Representatives of Messrs Stacks Property Development CC presented their proposal to the meeting. After various questions were raised and answered to the satisfaction of Management Committee, it was:-

RESOLVED:

- (a) That the presentation by Messrs Stacks Property Development CC regarding their development plans for various erven belonging to Messrs TransNamib Holdings be noted.
 - (b) That this item be submitted to the next Management Committee meeting for consideration.
-

10 (B) **MINUTES OF A SPECIAL MANAGEMENT COMMITTEE MEETING
HELD ON 18 NOVEMBER 2011**

5. **DISCUSSION POINTS**

5.2 **FEEDBACK OF CLOSED BID: 44 ERVEN IN EXTENSION 8**
(S/M/C 2011/11/18 - H 4/6/8)

RESOLVED:

That the recommendations below be added to the recommendation of the Management Committee of 10 November 2011 under Item 10.7 regarding the Closed Bid Auction of 44 Erven in Extension 8, Mondesa.

5.3 **FEEDBACK REPORT ON THE IMPLEMENTATION OF THE
STRATEGIC PROCESS**
(S/M/C 2011/11/18 - G 3/1/4)

RESOLVED:

That the presentation by the Chief Executive Officer regarding the implementation of the strategic process be noted.

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

6.1 **INVITATION FOR THE ALAN MANAGEMENT COMMITTEE MEMBERS TO ATTEND THE NALAO ANNUAL GENERAL MEETING AND CONFERENCE**

(M/C 2011/11/18 - A 4/3/1/2/1)

RESOLVED:

- (a) That permission be granted to Councillor N N Salomon to attend the NALAO Annual General Meeting and Conference to be held in Rundu from 30 November to 02 December 2011.
- (b) That subsistence, travelling and accommodation expenses be defrayed from Council's Conference Expenses Vote 100510206500 where N\$90 082.17 is available.

10 (C) **MINUTES OF A RECESS COMMITTEE MEETING HELD ON 25 NOVEMBER 2011**

5. **DISCUSSION POINTS**

5.1 **APPLICATION FOR OFFICE SPACE: MESSRS MOONLIGHTING FILMMAKERS NAMIBIA**

(R/C 2011/11/25 - E 989, S)

RESOLVED: (For Condonation By Council)

- (a) That the Main Municipal Office located on Erf 989, Swakopmund be leased to Messrs Moonlighting Filmmakers Namibia, subject to Council's standard lease agreement, and further subject to the following:
 - (i) *A lease amount of N\$71.00 / m² x the floor area of 2 025m², amounting to N\$143 775.00 / month + 15% VAT;*
 - (ii) *That the lease period commences on 1 December 2011 until the date of transfer of the property to Messrs Luxury Investments One Hundred & One (Pty) Ltd; and*
 - (iii) *Upon date of transfer the lease agreement be ceded to Messrs Luxury Investments One Hundred & One (Pty) Ltd.*
 - (b) That written confirmation be obtained from Messrs Luxury Investments One Hundred & One (Pty) Ltd consenting to the proposed lease agreement.
-

10 (D) **MINUTES OF A RECESS COMMITTEE MEETING HELD ON 05 DECEMBER 2011**

5. **DISCUSSION POINTS**

5.1 **APPLICATION FOR OFFICE SPACE: MESSRS MOONLIGHTING FILMMAKERS NAMIBIA**

(R/C 2011/12/05 - E 989, S)

RESOLVED: (For Condonation By Council)

(a) That point (a) (i) of the Recess Committee Meeting held on 25 November 2011 be repealed and replaced with the following:

(i) *a monthly lease amount of N\$120 000.00 + 15% VAT = N\$18 000.00 = N\$138 000.00*

(b) That Messrs Moonlighting Filmmakers Namibia be informed that the lease amount excludes security services, the lease and use of the PABX system, water connection fees, water consumption, refuse removal tariff, the provision of fire extinguishers and a reconnection and use of electricity at Erongo RED.

(c) That Messrs Moonlighting Filmmakers Namibia be exempted from the payment of a deposit equal to one month's rental as was resolved by the Management Committee on 14 April 2011.

10 (E) **MINUTES OF A RECESS COMMITTEE MEETING HELD ON 22 DECEMBER 2011**

5. **DISCUSSION POINTS**

5.1 **TAXI RANK: EVICTION OF MESSRS FRANK'S PROPERTY HOLDINGS 45 CC**

(R/C 2011/12/22 - M 4353)

RESOLVED: (For Condonation By Council)

(a) That note be taken of the successful finalization of the eviction of Messrs Franks Property Holdings CC from Erf 4353, Mondesa, in line with Council's resolution passed on 31 August 2011.

(b) That point (c) of Council's Resolution 11.1.5 passed on 31 August 2011, be repealed:

(c) *That the lease be advertised in terms of Section 63 (2) of the Local Authorities Act, Act 23 of 1992, (as amended) once the eviction is finalised.*

and be replaced with

(c) *That, due to the sensitive circumstances regarding the eviction of the previous lessee of the taxi rank located on Erf 4353, Mondesa which might attract frivolous / facetious objections and delay the commencement of the new lease agreement; approval be applied for from the Minister of Regional, Local Government, Housing and Rural Development in terms of Section 30 (1) (t) of the Local Authorities Act, Act 23 of 1992, as amended; in order to conclude a lease*

agreement with Messrs Ginger Spice Trading CC for a five year period.

10 (F) **MINUTES OF AN ORDINARY MANAGEMENT COMMITTEE MEETING
HELD ON 12 JANUARY 2012**

2. **CONFIRMATION OF MINUTES**
(M/C 2012/01/12 - A 2/3/5)

2.1 **MINUTES OF A SPECIAL MANAGEMENT COMMITTEE MEETING
HELD ON 01 NOVEMBER 2011**

On proposal of Councillor A N Bessinger seconded by Councillor R N Andreas-Noabes it was:-

RESOLVED:

That the Minutes of the Ordinary Management Committee meeting held on 01 November 2011 be confirmed as correct.

2.2 **MINUTES OF AN ORDINARY MANAGEMENT COMMITTEE MEETING
HELD ON 10 NOVEMBER 2011**

On proposal of Councillor A N Bessinger seconded by Councillor R N Andreas-Noabes it was:-

RESOLVED:

That the Minutes of the Special Management Committee meeting held on 10 November 2011 be confirmed as correct.

2.3 **MINUTES OF A SPECIAL MANAGEMENT COMMITTEE MEETING
HELD ON 18 NOVEMBER 2011**

On proposal of Councillor A N Bessinger seconded by Councillor R N Andreas-Noabes it was:-

RESOLVED:

That the Minutes of the Special Management Committee meeting held on 18 November 2011 be confirmed as correct.

2.4 **MINUTES OF A SPECIAL MANAGEMENT COMMITTEE MEETING
HELD ON 18 NOVEMBER 2011**

On proposal of Councillor A N Bessinger seconded by Councillor R N Andreas-Noabes it was:-

RESOLVED:

That the Minutes of the Special Management Committee meeting held on 18 November 2011 be confirmed as correct, subject to the following correction:

2.5 **MINUTES OF A SPECIAL MANAGEMENT COMMITTEE MEETING
HELD ON 24 NOVEMBER 2011**

On proposal of Councillor A N Bessinger seconded by Councillor R N Andreas-Noabes it was:-

RESOLVED:

That the Minutes of the Special Management Committee meeting held on 24 November 2011 be confirmed as correct.

2.6 **MINUTES OF A RECESS COMMITTEE MEETING HELD ON
25 NOVEMBER 2011**

On proposal of Councillor A N Bessinger seconded by Councillor R N Andreas-Noabes it was:-

RESOLVED:

That the Minutes of the Recess Committee meeting held on 25 November 2011 be confirmed as correct.

2.7 **MINUTES OF A RECESS COMMITTEE MEETING HELD ON
05 DECEMBER 2011**

On proposal of Councillor A N Bessinger seconded by Councillor R N Andreas-Noabes it was:-

RESOLVED:

That the Minutes of the Recess Committee meeting held on 05 December 2011 be confirmed as correct.

2.8 **MINUTES OF A RECESS COMMITTEE MEETING HELD ON
22 DECEMBER 2011**

On proposal of Councillor A N Bessinger seconded by Councillor R N Andreas-Noabes it was:-

RESOLVED:

That the Minutes of the Recess Committee meeting held on 22 December 2011 be confirmed as correct.

5. **REPORTS: HEADS OF DEPARTMENTS**

5.2 **COMMUNITY DEVELOPMENT SERVICES**

5.2.1 **PROGRESS REPORT: LOCAL ECONOMIC DEVELOPMENT
STRATEGY**

(M/C 2012/01/12 - A 2/3/15)

During the discussion of this report Councillor A N Bessinger, requested that progress report regarding the implementation of the Local Economic Strategy be included in the monthly report. It was:-

RESOLVED:

That the General Manager: Community Development Services ensures that progress report regarding the implementation of the Local Economic Strategy is included in the monthly report.

5.2.2 **NAMIBIAN POLICE VEHICLE DRIVEN WITHOUT REGISTRATION NUMBER**

(M/C 2012/01/12 - A 1/3/20)

During the discussion of this report Councillor P V Steinkopff informed the meeting that a certain Namibian Police vehicle is being driven without a registration number and pointed out that the matter was brought to the attention of the Municipal Traffic Section but action has not been taken yet. The Manager: Traffic Services informed the meeting that the matter was discussed with the Station Commander but the Municipal Traffic was then accused of interfering with police operations. It was:-

RESOLVED:

That the Chief Executive Officer writes a letter to the Namibian Police regarding their vehicle which is being driven without a registration number and report back to Management Committee meeting.

5.4 **ENGINEERING SERVICES**

5.4.1 **CAPITAL PROJECTS**

(M/C 2012/01/12 - D 2/1)

During the discussion of this report Councillor A N Bessinger requested the Acting General Manager: Engineering Services to attend to the following:

- (i) *Include the Road Tarring Master Plan in the monthly report.*
- (ii) *Submit progress report on the sewerage blockages in Mondesa.*
- (iii) *Submit progress report on the new Sewerage Works Plant.*

It was:-

RESOLVED:

That the Acting General Manager: Engineering Services attend to the following:

- (i) *Include the Road Tarring Master Plan in the monthly report.*
- (ii) *Submit progress report on the sewerage blockages in Mondesa.*
- (iii) *Submit progress report on the new Sewerage Works Plant.*

5.5 **FINANCE**

5.5.1 **TOTAL EXPENDITURE**

(M/C 2012/01/12 - D 7/3/2/1)

RESOLVED:

That the total expenditure of N\$35 465 333.39 and N\$24 149 639.09 for the period 01-30 November and 01-31 December 2011 respectively be accepted and approved as correct.

5.6 **HEALTH SERVICES**

5.6.1 **ENVIRONMENTAL IMPACT ASSESSMENT**

(M/C 2012/01/12 - G 1/1)

During the discussion of this report Councillor F Hamukwaya expressed concern with the fact that Environmental Impact Assessment report is not considered when building plans are being considered, in terms of the Environment Act. It was:-

RESOLVED:

That the General Manager: Health Services submits the Environment Act to the next Management Committee meeting.

5.7 **TENDER BOARD**

5.7.1 **CHECKLIST FOR TENDER BOARD**

(M/C 2012/01/12 - D 16/2)

RESOLVED:

That the Chief Executive Officer ensures that a checklist be included in the tender document to ensure that prospective tenderers include all the required documents.

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

7.1 **FEEDBACK REGARDING THE APPLICATION BY MESSRS THE TWO THOUSAND AND TEN PROPERTY INVESTMENTS CC TO PURCHASE ERF 4351, MONDESA**

(M/C 2012/01/12 - M 4351)

RESOLVED:

That Messrs The Two Thousand and Ten Property Investments CC be given 14 days from the date of this resolution to accept / decline Council's resolution of 31 August 2011, failure to respond will result in the cancellation of the transaction.

7.2 **TRANSFER OF ERF 4326 (A PORTION OF ERF 63, MONDESA), MONDESA IN THE NAME OF MESSRS MONDESA PROPERTY INVESTMENT CC**

(M/C 2012/01/12 - M 4326)

During the discussion of this item the General Manager: Corporate Services and Human Resources reported that Mr J Kambueshe of Messrs Mondesa Property Investment CC visited his office on 11 January 2012 and stated that the required guarantee will be provided by Messrs Government Institution Pension Fund before 06 February 2012. It was:-

RESOLVED:

- (a) **That the report by the General Manager: Corporate Services and Human Resources regarding the visit of Mr J Kambueshe of Messrs Mondesa Property Investment CC and that he**

offered to provided the required guarantee before 06 February 2012 be noted.

- (b) That, in future, such communication between officials and the developer be confirmed in writing by the developer for record purposes.
- (c) That it be noted that Messrs Mondesa Property Investment CC has not paid / secure the purchase price for the sale of Erf 4326, Mondesa.
- (d) That the General Manager: Corporate Services and Human Resources report back to the next Management Committee regarding progress made on the matter.

7.3 **APPLICATION BY MR S T KATHINDI TO PURCHASE BLOCK 9**

(M/C 2012/01/12 - G 3/9; G 3/9/9 & G 4/1/1)

RESOLVED:

- (a) That a separate submission regarding the proposed lay-out for Block 9 be tabled to the next Management Committee meeting.
- (b) That the Management Committee remains with its' decision of 16 June 2011, i.e.:

That this item be kept in abeyance until Council approves the amended Property Policy, including provision for the sale of blocks of land.

7.4 **APPLICATION TO LEASE A SITE FOR THE PURPOSE OF COLLECTING AND RECYCLING OF EMPTY BOTTLES**

(M/C 2012/01/12 - H 5, G 4/1/1 (14))

RESOLVED:

That the General Manager: Health Services considers the allocation of applicants for recycling ventures at the landfill site and report back to the next Management Committee meeting.

7.6 **WATER TARIFF FOR THE SMALLHOLDINGS**

(M/C 2012/01/12 - D 2/1 & G 2)

RESOLVED:

That this item be referred back for further investigation and that it be resubmitted to the next Management Committee Meeting.

7.7 **PROVISION OF WATER TOKENS TO DRC RESIDENTS**

(M/C 2012/01/12 - H 5/4)

RESOLVED:

- (a) That permission be granted to the residents of the DRC Informal Settlement (including illegal tenants) to purchase water tokens from the Municipality to allow them to access water at the settlement.

- (b) That illegal tenants be advised that purchasing of water tokens does not automatically give them the right to use the erven they illegal occupy at the DRC Informal Settlement.
-

7.8 **BUILD TOGETHER APPLICATION - BUSINESS STALLS ON ERF 632 MONDESA**

(M/C 2012/01/12 - M 632)

RESOLVED:

- (a) That this item be referred back and that the General Manager: Community Development Services submits the list of applicants which was recently compiled and approved by the Decentralized Build Together Committee, to the next Management Committee meeting for consideration.
- (b) That the allocation of Build Together erven to beneficiaries only be considered after Council has approved the list in (a) above.
-

7.9 **BUILD TOGETHER APPLICANTS WHO REPORTED AFTER THE DEADLINE**

(M/C 2012/01/12 - H 5/3)

RESOLVED:

- (a) That this item be referred back and that the General Manager: Community Development Services submits the list of applicants which was recently compiled and approved by the Decentralized Build Together Committee, to the next Management Committee meeting for consideration.
- (b) That the allocation of Build Together erven to beneficiaries only be considered after Council has approved the list in (a) above.
-

7.10 **INVITATION FOR DEVELOPMENT PROPOSALS FOR ERF 605, MONDESA**

(M/C 2012/01/12 - M 605)

RESOLVED:

That this item be kept in abeyance pending the submission of a progress report by the General Manager: Corporate Services and Human Resources regarding the subdivision of Erf 604, Mondesa; whereafter the General Manager: Community Development Services resubmits the proposed invitation for development proposals for Erf 605 to the Management Committee for consideration.

- 7.11 **BUSINESS DEVELOPMENT PROPOSALS FOR ERVEN AT THE PDA MONDESA**
(M/C 2012/01/12 - H 5/2)

RESOLVED:

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

8. **POLICY MATTERS**

- 8.1 **REQUEST FOR PERMISSION TO RENT LAND ADJACENT TO THE WASTE LANDFILL SITE**
(M/C 2012/01/12 - G 4/1/1)

RESOLVED:

That this item be referred back for further investigations and that it be resubmitted to the next Management Committee meeting.

- 8.6 **APPLICATION TO OPERATE A SHEBEEN IN THE DRC**
(M/C 2012/01/12 - H 5/4/1)

RESOLVED:

That this item be referred back pending the closure of all illegal shebeens in the DRC Informal Settlement.

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

- 10.1 **OBJECTIONS TO THE ALIENATION OF A PORTION OF ERF 2827, SWAKOPMUND TO MESSRS ERF TWO EIGHT TWO SEVEN SWAKOPMUND CC**
(M/C 2012/01/12 - E 2827, S)

During the discussion of this item the Chairperson pointed out that the Supplementary Agenda was received three (3) days before the meeting and more time is required to study the items submitted. He directed that a Special Management Committee meeting be arranged for 19 January 2012 at 18:00 to attend to the Supplementary Agenda. It was:-

RESOLVED:

That this item be referred back and that it be resubmitted to the Special Management Committee to be held on 19 January 2012 at 18:00.

10.2 **INTERIM VALUATION COURT 2012**
(M/C 2012/01/12 - D22)

During the discussion of this item the Chairperson pointed out that the Supplementary Agenda was received three (3) days before the meeting and more time is required to study the items submitted. He directed that a Special Management Committee meeting be arranged for 19 January 2012 at 18:00 to attend to the Supplementary Agenda. It was:-

RESOLVED:

That this item be referred back and that it be resubmitted to the Special Management Committee to be held on 19 January 2012 at 18:00.

10.3 **MESSRS NAMIBIA OYSTERS (PTY) LTD: APPLICATION FOR TOWNSHIP ESTABLISHMENT ON PORTION 96, SWAKOPMUND**
(M/C 2012/01/12 - G 4/1/1 (7))

During the discussion of this item the Chairperson pointed out that the Supplementary Agenda was received three (3) days before the meeting and more time is required to study the items submitted. He directed that a Special Management Committee meeting be arranged for 19 January 2012 at 18:00 to attend to the Supplementary Agenda. It was:-

RESOLVED:

That this item be referred back and that it be resubmitted to the Special Management Committee to be held on 19 January 2012 at 18:00.

10.4 **LEASE OF LAWN AREA IN FRONT OF HOUSE ALTONA UNIT 9 B**
(M/C 2012/01/12 - N 8/11, E 5376)

During the discussion of this item the Chairperson pointed out that the Supplementary Agenda was received three (3) days before the meeting and more time is required to study the items submitted. He directed that a Special Management Committee meeting be arranged for 19 January 2012 at 18:00 to attend to the Supplementary Agenda. It was:-

RESOLVED:

That this item be referred back and that it be resubmitted to the Special Management Committee to be held on 19 January 2012 at 18:00.

10.5 **INTERIM LEASE OF ADDITIONAL 2.2 HA LAND FOR TELEMETRY STATION: APPLICATION BY THE MINISTRY OF WORKS AND TRANSPORT**
(M/C 2012/01/12 - G 4/1/1 (12))

During the discussion of this item the Chairperson pointed out that the Supplementary Agenda was received three (3) days before the meeting and more time is required to study the items submitted. He directed that a Special Management Committee meeting be arranged for 19 January 2012 at 18:00 to attend to the Supplementary Agenda. It was:-

RESOLVED:

That this item be referred back and that it be resubmitted to the Special Management Committee to be held on 19 January 2012 at 18:00.

-
- 10.6 **ALIENATION OF ERF 3486, SWAKOPMUND TO SWAPO OF NAMIBIA**
(M/C 2012/01/12 - E3486)

During the discussion of this item the Chairperson pointed out that the Supplementary Agenda was received three (3) days before the meeting and more time is required to study the items submitted. He directed that a Special Management Committee meeting be arranged for 19 January 2012 at 18:00 to attend to the Supplementary Agenda. It was:-

RESOLVED:

That this item be referred back and that it be resubmitted to the Special Management Committee to be held on 19 January 2012 at 18:00.

-
- 10.7 **APPLICATION FOR CHANGE OF NAME FROM SEVENTH-DAY ADVENTIST CHURCH TO SEDCOM NAMIBIA**
(M/C 2012/01/12 - E 2709, H 1/10/1)

During the discussion of this item the Chairperson pointed out that the Supplementary Agenda was received three (3) days before the meeting and more time is required to study the items submitted. He directed that a Special Management Committee meeting be arranged for 19 January 2012 at 18:00 to attend to the Supplementary Agenda. It was:-

RESOLVED:

That this item be referred back and that it be resubmitted to the Special Management Committee to be held on 19 January 2012 at 18:00.

-
- 10.8 **PURCHASE OF PORTIONS L AND M OF THE REMAINDER OF ERF 138, MONDESA (MR N RAMAKHUTLA)**
(M/C 2012/01/12 - M 138)

During the discussion of this item the Chairperson pointed out that the Supplementary Agenda was received three (3) days before the meeting and more time is required to study the items submitted. He directed that a Special Management Committee meeting be arranged for 19 January 2012 at 18:00 to attend to the Supplementary Agenda. It was:-

RESOLVED:

That this item be referred back and that it be resubmitted to the Special Management Committee to be held on 19 January 2012 at 18:00.

10.9 **DRAFT FIRST ADDENDUM TO THE DEED OF SALE:
CONSOLIDATED INTO ERF 673, TAMARISKIA - MESSRS EDDY
ANGULA TRUST**
(M/C 2012/01/12 - T 673)

During the discussion of this item the Chairperson pointed out that the Supplementary Agenda was received three (3) days before the meeting and more time is required to study the items submitted. He directed that a Special Management Committee meeting be arranged for 19 January 2012 at 18:00 to attend to the Supplementary Agenda. It was:-

RESOLVED:

That this item be referred back and that it be resubmitted to the Special Management Committee to be held on 19 January 2012 at 18:00.

10.10 **DETERMINATION OF SELLING PRICES FOR RESIDENTIAL ERVEN
AT EXTENSION 8 MONDESA (PDA), AS WELL AS THE METHOD OF
SALE**
(M/C 2012/01/12 - H 5/7)

During the discussion of this item the Chairperson pointed out that the Supplementary Agenda was received three (3) days before the meeting and more time is required to study the items submitted. He directed that a Special Management Committee meeting be arranged for 19 January 2012 at 18:00 to attend to the Supplementary Agenda. It was:-

RESOLVED:

That this item be referred back and that it be resubmitted to the Special Management Committee to be held on 19 January 2012 at 18:00.

10.11 **ERONGO REGIONAL YOUTH FORUM: REQUEST TO RECALL THE
SALE OF ERVEN IN MONDESA**
(M/C 2012/01/12 - A 3/4; A 2/3/2/1; A 2/3/1/4; A 3/3/1; H 4/6/8)

During the discussion of this item the Chairperson pointed out that the Supplementary Agenda was received three (3) days before the meeting and more time is required to study the items submitted. He directed that a Special Management Committee meeting be arranged for 19 January 2012 at 18:00 to attend to the Supplementary Agenda. It was:-

RESOLVED:

That this item be referred back and that it be resubmitted to the Special Management Committee to be held on 19 January 2012 at 18:00.

10.12 **FINALIZATION OF LAY-OUTS - SWAKOPMUND'S NORTHERN AREAS**
(M/C 2012/01/12 - G 3/3/5)

RESOLVED:

- (a) That Council grants approval to the Town Planner, Mr A van der Westhuizen to visit Windhoek from 16 January 2012 to 20 January 2012 to finalise the proposal for the northern development plan.
- (b) That the costs of N\$4 700.00 for Subsistence and Travelling be defrayed from Conference Expense Vote: 103010206500 where N\$4 700.00 is available.

10.14 **PRESENTATION: ADVENTURE TRAVEL WORLD SUMMIT**
(M/C 2012/01/12 - D 5)

During the discussion of this item Mr S Shikongo the Director of Tourism in the Ministry of Environment and Tourism briefed the Management Committee regarding Namibia's bid to host the Adventure Travel World Summit in 2013. He outlined the long term benefits to be accrued from the hosting of the summit and the maximum publicity which will boost tourism in Namibia. He indicated that the proposed venue for the summit is the New Indoor Sports Centre and Facilities to be constructed on Erf 5371. It was:-

RESOLVED:

- (a) That the presentation by Mr S Shikongo the Director of Tourism in the Ministry of Environment and Tourism be noted.
- (b) That that Chief Executive Officer and all General Managers be part of the Local Adventure Travel World Summit Preparatory Team / Committee.

10 (H) **MINUTES OF A SPECIAL MANAGEMENT COMMITTEE MEETING HELD ON 19 JANUARY 2012**

5. **DISCUSSION POINTS**

5.1 **DEVELOPMENT PROPOSALS FOR THE MULTIPURPOSE CENTRE**
(S/M/C 2012/01/19 - M 630)

RESOLVED:

That the Chief Executive Officer obtains costs from the respective architects to construct carton models of Proposal A and Proposal B and report back to the Chairperson of the Management Committee.

5.3 **OBJECTIONS TO THE ALIENATION OF A PORTION OF ERF 2827, SWAKOPMUND TO MESSRS ERF TWO EIGHT TWO SEVEN SWAKOPMUND CC**
(S/M/C 2012/01/19 - E 2827, S)

During the discussion of this item Councillor J Kambueshe declared his interest in the matter and recused himself from the discussion. It was:-

RESOLVED:

That the interest declared by Councillor J Kambueshe and the fact that he left the chambers during the discussion be noted.

5.5 **MESSRS NAMIBIA OYSTERS (PTY) LTD: APPLICATION FOR TOWNSHIP ESTABLISHMENT ON PORTION 96, SWAKOPMUND**
(S/M/C 2012/01/19 - G 4/1/1 (7))

During discussion of this item, Mr N Endjala introduced his delegation. The delegation briefed Management Committee on the background of acquiring the land, the change of membership of the entity and the challenges they have experienced in their endeavours to make a success of the aqua/mari-culture project. In conclusion, they have stated their future intentions. After various questions were raised and answered to the satisfaction of Management Committee, it was -

RESOLVED:

That the Management Committee will consider the merits of the application and will inform the Chief Executive Officer of its decision in due course.

5.10 **PURCHASE OF PORTIONS L AND M OF THE REMAINDER OF ERF 138, MONDESA (MR N RAMAKHUTLA)**
(S/M/C 2012/01/19 - M 138)

RESOLVED:

That Mr N Ramakhutla be given 14 days from the date of this resolution to accept / decline Council's offer, failure to respond; or should he decline will result in the cancellation of Council's offer to sell portions L and M to him and that these be added to the remaining portions for sale by closed bid to the public.

5.13 **ERONGO REGIONAL YOUTH FORUM: REQUEST TO RECALL THE SALE OF ERVEN IN MONDESA**
(S/M/C 2012/01/19 - A 3/4; A 2/3/2/1; A 2/3/1/4; A 3/3/1; H 4/6/8)

RESOLVED:

That the Management Committee will inform the Chief Executive Officer regarding the date of the meeting between Council and the Erongo Regional Youth Forum.

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

6.1 **PUBLIC ABLUTION FACILITIES UNDER THE MUNICIPAL SWIMMING POOL COMPLEX**
(S/M/C 2012/01/19 - E 1/6, E 4747)

RESOLVED:

- (a) That the services of the contract staff be terminated since they are not longer required.**
 - (b) That the arrangements as were approved by Council on 24 November 2011 be implemented during Easter and Festive Season periods.**
-

11. **RECOMMENDATIONS BY THE MANAGEMENT COMMITTEE**
- 11.1 **ORDINARY MANAGEMENT COMMITTEE MEETINGS HELD ON 12 JANUARY 2012**
- 11.1.1 **APPLICATION TO LEASE A SITE FOR THE PURPOSE OF COLLECTING AND RECYCLING OF EMPTY BOTTLES**
(C/M 2012/01/26 - H 5, G 4/1/1 (14))

Ordinary Management Committee Meeting of 12 January 2012, Addendum 7.4 page 22 refers.

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

1 Brief Background

- 1.1 Item 8.14 was submitted to the Management Committee on **10 November 2011** and the following resolution was passed:

That this item be referred back and be resubmitted to the next Management Committee meeting.

- 1.2 Ms V Haoses of LRV Waste Management & Cleaning Project was contacted on **21 December 2011** by Mr M Kalondo of the Corporate Services Department and she confirmed that Imperial Cargo Trucks will be collecting the bags with crushed bottles (glass) from the site for exportation to South Africa.
- 1.3 It should be kept in mind that the area proposed for lease to Ms V Haoses as per **Annexure “B”** is only accessible through the residential area (Meduletu) via an already busy Mandume Ya Ndemufayo Street and this can cause hazards / dangers for pedestrians and motorists alike.

1.4 Application for an Area at the Rubbish Dump

Messrs LRV Waste Management & Cleaning Project applied for an area at the rubbish dump, but as per Council's resolution passed on **31 July 2008**, quoted below the rubbish dump is already managed by Messrs Envirofill:

- (a) *That the Service Agreement and related documents as recommended and submitted by Council's legal advisors be accepted.*
- (b) *That the services of Messrs EnviroFill be sourced for the purposes of rehabilitation and management of the site as approved by Council and subject to the signing of the Management Agreement.*
- (c) *That the project be funded from Vote 301031605000, Creation of New Refuse Plant, where an amount of N\$2 500 000.00 is available.*

Council furthermore on **24 August 2009** passed the following resolution:

That Council gives consent in terms of Clause 9.12 of the Agreement of Lease between Council and Messrs Sea Gull's Cry CC to Messrs Sea Gull's Cry CC, to sublet the Campsite situated on Area 2 and that in future no subletting of Council's leased property be allowed.

2. **Proposal**

It is proposed that Messrs LRV Waste Management & Cleaning Project be informed of the following:

- *that their application for the lease of an area at the rubbish dump cannot be considered as the area is already being managed by Messrs Envirofill;*
- *that they cannot be allocated at the current informal brick makers' area due to the possible hazards / dangers of having a heavy load vehicle travelling through the residential area of Meduletu to collect the bags of crushed glass from the current brick makers area; and*
- *they be advised to participate in the public auction for industrial land once the newly created industrial area is serviced.*

3. **Quoted is the Submission which was tabled to the Management Committee of 10 November 2011 (for ease of reference)**

3.1 **Application**

Attached, a letter received on 20 September 2011 from Ms V Haoses, the Executive Director of LRV Waste Management & Cleaning Project, requesting to lease a site for the purpose of collecting, recycling and crushing of empty bottles, whereafter it will be packed and exported to South Africa. (**Annexure "A"**)

The project is believed to have a significant contribution in the urban and national economy as it falls within the small and medium enterprises (SME) which provides employment and income to residents of the town.

3.2 **Land Applied for**

Although the applicant applies for an open space or an area at the rubbish dump, Council currently has 3 vacant 1 000m² sites available at the informal brick making area, map **attached** as **Annexure "B"** (sites "E", "F" & "H").

With reference to the allocation of the vacant sites for brick making activities, the Management Committee passed the following resolution on **11 February 2010**, under item 8.5.

That, in future, applications for brick making at the informal brick making area not be considered by the Management Committee and that such applications not be submitted to the Management Committee.

On **16 June 2011** the Management Committee again considered applications for brick making activities for allocation at the said area, and passed the following resolution:

(b) That any new allocation only be considered when current lease agreements are terminated.

3.3 **Proposal**

It is proposed to offer **Messrs LRV Waste Management & Cleaning Project** one of the vacant sites measuring 1 000m² at the informal brick making area at a monthly rental amount of N\$0.24/m² as per 2011/2012 financial year plus 15% VAT, with an annual escalation in July; on the

same conditions as the existing lease agreement of the current lessees of the sites.

It is therefore:-

RECOMMENDED:

- (a) *That one of the vacant sites measuring 1 000m² at the informal brick making area be offered to Messrs LRV Waste Management & Cleaning Project for their glass recycling project on the same conditions as contained in the existing lease agreement of the current lessees at the site.*
- (b) *That the lease period be for one (1) year in order to access the commitment of the entrepreneur and the viability of the project; whereafter a renewal for a five year period be considered.*
- (c) *That the following conditions be applicable:*
 - (i) *A rental amount of N\$0.24/m² as per 2011/2012 financial year plus 15% VAT, with an annual 10% escalation in July;*
 - (ii) *That a deposit equal to one month's rental be paid by the lessee in advance;*
 - (iii) *That the lease is terminable by either party giving or receiving three (3) months notice;*
 - (iv) *That Council reserves the right to consider the cancellation of the lease if valid objections from the public are received; and*
 - (v) *That the lessee shall indemnify and keep Council indemnified during the full period of this agreement against possible claims, which may arise from the use of the leased area.*

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

RECOMMENDED:

- (a) **That Messrs LRV Waste Management & Cleaning Project be informed of the following:**
 - *that their application for the lease of an area at the rubbish dump cannot be considered as the area is already being managed by Messrs Envirofill; and*
 - *that they cannot be allocated at the current informal brick makers' area (located between the railway line and Mondesa) due to the possible hazards / dangers of having a heavy load vehicle travelling through the residential area of Meduletu to collect the bags of crushed glass from the current brick makers area; and*
 - (b) **That Messrs LRV Waste Management & Cleaning Project be advised to participate in the public auction for industrial land once the newly created industrial area is serviced.**
-

11.1.2 **NEW INDOOR SPORTS CENTRE AND FACILITIES ON ERF 5371 (A PORTION OF ERF 2811), SWAKOPMUND**

(C/M 2012/01/26 - E 5371)

Ordinary Management Committee Meeting of 12 January 2012,
Addendum 7.5 page 27 refers.

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

Application is made for the construction of a Sport Centre for the use of Sport Activities and related business activities on Erf 5371.

The property is zoned “*Special*” for the purpose of Recreational activities. The use of the property was approved by Council in **March 2009**.

Council on **31 March 2009**, under Item 11.1.12 (b) resolved as follows:

- (a) *That the closure of Erf 2811, Swakopmund, Extension 1 as a public open space be approved.*
- (b) *That subdivision of Erf 2811, Swakopmund, Extension 1 into portions A, B, C, D, E, F and Remainder be approved.*
- (c) *That the rezoning of the 7 portions Swakopmund, Extension 1 to various zonings be approved.*
- (d) *That the zoning of Portion F be “Special”.*

According to the submission (as resolved above) and the inclusion of the use of the property in the new Town Planning Amendment Scheme No. 35 the “Special” use is defined for “Recreational” purposes. No definition exists in the current Scheme No. 12 or proposed Scheme No. 35 that clearly defines recreation activities. It can thus be argued that the specified use in the proposed Scheme No. 35 and the intentions of the applicant are aligned. It is the opinion that sports activities and related business uses can be accommodated under recreational use.

Intention of Applicant

It is the intention of the applicant to construct an Indoor Sport Facility that will be the first of its kind in Namibia. The proposed facility will be of such Nature that it will comply with international standards in terms of sports codes for the hosting of certain events.

It is envisaged that the facility will host and accommodate various international and National sports such as archery, aikido, badminton, basketball, bowls, boxing, cricket, fencing, gymnastics, handball, inline hockey, judo, karate, etc. The facility will not only be used for sporting facilities and can also be used for other leisure activities such as concerts, conventions, exhibitions, therapists, etc.

The facility will comprise of an “*Innovative Hall System*” that consists of units of a uniform system which be supplied and constructed by the “*Modular Group*”. The structure will be a 65m wide x 100m long and 21m high galvanized steel and PE/PVC fabric structure, completely watertight and windproof. The loading is designed to static calculations based on the European Standards. No height restriction is given in terms of the special zoning meaning that Council has the right to approve or decline the proposal.

For the Sports Centre to be self sustainable it needs to have a business component linked to its main use. This part of the development will consist of 4 levels with a height of 16m and accommodate a number of related uses to support the economic self sufficiency of the project.

The proposed facility will effectively promote various sports codes within the country and be beneficial for all sectors of the community within Swakopmund. The Sports Centre will put Namibia on the map with a facility not matched in Southern Africa and will have the potential to host international sporting events never seen here before.

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

RECOMMENDED:

- (a) That Council approves the request to construct the proposed Sport Centre on Erf 5371, Swakopmund.**
 - (b) That Messrs Swakopmund Indoor Sport Trust be informed to comply with the rules and regulations of the Municipality of Swakopmund.**
 - (c) That a complete set of plans be submitted to the Engineering Services Department for approval prior to construction.**
 - (d) That Messrs Swakopmund Indoor Sport Trust be informed to submit its’ building plans to the Aesthetics Committee for approval as the development will be in excess of 800m².**
-

11.1.3 **REGISTRATION OF A HOME SHOP**
(C/M 2012/01/26 - M 1738)

Ordinary Management Committee Meeting of 12 January 2012,
Addendum 8.2 page 04 refers.

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

Attached application was received for the registration of a Home Shop in terms of the Town Planning Regulations and Council's Shebeen and Home Shop Policy:

- *Messrs Boitumhelo (Happiness) represented by Ms A Nehoya - Erf 1738 Mondesa (Notice No. 51/2011-12-02)*

The erf is zoned "*Single Residential*" and a Home Shop will be operated from the premises. In order to establish a Home Shop, the applicant must also obtain permission from his/her neighbours and advertise as per Clause 6 of the Town Planning Regulations for any objections/comments. The building must also conform to the Health and Building Regulations.

Excerpt of Clause 8.21 from the Town Planning Amendment Scheme No.12 for convenience.

8.21 HOME BASED GENERAL DEALERS

- (a) *Council may, subject to the provisions of Clause 6.2 of this Scheme (advertisements for consent use), allow the operation of shebeens or home based general dealers in the following special demarcated areas: to the east of Rakotoka Street, to the north of Winter Street and to the west of the railway reserve.*

The intended use was advertised as per Clause 6 (**Notice No. 51/2011-12-02**) and the comments of all the neighbours were obtained, no objections were received.

The Health Services Department inspected the premises and the report dated **03 November 2011** is **attached**.

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

RECOMMENDED:

That the application of Messrs Boitumhelo (Happiness) to operate a Home Shop on Erf 1738, Mondesa be approved, and the consent use be subject to the following:

- (i) *That Council reserves the right, to cancel a consent use should there be any valid complaints.*
 - (ii) *That they must operate within the Town Planning Scheme Regulations, Health Regulations and Shebeen & Home Shop policy.*
 - (iii) *That no alcohol will be sold.*
 - (iv) *That the consent is not transferable should the property be sold.*
-

11.1.4 **APPLICATION FOR PERMISSION TO OPERATE A PUBLIC GARAGE**
(C/M 2012/01/26 - E 3952)

Ordinary Management Committee Meeting of 12 January 2012,
Addendum 8.3 page 12 refers.

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

Attached application has been received for the registration of a public garage in terms of the Town Planning Regulations:

- *Erf 3952, Swakopmund Unit 8 (Einstein Street) - Ms F E Horn t/a Messrs Callie's Auto & Truck*
(Notice No. 51/2011-12-02)

The property is zoned "*General Industrial*" and according to the Town Planning Scheme Regulations, with special consent from Council a public garage may be allowed.

Insert from the Town Planning Amendment Scheme No.12:

"PUBLIC GARAGE" means a business or concern where motor vehicles are provided with fuel for payment or reward and includes trading in motor vehicles, oil, tyres or motor spares, the repair or overhauling of motor vehicles, a restaurant or café, spray painting panel beating, black smithery or body work.

All adjacent neighbours were contacted and no one objected. The proposed consent use was also advertised as per Clause 6 of the Town Planning Scheme Regulations (**Notice No. 51/2011-12-02**) and no objections were received.

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

RECOMMENDED:

(a) That the following application for permission to operate a public garage on Erf 3952 unit 8 be approved:

- *Erf 3952, Swakopmund Unit 8 (Einstein Street) - Ms F E Horn t/a Messrs Callie's Auto & Truck*
(Notice No. 51/2011-12-02)

(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:

- (i) *That Council reserves the right, to cancel a consent use should there be valid complaints.*
 - (ii) *That they must operate within the Town Planning Scheme regulations.*
 - (iii) *That the consent is not transferable.*
-

11.1.5 **APPLICATION FOR PERMISSION TO OPERATE A MEDCARE - DAY CLINIC**

(C/M 2012/01/26 - E 514)

Ordinary Management Committee Meeting of 12 January 2012,
Addendum 8.4 page 20 refers.

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

Attached application was received for the registration of a Medcare - Day Clinic in terms of the Town Planning Regulations:

- *Erf 514, Swakopmund (48 Daniel Tjongarero Avenue) - Binvin Investments One Hundred And Sixty Nine Propriet Ltd t/a Messrs Medcare - Day Clinic (Notice No. 51/2011-12-02)*

The owner of the above-mentioned erf has requested Council for permission to operate a day clinic on the property. The property is zoned "General Business" and according to the Town Planning Scheme Regulations, with special consent of Council an institutional building may be allowed.

Insert from the Town Planning Amendment Scheme No.12:

"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 of mentally disordered persons, or*
- (c) a mental hospital.*

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 (**Notice No. 51/2011-12-02**) and no objections were received.

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

RECOMMENDED:

(a) That the following application for permission to operate a Medcare - Day Clinic be approved:

- *Erf 514, Swakopmund (48 Daniel Tjongarero Avenue) - Binvin Investments One Hundred And Sixty Nine Propriet Ltd t/a Messrs Medcare - Day Clinic (Notice No. 51/2011-12-02)*

(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:

- (i) That Council reserves the right, to cancel a consent use should there be valid complaints.*
 - (ii) That they must operate within the Town Planning Scheme regulations.*
 - (iii) That the consent is not transferable.*
-

11.1.6 **APPLICATION FOR PERMISSION TO OPERATE A RESIDENT
OCCUPATION (ADMINISTRATIVE OFFICE)**
(C/M 2012/01/26 - M 988)

Ordinary Management Committee Meeting of 12 January 2012,
Addendum 8.5 page 28 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 988, Mondesa - Mr T Kairua t/a Messrs Mokasie Investments cc (Administrative Office)*
(Notice No. 51/2011-12-02)

The owner of the above-mentioned erf has requested Council for permission to operate an administrative office on his 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 (**Notice No. 51/2011-12-02**) and 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 988, Mondesa - Mr T Kairua t/a Messrs Mokasie Investments cc (Administrative Office)
(Notice No. 51/2011-12-02)*

(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:

- (i) That Council reserves the right, to cancel a consent use should there be valid complaints.*
 - (ii) That they must operate within the Town Planning Scheme regulations.*
 - (iii) That the consent is not transferable.*
-

11.1.7 **REZONING AND CONSOLIDATION OF VARIOUS ERVEN IN EXTENSION 15**

(C/M 2012/01/26 - E 5201, 5216, 5174 & 5175)

Ordinary Management Committee Meeting of 12 January 2012,
Addendum 8.7 page 47 refers.

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

Attached application was received from Messrs Urban Dynamics Africa on behalf of their client Messrs Manah Enterprises cc for the following:

- *Rezoning of Erven 5201 to 5216, 5174 and 5175 from "Single Residential" with a density of 1:600m² to "General Residential 2" with a density of 1:300m², Swakopmund, Extension 15;*
- *Consolidation of Erven 5201 to 5212 into Consolidated Erf "Y", Swakopmund, Extension 15;*
- *Consolidation of Erven 5213 to 5216, 5174 and 5175 into Consolidated Erf "Z", Swakopmund, Extension 15;*

Messrs Manah Enterprises cc is the rightful owner of the erven concerned. It has recognised the need for upmarket town houses in the area and argues that townhouses are more affordable.

The above area concerned is located in Extension 15 situated to the northern area of Swakopmund. It is the intention of the developer to consolidate the erven as indicated above in two larger portions and have them rezoned to "*General Residential 2*". This will effectively allow the developer to develop 28 upmarket townhouses.

In terms of the proposed rezoning no reason exists as to why this proposal cannot be supported. It is a practice of the Municipality in the absence of clear policies to support rezoning to the next density if the property meets the requirements in terms of size and location. The construction of 28 Town Houses will be no different than 18 Residential units with their associated outbuildings. The pressure on the services will remain basically the same. It is not foreseen that there will be any negative impacts to arise from the proposed development.

The intended rezoning was advertised in The Namibian on **17 & 24 June 2011**. Letters were also sent to the surrounding properties by means of registered mail to inform them of the owner's intentions. The closing date for objections was on **08 July 2011** and to date three (3) objections were received.

The three (3) objectors were three of the neighbouring properties who were informed by means of letters to them. The objectors were Mr J H Coetzee (Erf 5176), Mr J Le Grange (Erf 5192) and Mr I Grobler (Erf 5194). These objections were as follows:

- 1) *Mr J H Coetzee (Erf 5176): Feels that the area will become overcrowded.*
- 2) *Mr J Le Grange (Erf 5192): Potential devaluation of his property because of an "overcrowded townhouse complex", the price of the townhouse and they want to see the plans. Questioning the height of the boundary wall.*
- 3) *Mr I Grobler (Erf 5194): Possible devaluation of his property in terms of noise, privacy and security.*

Discussion on objections:

Objection	Comment
1) Mr J H Coetzee (Erf 5176): Feels that the area will become overcrowded.	The area proposed to be consolidated and rezoned consists of 18 Single Residential erven which could have each been developed into each having a main dwelling and an outbuilding of not more than 50% of the total floor area of the main dwelling. Meaning that a total of 36 "units" could have been built on the identified area instead of the 34 unit as proposed. The intentions of the developer will not be denser as the argument indicates.
2) Mr J Le Grange (Erf 5192): Potential devaluation of his property because of an "overcrowded townhouse complex", the price of the townhouse and they want to see the plans. Questioning the height of the boundary wall.	Concerning a potential devaluation of the property of Mr. Le Grange, the developer confirmed that the type of townhouse complex being proposed will be for the medium to upper income market at an estimated selling price of between N\$ 1.2 and 1.6 million. It is not foreseen that the property value will decrease. It is also unreasonable to ask for building plans at this stage of the proposal as no person will draw up plans for something they do not have permission for, especially at this scale. In terms of the Town Planning Scheme the boundary wall can be lifted to a height of 2,25m without the consent of Council. It is the opinion that this issue is irrelevant at this stage of the proposal.
3) Mr I Grobler (Erf 5194): Possible devaluation of his property in terms of noise, privacy and security.	The development impacts essentially the same. Where it would have been 18 houses with the associated outbuilding it would now be 34 townhouses (with no outbuildings). The amount of cars, people, etc. remains the same as the housing potential.

It should be noted that all the buyers in this specific area signed a sales agreement with Messrs Manah Enterprises cc in which the right of the developer to rezone and consolidate in accordance with this application is acknowledged.

Access and Services

Access will be taken from the existing street network. The width of the street will be sufficient to carry the proposed traffic in that area. Traffic circulation should therefore not become congested. Messrs Manah Enterprises cc is busy with the construction of water, electricity and sewerage network in Extension 15. Connection will be possible from the newly installed services.

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

RECOMMENDED:

- (a) That Council approves the following:
- (i) *Consolidation of Erven 5201 to 5212 into Consolidated Erf "Y", Swakopmund, Extension 15.*
 - (ii) *Consolidation of Erven 5213 to 5216, 5174 and 5175 into Consolidated Erf "Z", Swakopmund, Extension 15.*
 - (iii) *Rezoning of Erven 5201 to 5216, 5174 and 5175 from "Single Residential" with a density of 1:600m² to "General Residential 2" with a density of 1:300m², Swakopmund, Extension 15.*
- (b) That the applicant be informed to include the approved rezoning in an Amendment Scheme that is to be approved by the Swakopmund Municipal Council as well as the Ministry of Regional and Local Government, Housing and Rural Development.
- (c) That the objectors be informed that irrespective of the clause consenting to the rezoning and consolidated of erven by the developer as per the sales agreement entered into between them and the developer, they have the right to object against Council's decision approving the rezonings in terms of Clause 8 of the Swakopmund Town Planning Scheme to the Minister, within 28 days of this notice against; provided that notice of such an appeal shall be given to the Ministry, as well as the Council within the said period.
-

11.1.8 **REZONING OF ERF 620, SWAKOPMUND, FROM “SINGLE RESIDENTIAL” WITH A DENSITY OF 1:600m² TO “GENERAL RESIDENTIAL 1” WITH A DENSITY OF 1:300m²**

(C/M 2012/01/26 - E 620)

Ordinary Management Committee Meeting of 12 January 2012, Addendum 8.8 page 68 refers.

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

Attached application was received from Messrs Elmarie Planning Consultants cc on behalf of the owner of Erf 620 for the rezoning of the property from “*Single Residential*” with a density of 1:600m² to “*General Residential*” with a density of 1:300m².

The erf is situated on the corner of Rhode Allee and Nathanael Maxuiliili Street to the south of the Town Centre. The area is part of the older established residential area of Swakopmund and prone to change. Due to its close proximity to town and tourist attractions, other home owners in the area have now begin to apply for land use change in the area. Erf 620, Swakopmund, is already in close proximity of other erven with the exact same zoning as being applied for in this application. These erven are Erf 615 (General Residential 1 with a density of 1:100m²), Erf 617 (“*General Residential 1*” with a density of 1:100m²) and Erf 3530 (“*General Residential 2*” with a density of 1:250m²).

It is the intention of the owners to build 4 Townhouses on the property to be rented out. The property is 1320m² in extent and according the Town Planning Scheme No. 12 the property must be a minimum of 1000m² to construct townhouses on it. The size of the property and the newly proposed zoning and density will create favourable conditions for the intentions of the owner.

The intended rezoning was advertised in both the Republikein and New Era on **25 August 2011** and **01 September 2011**. Letters were also sent to the surrounding properties by means of registered mail to inform them of the owner’s intentions. The closing date for objections was on **16 September 2011**. Dr. Brand (Erf Re/619) was the only person to object.

Objector’s reasons for objecting to the proposed rezoning of Erf 620, Swakopmund.

The objector who is not a direct neighbour indicated that: **1)** Unconditional rezoning without more information about the plans for Erf 620 cannot be given. **2)** Being one of the oldest residential areas of Swakopmund, the residential character should not be disturbed by high rise buildings or structures that do not fit in. **3)** Sun, light and privacy of neighbours has to be considered as well as an increased noise level, depending on the plans for the erf. **4)** Definitely NO consent to any relaxation of the existing building restrictions will be consented to. **5)** A letter to this effect has been delivered to the town planning department of

the Municipality of Swakopmund, who, by the way, had no knowledge of the planned rezoning of Erf 620.

Discussion on objections raised By Dr. Brand, owner of Erf Re/619.

Objection	Comment
1) Unconditional rezoning without more information about the plans for Erf 620 cannot be given.	<i>The above objection cannot be supported. It does not make sense to draw up plans and spend a large amount of capital on these services unless approval has been granted by the Minister and the applicant is sure that their intention will be supported.</i>
2) Being one of the oldest residential areas of Swakopmund, the residential character should not be disturbed by high rise buildings or structures that do not fit in.	<i>Although the area is one of the oldest residential areas in Swakopmund it does not mean that the area will not change over time. This specific area will be one of the first to experience pressure to change due to natural growth of the town and the needs of the residents. This area has already started to change as a number of requests were forwarded to the Municipality in terms of applications for change in land use and consent applications. The intentions of the applicant are not to have high rise buildings or structures that do not fit in with the surrounding character. The proposed intentions are seen as fitting for the area in terms of surrounding land uses. The objection can thus not be supported.</i>
3) Sun, light and privacy of neighbours has to be considered as well as an increased noise level, depending on the plans for the erf.	<i>These factors can only be effectively addressed once building plans are drawn up and building restriction infringed upon. The double storey townhouses to be built on the property will not be that different than a double storey house. Sun, light and privacy are very important but these cannot be addressed now at this level/stage of the application. It is not expected that the intention of the applicant will have any significant impact on the objector's property since they are not direct neighbours. The objection can thus not be supported.</i>
4) Definitely NO consent to any relaxation of the existing building restrictions will be consented to.	<i>The objector is not a direct neighbour to the applicant and will therefore not be asked for any consent with regard to relaxations on the property of the applicants. Statement cannot be supported.</i>
5) A letter to this effect has been delivered to the town planning department of the Municipality of Swakopmund, who, by the way, had no knowledge of the planned rezoning of Erf 620.	<i>The objector's wife did visit the offices and at that moment there was a number of applications that came in. The notice was placed on the notice board but was removed by someone only to be found the next day between books on the table in the waiting area. The Town Planner spoke to Ms Brand and indicated to her that there is no such application as he could not find the notice on the notice board. Despite this situation Dr. Brand still objected hence all of the above. The aforesaid cannot be seen as a reason not to allow the application to be considered.</i>

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

RECOMMENDED:

- (a) That Council approves the rezoning of Erf 620, Swakopmund, from “*Single Residential*” with a density of 1:600m² to “*General Residential 1*” with a density of 1:300m².**
 - (b) That the approved rezoning be included in the next Amendment Scheme for final approval by the Ministry of Regional and Local Government, Housing and Rural Development, provided that the objection period of 28 days have lapsed and that no formal objection was submitted to the Ministry.**
 - (c) That Dr M Brand be informed of his right to object (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.**
-

11.1.9 **WRITING OFF OF HP 1012 PRINTER**
(C/M 2012/01/26 - D 12/1, L 2)

Ordinary **Management Committee Meeting** of **12 January 2012**,
Addendum **8.9** page **84** refers.

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

The printer in the office of the PA to the General Manager: Finance has started giving printing problems according to the IT Consultant, even though the printer can be repaired to regain its functionality, this will not be cost effective.

It has also been advised that once a printer starts experiencing problems and components are replaced, often problems with other components soon follow hence increasing costs beyond that of a new printer. Also taking into account the fast pace at which IT technology in particular develops, it is recommendable to rather purchase a new printer than trying to repair older technology.

It is against this background that the approval of the Management Committee is hereby sought to write off the current printer from Council's Asset Register.

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

RECOMMENDED:

- (a) That the HP 1012 printer of the PA to the General Manager: Finance's be written off from Council's Fixed Assets Register and be sold at the next Public Auction.
 - (b) That the Chief Executive Officer and the Chairperson of the Management Committee determine the upset price for the printer.
-

11.1.10 **OBJECTIONS TO THE ALIENATION OF A PORTION OF ERF 2827, SWAKOPMUND TO MESSRS ERF TWO EIGHT TWO SEVEN SWAKOPMUND CC**

(C/M 2012/01/26 - E 2827)

Special Management Committee Meeting of 19 January 2012, Addendum 10.1 (5.3) page 01 refers.

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

1. INTRODUCTION

Council on **24 February** and **29 September 2011** approved the sale of a portion of the Remainder of Erf 2827, Swakopmund to Messrs Erf Two Eight Two Seven Swakopmund (being the company represented by Mr Juuso Kambueshe) to develop an office complex and warehouse type of retail store. (Council's resolutions are attached **Annexure "D"**).

Council's intention to sell a portion of the Remainder of Erf 2827, Swakopmund to Messrs Erf Two Eight Two Seven Swakopmund CC was advertised in terms of the Local Authorities Act, Act 23 of 1992. At the closing date for objections, being **01 November 2011**, objections were received from the following:

- ❶ *Mr Lutz Hecht (**Annexure "A"**)*
- ❷ *Messrs Swakopmund Residents Association (**Annexure "B"**)*
- ❸ *Messrs Weder, Kauta & Hoveka (acting on behalf of W F Marais) (**Annexure**)*

The portion to be sold to Messrs Erf Two Eight Two Seven Swakopmund CC measures $\pm 10\,000\text{m}^2$ and is located in the vicinity of the new Municipal Complex and adjacent to the portion allocated to Messrs Rössing Uranium Limited.

2. OBJECTIONS

The objectors set-out their concerns as follows:

❶ Mr Lutz Hecht

- 1.1 The Management Committee on **18 August 2010** approved not to sell a portion of the Remainder of Erf 2827, Swakopmund to Mr J Kambueshe since the Management Committee wanted the erf to be reserved for future additions to the new Council building. Mr J Kambueshe submitted a request dated **4 October 2010** for the Management Committee to reconsider its decision and Council on **24 February 2011** approved to sell the land by private treaty.

Comments:

- *The objector is correct by stating that the application of Mr J Kambueshe was not approved by the Management Committee on 18 August 2010, the reason being that the Management wanted the portion to be reserved for future additions and extensions to the Municipal Office Complex and Town Hall. After Mr Kambueshe was informed of the Management Committee decision, he appealed to Council to reconsider its decision based on the fairness and consistency thus his application was reconsidered and approved*

by Council on **24 February 2011** and a further decision to purchase the land in the name of an entity was approved by Council on **29 September 2011**.

- Council, being a Part 1 Municipal Council has the authority to decide whether to sell / not to sell land to the members of the public. At the time Mr J Kambueshe applied to purchase the portion of the Remainder of Erf 2827, Swakopmund he was not yet a Councillor, but a member of the public. Therefore, his application was not considered based on his capacity as a Councillor, but based on the fact that he applied first to purchase the portion of land in question; after the sale of the said portion was cancelled by Messrs Uramin / Areva. Messrs Uramin / Areva applied to Council on **11 August 2008** to purchase the portion, but on **02 April 2009**, Messrs UraMin / Areva informed Council that they are no longer interested to proceed with the transaction because Council does not allow access from Daniel Kamho Avenue.
- Mr J Kambueshe indicated in his initial application that he wants to develop an office complex and warehouse type retail store on the erf, the proposed use of office was in line with Council's future intention for the said erf, thus his application was favourably considered.

1.2 Council entered into a private negotiation with the purchaser and ignored other parties who might express their interest to purchase the land.

Comments:

- Council has the right to decide how to alienate property, either by private treaty, auction or tender.
- Since Messrs UraMin/ Areva cancelled the purchase of the same portion on **02 April 2009** no other applications were received from the public except the application of Mr Kambueshe dated **18 May 2010** followed by the application from Messrs Old Mutual dated **18 June 2010**.

The application of Mr Kambueshe was approved by Council on **24 February 2011** based on the fact that Mr Kambueshe applied before Messrs Old Mutual.

1.3 Council earlier this year (2011) sold Erf 3486, Swakopmund measuring approximately 4 636m² to the SWAPO Party at a purchase price of N\$2 million. The SWAPO erf is situated in the vicinity of Erf 2827, Swakopmund therefore the market value for the portion of the Remainder of Erf 2827, Swakopmund must be equivalent to N\$3.465 million.

Comments:

- The sale of Erf 2827, Swakopmund cannot be compared with the sale of Erf 3486, Swakopmund to the SWAPO Party; apart from not having the same zoning, Erf 3486, Swakopmund is being sold to a political party.
- Furthermore, the sale of Erf 3486, Swakopmund is not yet finalized as an objection was received from the Swakopmund Residents Association, whereafter Council decided to amend the purchase price. The transaction must therefore be re-advertised.

- *The purchase price for the portion sold to Mr Kambueshe was determined based on the same value the portion which was sold to UraMin/Areva at N\$300.00/m². The purchase price escalated with 5% per annum thus the purchase price for the portion was approved by Council at N\$342.50/m² which price is a fair market related price for unserviced land.*
 - *The objector must take note that valuations are used to guide Council to determine a purchase price therefore it remains Council's prerogative to decide on a purchase price.*
- 1.4 Council is not trying to get the best deal for the benefit of the town's inhabitants by entering into private negotiations with a fellow Councillor. The objector therefore objects to the way the matter was handled.

Comments:

- *Mr J Kambueshe application was not considered by Council based on the fact that he is a Councillor, but because he was the first person who applied to purchase the land after Messrs Areva / Uramin cancelled their transaction.*
 - *The application was handled in a transparent way and in line with the provisions of the Local Authorities Act, Act 23 of 1992.*
- 1.5 During the Ordinary Council meeting held on **29 September 2011**, Council decided to carry the recommendation of the Management Committee to sell the portion of Erf 2827, Swakopmund to Councillor J Kambueshe being present at the deliberations preceding the vote and taking part in the vote. Councillor J Kambueshe having a vested interest should have left the chambers.

Comments:

- *During the discussion of this item (which only dealt with the change of the name from the applicant to that of an entity) at the Council meeting held on **29 September 2011**, Councillor J Kambueshe did declare his interest in the matter and was requested by the Chairperson to remain in the chamber during the discussion of the item and did not participate in the discussions. His declaration was noted.*
- *Even though Councillor J Kambueshe was present at the meeting during the discussion of the item, he was not having any influence in the discussion as he did not participate in the discussion.*
- *It should furthermore be noted that Councillor J Kambueshe was absent from the Council meeting held on **24 February 2011**, at which meeting the sale of a portion of the Remainder of Erf 2827, Swakopmund to him was approved.*

② Swakopmund Residents Association

- 2.1 Council entering into private negotiations with Mr Kambueshe and ignoring other parties who expressed interest to purchase. It is not acceptable that new negotiation between Council and Mr J Kambueshe was entered into without public notification and thus excluding other interested parties.

Comments:

- *Council is not obliged to inform the public whenever land becomes available especially when land is not surveyed and serviced.*
- *Council has the right to decide what method to use whenever selling land either by private treaty, auction or tender.*
- *The sale to Messrs Erf Two Eight Two Seven Swakomund CC was advertised in terms of the provisions of the Local Authorities Act, Act 23 of 1992, as amended and the only other party who applied in writing to purchase the said portion, being Messrs Old Mutual, did not object to the intended sale.*

2.2 Considering that the latest valuation of the industrial erven in Extension 10 is in the region of approximately N\$750.00/m², the purchase price of N\$342.50/m² for portion of Erf 2827, Swakopmund is nothing but unfair, preferential and is to be rejected. Council must obtain the market related valuation for this portion of land.

Comments:

- *Values for industrial erven can not be compared with the value for the portion of the Remainder of Erf 2827, Swakopmund since industrial erven are surveyed and serviced while the Portion of the Remainder of Erf 2827, Swakopmund is still to be subdivided and serviced by the purchaser.*
- *The purchase price for the portion of the Remainder of Erf 2827, Swakopmund was determined based on the valuations which was obtained from The Trust & Estate Co (PTY) Ltd in 2008 at the time the portion was sold to Messrs UraMine/ Areva. Since then the value of the property increased, Council increased the price per square meter with 5% annually thus from N\$ 300.00/ m² to N\$346.50/m² in 2011 as was explained per point 1.3 above.*

③ Messrs Weder, Kauta & Hoveka (acting on behalf of W F Marais)

3.1 The proposed purchase price of the property of N\$346.50 seems extremely favourable given the zoning thereof as General Business.

Comments:

- *This point was addressed above (points 1.3 and 2.2) with regard to the objection received from Mr L Hecht and the Swakopmund Residents Association.*

3.2 The fact that the sole member of the proposed buyer is the Deputy Mayor of the Municipal Council not only makes the proposed transaction questionable but is also highly prejudicial to other potential purchasers on an open market basis;

Comments:

- *The fact that the erf was allocated to Mr J Kambueshe is because he expressed his interest in writing and there were no other interested parties who applied to purchase the erf except the application received from Messrs Old Mutual which application was received after the application of Mr J Kambueshe was received.*

- 3.3 Although Section 63 of Act 23 of 1992 provide for sale by private treaty, the Municipality Council remains a statutory body acting as custodian of public land and when such land become available for sale, it is our submission that it be made available for the public at large on an open tender or public auction basis in order to ensure the best possible financial benefit for the rate payers of Swakopmund;

Comments:

- *As explained under points 1.1 and 1.2 above, Council, being a Part 1 Municipal Council has the authority to decide whether to sell / not to sell land to members of the public and according to which method.*

- 3.4 Should the property be sold to the aforesaid Closed Corporation without it being made available to the public, such transaction will constitute a gross undue and preferential treatment given the fact that the Deputy Mayor is involved;

Comments:

- *Since there are objections against the intended sale, Council is obliged to submit the objections together with Council's comments to the Minister of Regional, Local Government, Housing and Rural Development for consideration and a final decision.*
- *As explained under points 1.1 and 1.4 above, Mr J Kambueshe applied to purchase the portion prior to being elected as a Councillor. Therefore, he applied in his capacity as a member of the public.*

- 3.5 Any private alienation will have the effect that our client, and every other potential purchaser; is excluded to acquire the property on an open market basis;

Comments:

- *Any member of the public is free to apply to Council in writing to acquire land, keeping in mind that Council may decide whether to accept or decline the offer to purchase.*

- 3.6 Our client is definitely also interested to acquire the property on an open market basis by way of a tender or public auction or alternatively by way of a private transaction and will be prepared to offer a higher amount per square meter.

Comments:

- *No application was received in writing from the objector to purchase the said portion of land; and the objector did not object against the sale when the sale of the same portion was advertised to Messrs Areva / Uramin.*
- *From the above statement, it can be concluded that the objector is not objecting in the best interest of the community at large, but wish to instead obtain the land.*

4. **Conclusion**

The Local Authorities Act, Act 23 of 1992, as amended empowers Council to sell land by private treaty and this method of alienation of land by Council has been used along with other means such as auctions and closed bids.

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

RECOMMENDED:

- (a) That the objections received from Mr L Hecht, Messrs Swakopmund Residents Association and Messrs Weder, Kauta & Hoveka on behalf of W F Marais against the sale of a portion of the Remainder of Erf 2827, Swakopmund to Messrs Erf Two Eight Two Seven CC not be supported.
 - (b) That in terms of Section 63 of the Local Authorities Act, Act 23 of 1992, as amended, the objections with Council's comments be referred to the Ministry of Regional and Local Government, Housing and Rural Development requesting approval to proceed with the sale transaction of a portion of the Remainder of Erf 2827, Swakopmund to Messrs Erf Two Eight Two Seven CC to establish an office building and a warehouse type of retail store.
-

11.1.11 **INTERIM VALUATION COURT 2012**

C/M 2012/01/26 - D 22)

Special Management Committee Meeting of 19 January 2012,
Addendum **10.2 (5.4)** page 11 refers.

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

1. Section 66 (3) of Local Authorities Act (Act 23 of 1992) as amended, makes provision that:

There shall be an interim valuation of any ratable property in any local authority area to be held on a date during any period of five years referred to in subsection (2) as may be determined by the local authority council as its own motion or when directed by the Minister by notice in writing to a local authority council.

Interim Valuation is an assessment of ratable properties value that made alterations (additions/ demolition/new properties created) to the existing buildings/ new created properties during a period of five years after a general valuation roll was approved by the Local Magistrate.

2. In order for the Local Authority Council to levy rates and taxes as required in terms of Section 73 of the Local Authorities Act 23 of 1992, as amended, a Valuer appointed by Council must determine the value of ratable properties that improved / changed in value during the period since the General Valuation. Council had a General Valuation on **21 June 2010**; and an Interim Valuation on **27 June 2011**.
3. Mr D Hite (Valuator) of The Trust & Estate Co (Pty) Ltd has been appointed by the Tender Board on **08 May 2009** on behalf of Council for the execution of valuation services for a period of five (5) years ending 30 July 2014 included the interim valuation.
4. As in the past, Council arrange an interim valuation court annually, in 2012 the interim valuation court is scheduled for **June 2012** (at a date to be confirmed with the Local Magistrate).
5. In terms of the stipulations of Section 68 (1) of the Local Authorities Act, Act 23 of 1992, as amended, an Interim Valuation Court for the area consists of three members. The members for the **2011** Valuation Court were:
 - ① The Local Magistrate - Mrs J S Prinsloo
 - ② Ms M T Iyambo was appointed by the Ministry of Regional and Local Government, Housing and Rural Development
 - ③ Mr A Schoeman, appointed by Council
6. Council on **24 March 2011** passed the following resolution:

(c) That the compensation for Council's representative on the Valuation Court be N\$300.00 per sitting per day.
7. The following sworn registered valuers were contacted on **13 December 2011** and they have indicated their willingness to act as Council Representative for the Interim Valuation Court 2012, subject to Council's approval.

- *Mr Frank Lohnert*
- *Mr Abel Schoeman*
- *Mr Chet van Wyk*

8. For the purpose of appointing a Council's Representative, it is proposed that Council appoints Mr Frank Lohnert, Mr Abel Schoeman or Mr Chet van Wyk to represent Council at the interim valuation court scheduled for **June 2012**.

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

RECOMMENDED:

- (a) That Council appoints Mr Frank Lohnert as its representative for the Interim Valuation Court for 2012.
 - (b) That in terms of Council resolution passed on 31 May 2011, Council appoints Mr A Schoeman as secundi, should the appointed valuer be unavailable due to unforeseen circumstances to attend the Interim Valuation Court for 2012.
 - (c) That the Ministry of Regional and Local Government, Housing and Rural Development be requested to nominate a representative for the Interim Valuation Court 2012.
 - (d) That the compensation for Council's representative at the Valuation Court be N\$300.00 per sitting, per day.
 - (e) That the cost be defrayed from Vote 101010215900 (Assessment Rates: Valuation Court).
 - (f) That in terms of Section 69 of the Local Authorities Act 23 of 1992, as amended, a notice be published in at least two newspapers on a date not later than 30 days before the date of the Valuation Court.
 - (g) That requirements regarding the interim valuation as prescribed in the Local Authorities Act 23 of 1992, (as amended) be dealt with successfully.
-

11.1.12 **SUBDIVISION AND LAYOUT APPROVAL FOR BLOCK 9,
SWAKOPMUND, FOR THE PURPOSE OF TOWNSHIP
ESTABLISHMENT**

(C/M 2012/01/26 - G 3/3/5)

**Special Management Committee Meeting of 19 January 2012,
Addendum 5.2 page 24 refers.**

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

Application is herewith made for the approval of the proposed layout for Block 9 for the purpose of Township Establishment.

The proposed layout will consist of mainly residential erven as opposed to the mixed use layouts of other approved layouts within the area. With the planning of the northern business area in Mondesa and DRC, it was concluded that this future extension can well serve a majority of the residential areas in close proximity.

The proposed layout will accommodate 135 "*Single Residential*" erven with a density of 600m², 4 "*General Residential 2*" erven with a density of 1:250m², 1 Institutional erf, Local Authority erf and a "*Public Open Space*" for the benefit of the community.

The "*Single Residential*" erven will vary in sizes between \pm 500m² and 1400m² which will be inline with the application for Need and Desirability as was submitted by Messrs Plan Africa Consultants.

The internal street network will be of a width of no less than 16m for the area surrounding the "*Public Open Space*" and increase to 18m for the rest of the layout as per Need and Desirability application. No access will be allowed in the direction of the Main Road leading from Swakopmund to Hentiesbay.

Services such as water, sewer and electricity will be made possible to available connection points in close proximity.

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

RECOMMENDED:

- (a) That Council approves the proposed subdivision of Block 9 into 142 Portions and Remainder (Street) for the purpose of Township Establishment.
 - (b) That Council approves the proposed layout as submitted, consisting of 135 "*Single Residential*" erven with a density of 1:600m², 4 "*General Residential 2*" erven with a density of 1:250m², 1 "*Institutional*" erf, 1 Public Open Space, 1 Local Authority erf and Street.
 - (c) That the Engineering Services Department attends to all the necessary statutory procedures for Ministerial approval.
-

11.1.13 **LEASE OF LAWN AREA IN FRONT OF HOUSE ALTONA UNIT 9 B**
(C/M 2012/01/26 - N 8/11, E 5376)

Special Management Committee Meeting of 19 January 2012,
Addendum 10.4 (5.6) page 24 refers.

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

1. INTRODUCTION

A letter dated **19 October 2011 (Annexure “A”)** was received from **Mr D de Wet** trading as **Slowtown Coffee Roasters** applying for the utilization of the lawn area measuring 24m², being a portion of the street front, adjacent to Erf 227, Swakopmund (in front of House Altona Unit B 9) for the purpose of operating an open air café.

Furthermore, the applicant intends to construct a wooden deck, seeing that the area falls within the Conservation Area, the Engineering Services Department must be consulted in this regard.

Attached as Annexure “B” is a photograph and a map of the proposed area. The area is located adjacent to the area being leased by Ms B Hartz and Ms J Woermann, operating as Messrs Tea Time CC.

2. SIMILAR APPLICATION APPROVED BY COUNCIL

Following an application by Ms B Hartz and Ms J Woermann to lease 15m² of the lawn area in front of Shop No 9 B on Erf 227, Swakopmund, Council passed the following resolution on **31 August 2011**:

- (a) *That, upon submission of the business registration at the Health Services Department of Ms B Hartz and Ms J Woermann and upon submission of written consent from Messrs Woker Trust (Pty) Ltd, a lease agreement be entered into with Ms B Hartz and Ms J Woermann, operating as Messrs Tea Time CC for the lease of 15m² of the lawn area in front of Erf 227, Swakopmund, for open air seating.*
- (b) *That a portion of the street front (measuring 15m²) adjacent to Erf 227, Swakopmund be leased to Ms B Hartz and Ms J Woermann for 12 months commencing on 01 October 2011 until the property is transferred to Messrs Woker Trust (Pty) Ltd.*
- (c) *That the lease amount be N\$21.03/m² per month (+ 15% VAT); i.e N\$315.45 + N\$47.31 = N\$362.76 with an annual escalation of 10% starting 1 July 2012.*
- (d) *That the lease be subject to the standard conditions and to the following:*
 - (i) *That a deposit equal to 2 months lease be paid in advance by the applicant.*
 - (ii) *That a notice of termination period of 30 (thirty) days for both parties be applicable.*
 - (iii) *That the demarcated area be barricaded by way of a non-permanent fixture, such as rope.*
 - (iv) *That the lessee not operate later than 22:00.*
- (e) *That the lease agreement lapses automatically on date of transfer of the street portion in the name of Messrs Woker Trust (Pty) Ltd.*

3. BACKGROUND

Council on **29 May 2008** passed the following resolution under item 11.1.3 in respect of the application by Erhard Roxin Architects on

behalf of his client, Woker Trust (Pty) Ltd to purchase a portion of land in front of Erf 227, Daniel Tjongarero Street:

(a) *That Council approves the alienation of a portion of land between Erf 227, Swakopmund and Daniel Tjongarero Street, to Woker Trust (Pty) Ltd, for the purpose to operate an open air café, at a selling price of N\$650.00/m² (approximately 260m²) provided that:*

(i) *No development be permitted to commence until the statutory disciplines have been completed.*

(ii) *That the applicant submits a full development plan for approval to Council.*

The street portion was permanently closed and subdivided into Erf 5375 (formerly street) and Townships Board approval was received for the consolidation thereof with Erf 227 and Portion B of Erf 226, Swakopmund into Erf 5376. Swakopmund.

It was confirmed by Mr C G Pieterse on 15 July 2011 that the diagrams for the subdivision and consolidation of the portion was submitted to the Surveyor-General on 05 July 2011.

The sale of the street portion, being Erf 5375, Swakopmund was advertised as per the requirements of the Local Authorities Act, Act 23 of 1992, as amended and at the closing date for objections, 29 November 2011, none were received. As soon as confirmation is received regarding the signatory on behalf of Messrs Woker Trust (Pty) Ltd a deed of sale will be forwarded for signing.

4. **CURRENT LEASE AGREEMENTS**

For information, Council currently leases four pavement areas for open air café purposes, being:

① ***Bundu n See (Erf 211, Swk)***

<i>Lease Period</i>	<i>: 5 years</i> <i>01 July 2008 ⇒ 30 June 2013</i>
<i>Lease Amount</i>	<i>: N\$15.80/m² (+ 15% VAT) & 10% annual escal.</i>
<i>Lease Area</i>	<i>: 51.66m²</i>
<i>Lease Amount as on 01 Jul 11</i>	<i>: N\$21.03/m² (+ 15% VAT)</i>
<i>Notice Period</i>	<i>: 6 months</i>

② ***Bo Jo's (Erf 3745, Swk)***

<i>Lease Period</i>	<i>: 5 years</i> <i>01 September 2010 ⇒ 31 August 2015</i>
<i>Lease Amount</i>	<i>: N\$8.20/m² (+ 15% VAT) & 10% annual escal.</i>
<i>Lease Area</i>	<i>: 88m²</i>
<i>Lease Amount as on 01 Jul 11</i>	<i>: N\$21.03/m² (+ 15% VAT)</i>
<i>Notice Period</i>	<i>: 3 months</i>

③ ***Scientific Society Swakopmund Museum (E 1/5)***

<i>Lease Period</i>	<i>: 3 years</i> <i>01 Oct 2009 ⇒ 30 Sept 2012</i>
<i>Lease Amount</i>	<i>: N\$10.00/month (+ 15% VAT) & 10% annual escal.</i>
<i>Lease Area</i>	<i>: 135.50m²</i>
<i>Lease Amount as on 01 Jul 11</i>	<i>: N\$14.64/m² (+ 15% VAT)</i>

Notice Period : 3 months

④ **Immenhof Farm Kitchen** (Erf 228, C, Swakopmund)

Lease Period : 5 year
01 September 2010 ⇨ 31 August 2015
Lease Amount : N\$19.12/month (+ 15% VAT) & 10%
annual escal.
Lease Area : 46.80m²
Lease Amount as on 01 Jul 11 : N\$21.03/m² (+ 15% VAT)
Notice Period : 3 months

⑤ **Messrs Tea Time CC** (Erf 5376, Swakopmund, Altona Haus 2 B)

Lease Period : 12 months
01 October 2011 ⇨ until the property is
transferred
Lease Amount : N\$21.03/m²/month (+ 15% VAT) & 10%
annual escal.
Lease Area : 15m²
Lease Amount as on 01 Jul 11 : N\$21.03/m² (+ 15% VAT)
Notice Period : 30 days

5. **APPLICATION TO LEASE THE LAWN AREA**

Mr D de Wet is leasing **9 B Altona Haus**, from **Messrs Woker Trust (Pty) Ltd** for a period of **three (3) years** with an option to extend the period. He intends to utilise the area by placing a wooden deck / floor and tables with chairs to serve their customers. The flow of the pedestrians will not be affected.

As per their letter, Messrs Woker Trust (Pty) Ltd who is in the process of buying the said area from Council, has no objection thereto should Council lease the area to them. Ms Anka Ahrens already gave her written consent as per **Annexure "A"**.

It is therefore proposed that the lawn area be leased to **Mr D de Wet of Slowtown Coffee Roasters** for period of twelve (12) months with the understanding that when transfer of the property into the new owners name is finalised, the contract lapses automatically. Should the transfer not take place within one year, the lessee be responsible to apply for the renewal of the lease agreement. **Mr D de Wet of Slowtown Coffee Roasters** must also provide the certificate of registration of the business.

6. **STANDARD LEASE CONDITIONS FOR PAVEMENT AREA**

The standard conditions for the lease of pavement areas for purposes of open air café's include:

USE OF PROPERTY

- *The LESSEE shall be permitted to sell food and liquor at the open-air café subject to the conditions contained in the applicable license required by the LESSOR and subject to the applicable Health Regulations.*
- *The LESSEE undertakes to keep and maintain the PROPERTY in a proper condition and to maintain and deliver the same at the termination of this lease in good order and condition, reasonable wear and tear that the LESSOR shall determine, excluded.*

- *Should the LESSOR undertake any maintenance work at / to the PROPERTY, the LESSOR would not be responsible to the LESSEE for any loss or damage arising from such maintenance work or delays in connection with such works.*
- *No improvement or changes, or any other work on the PROPERTY may be done by the LESSEE without the written permission of the LESSOR first had and obtained.*
- *The lessee shall keep the existing pavement, between the open-air café and restaurant open for the general public's use.*
- *To restore the lease area at own costs after the period of the grant expires or is terminated.*

PROHIBITION AGAINST SUB-LETTING

The LESSEE shall not be allowed to cede or assign this agreement or any portion thereof, nor shall it be allowed to sublet in any manner any portion of the PROPERTY, without the written consent of the LESSOR first being had and obtained.

LESSOR'S RIGHT OF ACCESS

The LESSOR or his duly authorized representative, shall at all reasonable time have the right to enter the PROPERTY for the purpose of carrying out an inspection and to ensure that all applicable regulations and by-laws are being adhered to by the LESSEE.

INDEMNITY

The LESSEE shall indemnify and keep indemnified the LESSOR during the full period of this agreement against possible claims, which may arise from the use of the PROPERTY by the LESSEE.

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

RECOMMENDED:

- (a) That, upon submission of the business registration at the Health Services Department, a lease agreement be entered into with Mr D de Wet, trading as Messrs Slowtown Coffee Roasters for the lease of 24m² of the lawn area in front of Erf 227, Swakopmund, for open air seating.
 - (b) That a portion of the street front (measuring 24m²) adjacent to Erf 227, Swakopmund be leased to Mr D de Wet of Messrs Slowtown Coffee Roasters for 12 months commencing on 01 February 2012, with an option to renew, until the property is transferred to Messrs Woker Trust (Pty) Ltd.
 - (c) That the lease amount be N\$21.03/m² per month x 24 m² = N\$504.72 + N\$75.71 (15% VAT) = N\$580.45, with an annual escalation of 10% starting 1 July 2012.
 - (d) That the lease be subject to the standard conditions and to the following:
 - (i) *That a deposit equal to 2 months lease be paid in advance by the applicant.*
 - (ii) *That a notice of termination period of 30 (thirty) days for both parties be applicable.*
 - (iii) *That the demarcated area be barricaded by way of a non-permanent fixture, such as rope.*
 - (iv) *That the lessee not operate later than 22:00.*
 - (e) That the lease agreement will lapse automatically on date of transfer of the street portion in the name of Messrs Woker Trust (Pty) Ltd.
-

11.1.14 **INTERIM LEASE OF ADDITIONAL 2.2 HA LAND FOR TELEMETRY STATION: APPLICATION BY THE MINISTRY OF WORKS AND TRANSPORT**
(C/M 2012/01/26 - G 4/1/1 (12))

Special Management Committee Meeting of 19 January 2012, Addendum 10.5 (5.7) page 32 refers.

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

1. INTRODUCTION

The Ministry of Works and Transport as per letter dated **20 December 2011** accepts Council's resolution passed on **31 August 2011**:

- (a) *That point (e) of Council's Resolution 11.1.6 passed on 31 May 2011 be repealed*
- (e) *That it be proposed to the Ministry of Works, Transport and Communication to exchange land equal in value for the additional ± 2.2 ha required by them to the value of N\$300 000.00.*
- and be replaced with the following:*
- (e) *That the additional ± 2.2 ha land required by the Ministry of Works, Transport and Communication for the Telemetry Station be sold to them at a purchase price of N\$300 000.00.*
- (b) *That points (a) to (d) of Council's resolution passed on 31 May 2011 remains unchanged.*

It is also indicated in the said letter that the Ministry of Education has confirmed that funds for the purchase and all incidental cost will be available in the 2012/2013 financial year. A copy of the letter is attached as **Annexure "A"**.

2. OCCUPATION OF THE ADDITIONAL 2.2 HA OF LAND

As per **Annexure "A"**, the Ministry of Works and Transport requested, that due to the urgency of the project, that the China Manned Space Engineering Programme Office be given a Right of Occupation of the land, pending the finalization of the sale thereof.

In this regard, permission was granted as per **Annexure "B"**.

Furthermore the following is stated for information:

- ① *an application was submitted to the Ministry of Regional, Local Government, Housing and Rural Development dated **15 December 2011** to grant permission to sell the additional 2.2 ha portion of land in terms of section 30(1)(t) of the Local Authorities Act, Act 23 of 1992, as amended. A reply is awaited; and*
- ② *the General Manager: Corporate Service and Mr M Rhodes of the Ministry of Works and Transport is in the process of finalizing the signing of the deed of exchange for the following land, which includes Lease Areas 1 and Lease Area 2 which is currently be leased by the Ministry of Works and Transport:*

From the Government to the Municipality

(i)	Erf 628 Tamariskia	4 027m ²	N\$160 000.00
(ii)	Erf 3342, Ext 9	56 020m ²	N\$ 670 000.00
(iii)	7 Erven (1901, 2272, 2329, 2468, 2507, 2623 & 2669)	8 136m ²	N\$840 000.00
	Total	68 183m ²	N\$1 670 000.00

From the Municipality to the Government

(iv)	Northern Portion of Erf 2827	80 070m ²	N\$1 600 000.00
(v)	Portion of Remainder of Farm 163	14 244m ²	N\$60 000.00
	Total	94 314m ²	N\$1 660 000.00

As soon as the signed exchange agreement is received from the Ministry of Works and Transport, the transfer of the various erven will be finalized.

3. INTERIM LEASE OF THE ADDITIONAL 2.2 HA OF LAND

3.1 Current Lease Areas

The lease agreement for Lease Area 1 and Lease Area 2 was extended by Council on 31 May 2011 for a further period of four (4) years, until **15 October 2015**, to coincide with the expiry date of the Main Cooperation Agreement between Namibia and China; or until finalization of the above exchange transfer.

The monthly rental payable for the 14 244m² is currently N\$1 355.51 (exclusive of 15% VAT). Council approved the lease for the above on **22 February 2001** at a monthly lease amount of N\$500.00 (to be escalated annually).

A copy of the existing lease agreement is attached as **Annexure "C"**.

3.2 Additional Lease Area

It is proposed that Council enters into a separate lease agreement with the Ministry of Works & Transport for the additional 2.2 ha of land for the interim, as the finalization of the survey of the land, compilation of an erf diagram, registration of an erf and the subsequent transfer of the erf to the Ministry of Works and Transport can take a long period to complete.

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

RECOMMENDED:

- (a) That the Ministry of Works & Transport be informed that in addition to the permission to occupy the additional 2.2 ha of land adjacent to Lease Area 1 and Lease Area 2, a diagram be compiled for the lease of the said land for the period until the finalization of the transfer to the said Ministry, at a monthly rental of N\$1 491.00 (to be escalated annually in July, starting July 2013).
 - (b) That the Ministry of Regional, Local Government, Housing and Rural Development be informed of the proposed lease pending the finalization of the sale as the area is undivided townlands.
-

11.1.15 **ALIENATION OF ERF 3486, SWAKOPMUND TO SWAPO OF NAMIBIA**
(C/M 2012/01/26 - E 3486)

Special Management Committee Meeting of 19 January 2012,
Addendum 10.6 (5.8) page 47 refers.

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

1. INTRODUCTION

After considering an objection (*based on the purchase price*) received from the Swakopmund Residents Association against the sale of Erf 3486, Swakopmund to the SWAPO Party, Council passed the following resolution on **24 February 2011**:

- (a) *That the objection of the Swakopmund Residents Association against the alienation of Erf 3486, Swakopmund be accepted.*
- (b) *That the erf first be rezoned from "Light Industrial" to "Institutional" and then offered to the applicant.*
- (c) *That the purchase price be amended to bring it in line with the price offered to non-profit organisations (which includes political parties).*
- (d) *That the alienation of Erf 3486 to SWAPO Party at a purchase price of N\$30 000.00 + 15% VAT be approved.*
- (e) *That the lease period which will expire on 28 February 2011 be extended until the sale is finalised.*
- (f) *That the transaction be advertised in terms of the Local Authorities Act 23 of 1992 as amended.*

With reference to point (b) above, comments were received from the Engineering Services Department (**attached as Annexure "A"**) and the following is quoted:

It is clear from the above that the use of the premises for the purpose as office cannot be accommodated under an "Institutional" or the existing "Light Industrial" zoning and would lead to a contravention of the Town Planning Scheme as the intended use under the proposed zoning is not permissible under the provisions of the Town Planning Scheme.

*The use will fit in better under a "General Business", "Local business" or "Office" zoning. It is recommended that the Council resolution dated **24 February 2011** be amended and the property be rezoned to "office" to align the proposed use with the provisions of the Town Planning Scheme.*

2. THE PROPERTY

Erf 3486, Swakopmund is zoned "*light industrial*" and measures 4 363m². The buildings on the erf belong to the SWAPO Party. Council will therefore only consider the sale of the land to the SWAPO Party.

Council on **24 November 1983** approved an upset price of **R19 633.50** for Erf 3486, Swakopmund.

On **27 September 1990** Council approved a purchase price of N\$5.50/m² which amounts to **N\$23 996.50**.

A valuation was received from Messrs Ludwig Schroder on **19 March 2001** whereby the land was valued at **N\$220 000.00**.

When the first lease period of 9 years 11 months lapsed (same lease conditions as set-out in point 4 below were applicable) on **28 March 2001** the following options were recommended to the Management Committee of **13 March 2001**:

(a) *That Council considers to sell Erf 3486 (as per paragraph 7 of the agreement) to Swapo of Namibia to the amount of N\$220 000.00 (see valuation attached).*

OR

(b) *That Council consider to extend the lease agreement for another 9 years and 11 months at N\$10 per annum.*

Council opted for point (b) at its meeting held on **29 March 2001**.

As set-out in point 6 below, the following valuations were obtained for the land only at its current zoning of "light industrial":

Ludwig Schröder Estate Agents CC	-	N\$1 963 350 = N\$450.00/m ²
Nasikama Property Valuations & Consult	-	N\$2 100 000 = N\$481.30/m ²
The Trust & Estate Company	-	N\$1 830 000 = N\$419.43/m ²

Calculated in terms of the Management Committee resolution passed on **12 November 2009**, the valuations are as follows:

Average Purchase Price "light industrial"	Highest "light industrial"	Lowest "light industrial"
N\$ 1 964 450 N\$450.25/m ²	N\$ 2 100 000 N\$481.30/m ²	N\$ 1 830 000 N\$419.43/m ²

3. **BRIEF BACKGROUND**

The SWAPO Party leases Erf 3486, Swakopmund from the Swakopmund Municipality at a lease amount of N\$10.00/annum; and in terms of the lease agreement indicated that they wish to purchase the land at expiry of the lease period, being **28 February 2011**.

Council approved the sale on **27 May 2010** and the SWAPO Party was informed accordingly and also to pay the advert fee of N\$2 500.00 to publish Council's intention to alienate the land to them in terms of the Local Authorities Act, Act 23 of 1992, as amended.

The fee was paid during **December 2010** whereafter Council's intention was advertised with the closing date for objections being **25 January 2011**. An objection was received from the Swakopmund Residents Association based on the purchase price.

4. **LEASE CONDITIONS**

The Memorandum of Lease entered into by and between the Swakopmund Municipality and the SWAPO Party for Erf 3486, Swakopmund will lapse on **28 February 2011**, therefore, in terms of Paragraph 7 of the Memorandum of Lease, SWAPO Party had to decide whether

*In terms of point (e) of Council's resolution passed on **24 February 2011** the lease period is extended until the sale is finalized.*

① to purchase the land at the ruling price, ie. the market price;

or

② should the party not be interested to purchase the land:

- all improvements erected on the property by the party will become the property of the Swakopmund Municipality without payment of any compensation to the SWAPO Party

alternatively

- the party may remove all permanent structures and restore the property to its original condition at the expense of the SWAPO Party.

Paragraph 7 of the Memorandum of Lease quoted:

On termination of the period of 9 years and eleven months, the LESSEE shall be obliged to purchase the property against the ruling price at that time. In the case of the LESSEE not being interested in purchasing the property after 9 years and 11 months, all improvements erected on the property by the LESSOR shall become the property of the LESSOR without payment of any compensation whatsoever to the LESSEE by the LESSOR; alternatively the LESSEE shall have the right to remove all such permanent structures and restore the property to its normal condition at his own expense.

The parties by signing the lease agreement had consensus that the purchase price would be determined at the ruling price at the time.

5. COUNCIL RESOLUTION APPROVING THE SALE OF ERF 3486, SWAKOPMUND

Council on **27 May 2010** approved the sale as follows:

- (a) That the alienation of Erf 3486 (Extension 7) measuring 4 363m² and zoned "Light Industrial" to the SWAPO Party of Namibia at a purchase price of N\$250.00/m² (+15% VAT) be approved.
- (b) That the applicant be informed that all costs relating to the transaction are for its account, such as (but not limited to) the advertising of the proposed alienation for objections and transfer.
- (c) That the private transaction be subject to the following conditions as contained in Council's Property Policy:
 - advertising
 - in terms of the Local Authorities Act, Act 23 of 1992, as amended, Section 63 (2) (b) Council's intention to alienate land be advertised for possible objections
 - transaction
 - a refundable deposit in the sum of N\$5 000.00 is payable within 30 days from the closing date for objections or approval from the Minister (should objections be received) and prior to the compilation of a Deed of Sale, which amount will be forfeited should the transaction be cancelled, for any reason
 - should the refundable deposit not be paid within 30 days from the closing date for objections / Ministerial approval, the transaction be cancelled on the 30th day.
 - upon receipt of the purchase sum and 15% VAT, and the production of the original receipt the amount of N\$5 000 00 will be refunded.
 - Payment
 - an Erf purchased by way of private transaction is payable in cash or by formal written bank guarantee within 90 days from the closing date for objections / Ministerial approval (should objections be received).

- should the purchase price and 15% VAT be secured by a bank guarantee payable on date of transfer and the property is only transferred after the 90 day period, interest at the prime rate as from closing date for objections / Ministerial approval until date of transfer, will be applicable.

- **Cancellation**

- Should the full purchase price / bank guarantee not be received at the Municipal Head Office or reflect on Council's bank account on ... (90 days from closing date for objections / approval from the Minister), the transaction will be cancelled, without the need for the Municipal Council to place the purchaser on terms.

- (d) That developments must comply with the provisions of the Town Planning Scheme.
- (e) That the applicant takes note that no rights will accrue to the applicant unless all the abovementioned conditions are complied with in full and all the relevant authorities have given the necessary permission, if applicable.
- (f) That in future all applications by political parties to purchase properties be treated on the same basis in order to ensure consistency.

6. **PURCHASE PRICE**

6.1 With reference to the determination of purchase prices, the Management Committee on **12 November 2009**, under item 8.8 resolved as follows:

- (a) That Management Committee appoints an additional sworn valuator to provide ad hoc valuations when necessary.
- (b) That purchase prices and or upset prices be approved by Council for immovable property by calculating any of the following
- an average of the two probable market valuations obtained; or
 - the highest of the two probable market valuations obtained; or
 - the lowest of the two probable market valuations obtained.
- (c) That Council's Property Policy be amended accordingly.

6.2 Erf 3486, Swakopmund is zoned "**light industrial**" and measures 4 363m² (**Annexure "A"**).

The following valuations for Erf 3486, (Extension 7), Swakopmund, zoned "**light industrial**" for the land only were obtained:

Ludwig Schröder Estate Agents CC	-	N\$1 963 350 = N\$450.00/m ²
Nasikama Property Valuations & Consult	-	N\$2 100 000 = N\$481.30/m ²
The Trust & Estate Company	-	N\$1 830 000 = N\$419.43/m ²

In addition to the above and for interest sake a valuation was obtained for the land assuming a zoning of "**office**":

The Trust & Estate Company	-	N\$2 600 000 = N\$595.92/m ²
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Calculated in terms of the Management Committee resolution passed on **12 November 2009**, the valuations are as follows:

Average Purchase Price "light industrial"	Highest "light industrial"	Lowest "light industrial"
N\$ 1 964 450 N\$450.25/m ²	N\$ 2 100 000 N\$481.30/m ²	N\$ 1 830 000 N\$419.43/m ²

As the above serves to guide Council in the determination of a purchase price, Council decided on a purchase price of N\$250.00/m² + 15% VAT.

7. **OBJECTION RECEIVED: SWAKOPMUND RESIDENTS ASSOCIATION**

On the closing date for objections, **25 January 2011**, an objection was received from the Swakopmund Residents Association (**Annexure B**) to the sale of Erf 3486, Swakopmund to Swapo of Namibia as follows:

- 7.1 Erf 3486, Swakopmund has been leased to SWAPO Party for more than 9 years and 11 months at a rental of N\$10.00 per year to develop and maintain a self help training centre for construction workers/artisans. To date no training centre has been erected and the alienation price of Erf 3486, Swakopmund is offered at N\$250/m² +15% VAT, but the obtained valuations were more than the offered price (*as indicate above*).
- 7.2 The Swakopmund Residents Association is of the opinion that the average of the above valuation should be the selling price per m² and not an unduly favoured price of only N\$250.00/m².

COMMENTS:

- 7.1 *According to the Town Planning Scheme 12 of Swakopmund Municipality a light industrial erf should be developed as follows:*

Zone	Purpose for which land may be used	Purpose for which land may be used and buildings may be erected and used with consent of the Council only
Light Industrial	Light industrial buildings, shop, office building, warehouse, laundrette and dry cleaners, service industry	Public garage, service station, funeral parlour, panel beater, place of instruction, place of amusement, caretaker unit

Currently SWAPO Party has constructed an office building on Erf 3486, Swakopmund, which is one of the permitted structures to be erected in terms of the Town Planning Scheme.

- 7.2 *Valuations are used to guide Council to determine a purchase price. It remains Council's prerogative to decide on a purchase price.*

On 27 May 2010 at the Council meeting during the discussion of this item (11.1.5), Councillor P D Rooi requested that paragraph (f) be added to the recommendation:

(f) That in future all applications by political parties to purchase properties be treated on the same basis in order to ensure consistency.

Councillor P V Steinkopff seconded by Councillor A //Gaseb pointed out that the recommended purchase price of N\$250.00/m² is under priced in terms of Council's policies and proposed that the average price for the valuation i.e. N\$450.00/m² be considered. The Chairperson called for a vote and the following votes were obtained; two (2) in favour of the counter proposal of Councillor P V Steinkopff, five (5) in favour of the recommended price and two (2) abstentions.

- 7.3 Furthermore, the Swakopmund Residents Association states that Erf 3486, Swakopmund is zoned "light industrial" and thus development in that line can take place accordingly and thereby giving an undue advantage to the buyer (SWAPO), should they intend to sell in future.

COMMENTS: *The said erf is zoned "light industrial". A zoning of "office" would give the buyer an undue advantage when reselling, as can be seen from the higher market value obtained assuming a zoning of "office":*

The Trust & Estate Company - N\$2 600 000 = N\$595.92/m²

7.4 **Conclusion to the objection received**

The bottom line is that the objector believes that the lease agreement is not honoured and the purchase price is heavily under priced and therefore an average valuation price must be adapted instead.

COMMENTS: *It is Council's prerogative to determine the selling price as initiated by the valuers. The valuations received from valuers are only to guide Council in determining the purchase price. Based on this the lodged objections do not hold ground and therefore cannot be supported.*

8. **CONCLUSION**

Prior to re-advertising the sale of Erf 3486, Swakopmund to SWAPO of Namibia in terms of Council's latest resolution passed on **24 February 2011**, the following needs to be considered:

8.1 Whether to extend the lease agreement for a further 9 years 11 months as was decided by Council on **29 March 2001**.

- *at the same conditions; and*
- *the rental amount of N\$10.00 per annum be revised (Council on **29 September 2011** resolved to lease the New Start Centre situated on Erf 138, Re, Mondesa to the Ministry of Health and Social Service at a monthly rental amount of N\$500.00).*

Furthermore, Council on **24 April 2011** passed the following resolution:

(b) That in line with Council's resolution passed on 24 March 2011 a deposit equal to one month's rental be levied in future for leased property.

It should be kept in mind that should Council sell the land, a monthly amount of **N\$1 552.78** would be generated from rates and charges:

Municipal Land Value is		N\$436 000.00
Municipal Value for Improvements is		N\$1 083 000.00
Rates on the above	=	N\$1 135.93
Basic Water	=	N\$ 53.90 + VAT 8.09
Basic Refuse	=	N\$ 172.75 + VAT 25.91
Basic Sewerage	=	N\$ 73.70 + VAT 11.06
Fire Brigade Service	=	N\$ 16.50 + VAT 2.48
Disposal Fee	=	N\$ 100.00 + VAT 15.00
Total	=	<u>N\$ 1 552.78 + VAT 62.54</u>

8.2 Should Council remains with it's decision to sell Erf 3486, Swakopmund to SWAPO of Namibia:

- *the erf be rezoned by Council from "light industrial" to "office" in order not to contravene the Town Planning Amendment Scheme;*
- *Council confirms the nominal purchase price of **N\$30 000.00 + 15% VAT**, being in line with the cost of installation of services in 1983 which amounted to R19 633.50, but lower than the current municipal land value of **N\$436 000.00**;*
or that Council reconsider the purchase price in line with the ruling price as set-out in clause 7 of the lease agreement.

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

RECOMMENDED:

- (a) That point (b) of Council's resolution passed on 24 February 2011 be repealed and replaced with the following:

That Council attends to the rezoning of Erf 3486, Swakopmund from "Light Industrial" to "Office" in order not to contravene the provisions of the Town Planning Amendment Scheme.

- (b) That Council confirms the purchase price of Erf 3486, Swakopmund in the amount of N\$30 000.00 + 15% VAT (if applicable).

- (c) That the transaction be subject to the conditions as approved by Council on 27 May 2010 and 24 February 2011.
-

11.1.16 **APPLICATION FOR CHANGE OF NAME FROM SEVENTH-DAY ADVENTIST CHURCH TO SEDCOM NAMIBIA**

(C/M 2012/01/26 - E 2709, H 1/10/1)

Special Management Committee Meeting of 19 January 2012,
Addendum 10.7 (5.9) page 56 refers.

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

1. BRIEF BACKGROUND

1.1 The application by Messrs Seventh-Day Adventist Church to purchase Erf 2709, Swakopmund was reconsidered by Council on **27 October 2011** and the following Resolution was passed:

- (a) *That the sale of a portion of Erf 2709, Swakopmund measuring $\pm 2\,544\text{m}^2$ to the Seventh-Day Adventist Church at the estimated purchase price of N\$ 78 500.00 which includes the costs of advertising, closure and rezoning be approved conditions:*
 - (i) *That all conditions as prescribed in Council's Property Policy be.*
 - (ii) *That the transaction be subject to all statutory processes being successfully concluded.*
 - (iii) *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.*
- (b) *That the Engineering Services Department adds the subdivision of the electrical substation area ($\pm 70\text{m}^2$) to their project for the subdivision of all electrical substations and transfer thereof to Erongo RED.*
- (c) *That the permanent closure of Erf 2709, Swakopmund as "Public Open Space" in terms of Section 50 of the Local Authorities Act, Act 23 of 1992, as amended be approved.*
- (d) *That the rezoning of a portion of Erf 2709, Swakopmund (measuring $\pm 2\,544\text{m}^2$) from "Public Open Space" to "Institutional" be approved.*
- (e) *That the Engineering Services Department attends to the rezoning of Erf 2709, Swakopmund from "public open space" to "Institutional".*
- (f) *That the applicant takes note that no rights will accrue to it unless all the abovementioned conditions are complied with in full and all the relevant authorities have given the necessary permission, if applicable.*

1.2 The above resolution was conveyed to Messrs Seventh-Day Adventist Church on **28 October 2011** and subsequent to that, a letter dated **18 November 2011** (copy attached as **Annexure "A"**) was received from Messrs Seventh-Day Adventist Church whereby they have indicated that the name of entity in which Erf 2709, Swakopmund must be registered as Messrs **SEDCOM NAMIBIA**.

2. CHANGE OF NAME OF THE PURCHASER

In order for Erf 2709, Swakopmund to be registered in the name of Messrs SEDCOM NAMIBIA as per Messrs Seventh-Day Adventist Church request, it is proposed that the name of Messrs Seventh-Day Adventist Church being the purchaser as per the above point (a) of Council's resolution passed on **27 October 2011** be repealed and replaced with Messrs SEDCOM NAMIBIA (for transfer purposes of the Memorandum of Association is on file).

3. PROGRESS OF STATUTORY PROCESSES

With reference to point (c) of the above resolution, Corporate Services Department is in the process of attending to the permanent closure of Erf 2709, Swakopmund as Public Open Space in terms of Section 50 of the Local Authorities Act, Act 23 of 1992, as amended; whereafter the Engineering Service Department will attend to the subdivision and rezoning.

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

RECOMMENDED:

That the name of the purchaser indicated as Messrs Seventh-Day Adventist Church as per point (a) of Council's resolution, Item 11.1.12 passed on 27 October 2011 be repealed and replaced with Messrs SEDCOM Namibia.

11.1.17 **DRAFT FIRST ADDENDUM TO THE DEED OF SALE:
CONSOLIDATED INTO ERF 673, TAMARISKIA - MESSRS EDDY ANGULA
TRUST**
(C/M 2012/01/26 - T 673)

Special Management Committee Meeting of 19 January 2012, Addendum 10.9 (5.11) page 65 refers.

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

1. Introduction

Whilst considering the proposed lay-out for township development on Erf 673, Tamariskia by Messrs Eddy Angula Trust, the Management Committee passed the following resolution on **13 October 2011**:

That the General Manager: Corporate Services and Human Resources submits the draft Deed of Sale to Management Committee.

Attached the following documents:

- ① the draft First Addendum to the Deed of Sale;
- ② the Deed of Sale signed on 23 November 2009; and
- ③ the lay-out plan approved by Council on 27 October 2011.

The proposed change in the land use from being solely a golf driving range to include a township development was advertised in terms of the Local Authorities Act, Act 23 of 1992, as amended.

At the closing date being **25 January 2011**, no objections were received.

It must therefore be pointed out that the draft First Addendum to the Deed of Sale must be signed on / before **25 January 2012**; in order not to have to re-advertise the change in the land use and possibly attract facetious / frivolous objections.

2. Township Development

Quoted for ease of reference is the Council resolution passed on **27 October 2011**:

- (a) *That the Need and Desirability of Township Establishment on Erf 673, Tamariskia be approved.*
- (b) *That the layout plan as submitted by General Manager: Engineering Services be approved.*
- (c) *That Messrs Winplan be informed to submit applications to NAMPAB for Need and Desirability approval and to Townships Board for approval.*
- (d) *That no further changes to the layout plan be considered.*

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

RECOMMENDED:

- (a) **That Council approves the attached First Addendum to the Deed of Sale.**
 - (b) **That it be recorded that the final lay-out as approved by Council on 27 October 2011 reflects a size of 45 305m² of saleable land, therefore the purchase price will be N\$34.52/m² x 45 305m² = N\$1 563 928.60.**
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11.1.18 **DETERMINATION OF SELLING PRICES FOR RESIDENTIAL ERVEN AT EXTENSION 8 MONDESA (PDA), AS WELL AS THE METHOD OF SALE**

(C/M 2012/01/26 - H 5/7)

Special Management Committee Meeting of 19 January 2012,
Addendum 10.10 (5.12) page 83 refers.

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

1. As was reported recently, the PDA (Extension 8 Mondesa) has been provided with electricity infrastructure at the total cost of N\$6 955 849.13 VAT included. The area concerned consists of 249 erven, comprising: 236 single residential erven, 5 block erven (already offered to the Shack Dwellers Federation); 4 business erven, 1 erf for sports field, park, school and substation each.
2. Of the 236 single residential erven 24 have already been sold to private developers to build show houses, while 8 erven have been earmarked for consolidation to create institutional erven in the area, leaving 204 residential erven available for sale to the community,
3. Erven sizes at Extension 8 Mondesa range from 300 to 350 square meters, which at the rate of N\$61.35/m² gives a price range of between N\$18 405.00 and N\$21 472.50.

Council at its ordinary meeting held **29 September 2011**, resolved:

- (a) *That 50 residential erven at Extension 8, Mondesa be offered to Build Together beneficiaries at an upset price of N\$23.00/m².*
- (b) *That 10 residential erven at Extension 8, Mondesa be offered to staff members, who are first time property owners and have not owned property anywhere in Namibia, at full development cost and the offer be valid for 3 months.*
- (c) *That 25 residential erven at Extension 8, Mondesa be used by Council to construct 2 bedroom houses to be sold by way of closed bids, at full cost recovery (plus 10 % mark up) to residents who can obtain financing from banks.*
- (d) *That 25 residential erven be offered to Messrs NHE on condition that they construct 2 or 3 bedroom houses, not exceeding a purchase price of N\$250 00.00 for their clients who have approved loans.*
- (e) *That 25 residential erven at extension 8, Mondesa be used by Council to construct "Meduletu" style starter housing units which can be sold or leased to clients.*
- (f) *That 25 residential erven at extension 8, Mondesa be offered to 5 contractors at development cost on condition that the constructed houses are within the price range of N\$120 000.00 to a maximum of N\$150 000.00 per house.*
- (g) *That the remaining 44 residential erven at Extension 8, Mondesa be sold by means of closed bids to first time property owners, with the closing date of 04 November 2011.*
- (h) *That erven 3594 and 3598 be allocated to Shack Dwellers Federation and that they be informed that the erven allocated to them should be subdivided to ensure that individuals can obtain full title to their properties.*

- (i) That it be noted that the full development cost of N\$61.35/m² be implemented.

With regard to the above resolution (d) has been implemented and (g) has been cancelled at the last Council meeting held 24 November 2011 under item 11.1.11, feedback of closed bid : 44 erven in extension 8, Mondesa (H 4/6/8):-

- (a) That the Closed Bid Auction of 44 Erven in Extension 8, Mondesa be declared null and void and that all the offers be withdrawn.
- (b) That Council defines the income ranges for the various income groups to be included in the Property Policy as follows:
- | | | |
|-------|----------------------|---|
| (i) | Low income : | up to N\$3 000.00/month (Build Together Scheme) |
| (ii) | Middle low income : | N\$3 000.00/month up to N\$6 000.00/month |
| (iii) | Upper low income : | N\$6 000.00/month up to N\$9 000.00/month |
| (iv) | Low middle income: | N\$9 000.00/month up to N\$12 000.00/month |
| (v) | Middle income : | N\$12 000.00/month up to N\$15 000.00/month |
| (vi) | Upper middle income: | N\$15 000.00/month up to N\$25 000.00/month |
- (c) That the General Manager: Corporate Services and Human Resources provides a full analysis of all bids received in respect of the 44 Erven, whereafter Council will decide on the procedure to be followed when the erven are offered for sale in 2012.
- (d) That permission be granted to the General Manager: Finance to refund the deposit of N\$2 000.00 paid to date.
- (e) That permission be granted to the General Manager: Corporate Services and Human Resources to appoint Contract Workers for the purpose of the capturing of data received in respect of the Closed Bid Auction of 44 Erven in Extension 8, Mondesa.

With the exception of (a) and (b), of Council's resolution taken on **29 September 2011**, Council should now reconsider to recall the items below:

- (c) That 25 residential erven at Extension 8, Mondesa be used by Council to construct 2 bedroom houses to be sold by way of closed bids, at full cost recovery (plus 10 % mark up) to residents who can obtain financing from banks.
- (e) That 25 residential erven at extension 8, Mondesa be used by Council to construct "Meduletu" style starter housing units which can be sold or leased to clients.
- (f) That 25 residential erven at extension 8, Mondesa be offered to 5 contractors at development cost on condition that the constructed houses are within the price range of N\$120 000.00 to a maximum of N\$150 000.00 per house.
- (h) That erven 3594 and 3598 be allocated to Shack Dwellers Federation and that they be informed that the erven allocated to them should be subdivided to ensure that individuals can obtain full title to their properties.

These erven together with the 44 erven should be offered to the public for sale after registration of prospective buyers has taken place.

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

RECOMMENDED:

- (a) That (c), (e), (f) & (g) of Council Resolution, 11.1.14 dated 29 September 2011 be re-called.
- (b) That the additional 75 residential erven together with the 44 erven be offered to the public for sale after registration of prospective buyers taken place.
-

11.1.19 **REQUEST FOR SPONSOR FOR MR ZAKAAPI**

(C/M 2012/01/26 - D 5)

Ordinary **Management Committee Meeting** of **12 January 2012**,
Addendum **10.13** page **00** refers.

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

Attached letter was received from Mr A Zakaapi, who is has a severely handicapped son due to cerebral palsy and is permanently in a wheel chair, he cannot walk, use his hands or do anything for himself. Mr A Zakaapi's medical aid does support the medicines the boy needs but not pay for the special milk formula and nappies that the boy requires. He is now requesting Council to consider extending the assistance to this year as well.

Last year we received a letter from Mr Werner Ewald a community member who raised N\$71 260.00 for the Mayoral Development Fund where he requested Council to consider assisting Mr A Zakaapi.

Management Committee on **10 March 2011** resolved as follows:

- (a) *That Council approves the plea of Mr W Ewald to assist Mr H Zaakapi on a monthly basis with the special milk formula and nappies.*
- (b) *That Mr A Zakaapi (the father) furnishes the Office of the Mayor with an invoice on a monthly basis.*
- (c) *That Messrs Cottage Family Practice be paid monthly upon receipt of invoice.*
- (d) *That the sponsorship be considered for this current year (2011) only.*
- (e) *That the funds for purchasing the nappies and the special milk formula be defrayed from the Mayoral Development Fund where N\$202 800.57 is available.*

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

RECOMMENDED:

- (a) **That Council considers assisting Mr Zakaapi with N\$989.10 per month to purchase the special milk formula and nappies for a period of twelve (12) months.**
 - (b) **That Mr A Zakaapi (the father) furnishes the Office of the Mayor with an invoice on a monthly basis.**
 - (c) **That a cheque be made out monthly to the Cottage Family Practice upon receipt of invoice.**
 - (d) **That the amount of N\$11 869.20 for twelve months to purchase the nappies and the special milk formula be defrayed from the Mayoral Development Fund: 960120408709 where N\$39 215.16 is available.**
-

11.1.20 **APPLICATION FOR OFFICE SPACE: MESSRS MOONLIGHTING FILMMAKERS NAMIBIA**

(C/M 2012/01/26 - E 989)

Recess Committee Meeting of 25 November 2011, Addendum 5.1 page 00 refers.

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

1. Application by Messrs Moonlighting Filmmakers Namibia

An application was received from **Messrs Moonlighting Filmmakers Namibia** to lease the Main Municipal Office Building situated on Erf 989, Swakopmund for a short term.

The sale of Erf 989, Swakopmund to Messrs Luxury Investments One Hundred & One (Pty) Ltd is delayed due to the rezoning of the erf which might take up to six months to finalize.

2. Monthly Rental Amount

Based on the purchase price for the property (**N\$21 600 000.00**), Messrs The Trust & Estate Co calculated a monthly rental in the amount of N\$71.00/m².

The floor area of the building is 2 025m²; therefore the monthly rental amounts to **N\$143 775.00** (exclusive of 15% VAT).

3. Benefits to Council

By leasing the office building to **Messrs Moonlighting Filmmakers Namibia**, Council will benefit in the following manner:

- *the building being occupied will reduce the risk of vandalism;*
- *Council will gain additional income in the amount of N\$143 775.00 per month.*

2. Proposal

It is proposed that the application for the lease of the Main Municipal Office Building located on Erf 989, Swakopmund be approved.

That the rental amount be N\$143 775.00 per month for a lease period commencing on 1 December 2011 until transfer of the property to Messrs Luxury Investments One Hundred & One (Pty) Ltd; whereafter the lease be ceded to the said entity.

As per the **attached** application, it is stated that Mr Ghandy Gerson consents to the proposed lease.

The lease period is shorter than one year, therefore it is not necessary to advertise such in terms of the Local Authorities Act, Act 23 of 1992, as amended.

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

RESOLVED: (For Condonation By Council)

- (a) That the main municipal office located on Erf 989, Swakopmund be leased to Messrs Moonlighting Filmmakers Namibia, subject to Council's standard lease agreement, and further subject to:
- (i) *a lease amount of N\$71.00 / m² x the floor area of 2 025m², amounting to N\$143 775.00 / month + 15% VAT;*
 - (ii) *that the lease period commences on 1 December 2011 until the date of transfer of the property to Messrs Luxury Investments One Hundred & One (Pty) Ltd; and*
 - (iii) *upon date of transfer the lease agreement be ceded to Messrs Luxury Investments One Hundred & One (Pty) Ltd.*
- (b) That written confirmation be obtained from Messrs Luxury Investments One Hundred & One (Pty) Ltd consenting to the proposed lease agreement.
-

11.1.21 **TAXI RANK: EVICTION OF MESSRS FRANK'S PROPERTY HOLDINGS 45 CC**

(C/M 2012/01/26 - M 4353)

Ordinary **Management Committee Meeting** of **22 December 2011**, Addendum **00** page **00** refers.

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

1. **Introduction**

Following Council's resolution passed on **28 July 2011** whereby authority / power was delegated to the Chief Executive Officer to sign all documents required for the eviction of Messrs Frank's Property Holdings 45 CC from Erf 4353, Mondesa; Messrs Conradie & Damaseb Legal Practitioners proceeded with the eviction.

2. **Sequence of Events**

- The Deputy Sheriff, Mr A Visser served an eviction order on Messrs Frank's Property Holdings 45 CC; of which the 21 days' notice period lapsed on Friday, **16 December 2011**. The premises, Erf 4353, Mondesa were not vacated.
- On Tuesday, **20 December 2011** the occupants were given notice until 13:00 to vacate the premises and hand in the keys at the General Manager: Community Development Services.
- On Wednesday, **21 December 2011** no keys were handed in at the General Manager: Community Development Services and the premises were not vacated. The Deputy Sheriff at **08:00** evicted all occupants (being sub-lessees of Messrs Frank's Property Holdings 45 CC) and replaced all locks.
- At **15:00** on Wednesday, **21 December 2011** the Deputy Sheriff reported to the General Manager: Corporate Services that the eviction was finalized and the keys were handed over.
- In the presence of the Chief Executive Officer, the General Manager: Corporate Services handed the keys over to the General Manager: Community Development Services.
- The General Manager: Community Development Services arranged for a security company to guard the premises for the period until Messrs Ginger Spice Trading CC occupies the premises as from **3 January 2012**.

3. **The Way Forward**

Council on **31 August 2011** passed the following resolution:

- (a) *That pending the successful finalisation of the eviction of Messrs Frank's Property Holdings CC, the application received from Messrs Ginger Spice Trading CC to extend the existing lease agreement for the managing of the taxi rank on Erf 4353, Mondesa (measuring ±10 379m²), for a five (5) year period be approved; at a monthly rental amount of N\$11.00/m² + 15% VAT and a 10% escalation annually in July.*
- (b) *That the conditions be the same as in the existing lease agreement.*
- (c) *That the lease be advertised in terms of Section 63 (2) of the Local Authorities Act, Act 23 of 1992, (as amended) once the eviction is finalised.*
- (d) *That Council reserves the right to cancel the lease if valid objections from the public are received.*
- (e) *That the applicant shall indemnify Council and keep Council indemnified during the full period of this agreement against possible claims, which may arise from the use of the leased area.*

(f) *The lease is terminable by either party given or receiving three (3) months notice.*

With reference to the above, the following:

Point (a): The eviction was finalized successfully on Wednesday, **21 December 2011**, and Messrs Ginger Spice Trading CC is still interested in leasing the taxi rank facility located on Erf 4353, Mondesa.

Point (c): As the lease period approved by Council exceeds one year, it is required in terms of the Local Authorities Act, Act 23 of 1992 advertise the lease for possible objections. Due to the sensitive circumstances regarding the previous lessee, it is most likely that frivolous / facetious objections will be received.

Proposal: It is therefore proposed that:

① **instead of advertising in terms of section 63 (2) of the Local Authorities Act, Act 23 of 1992, as amended; Ministerial approval for the lease be requested in terms of Section 30 (1) (t) of the said act;**

② **for the interim, a lease agreement be concluded with Messrs Ginger Spice Trading CC for a one year period, to be extended for a total of five years upon receipt of the Minister's favourable response.**

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

RESOLVED: (For Condonation by Council)

(a) **That note be taken of the successful finalization of the eviction of Messrs Franks Property Holdings CC from Erf 4353, Mondesa, in line with Council's resolution passed on 31 August 2011.**

(b) **That point (c) of Council's Resolution 11.1.5 passed on 31 August 2011, be repealed:**

(c) *That the lease be advertised in terms of Section 63 (2) of the Local Authorities Act, Act 23 of 1992, (as amended) once the eviction is finalised.*

and be replaced with

(c) ***That, due to the sensitive circumstances regarding the eviction of the previous lessee of the taxi rank located on Erf 4353, Mondesa which might attract frivolous / facetious objections and delay the commencement of the new lease agreement; approval be applied for from the Minister of Regional, Local Government, Housing and Rural Development in terms of Section 30 (1) (t) of the Local Authorities Act, Act 23 of 1992, as amended; in order to conclude a lease agreement with Messrs Ginger Spice Trading CC for a five year period.***
