

AGENDA

Ordinary Council Meeting

on

THURSDAY





28 JUNE 2012

at

19:00



MUNICIPALITY OF SWAKOPMUND

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Ref No A 2/3/5

Enquiries: A Gebhardt

21 June 2012

The Mayor and Councillors
Municipality
SWAKOPMUND

Dear Sir / Madam

NOTICE: ORDINARY COUNCIL MEETING

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

THURSDAY, 28 June 2012 at 19:00,

E U W Demasius
CHIEF EXECUTIVE OFFICER

AG/-

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1. **OPENING**

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

2.1 Application for leave of absence.

2.2 Declaration of interest.

3. **CONFIRMATION OF MINUTES**

(C/M 2012/06/28 - A 2/3/5)

3.1 Minutes of an **Ordinary Council Meeting** held on **31 May 2012**.
(pp 64/2012 - 78/2012)

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

None.

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

5.1 Announcements by the Mayor and Chairperson of Council.

5.2 Long Service Awards.

6. **PETITIONS**

None.

7. **MOTIONS OF MEMBERS**

None.

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

None.

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

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10. **REPORT TO COUNCIL ON RESOLUTIONS TAKEN BY
MANAGEMENT COMMITTEE DURING JUNE 2012**

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10. (A) Minutes of an **Ordinary** and **Special Management Committee** **4 - 13**
and **meetings** held on **14 June 2012.**

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

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

10 (A) **MINUTES OF AN ORDINARY MANAGEMENT COMMITTEE MEETING
HELD ON 14 JUNE 2012**

2. **CONFIRMATION OF MINUTES**
(M/C 2012/06/14 - A 2/3/5)

2.1 **MINUTES OF AN ORDINARY MANAGEMENT COMMITTEE MEETING
HELD ON 16 MAY 2012**

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

RESOLVED:

That the Minutes of an Ordinary Management Committee meeting
held on 16 May 2012 be confirmed as correct.

2.2 **MINUTES OF A SPECIAL MANAGEMENT COMMITTEE MEETING
HELD ON 16 MAY 2012**

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

RESOLVED:

That the Minutes of a Special Management Committee meeting held
on 16 May 2012 be confirmed as correct.

5. **REPORTS: HEADS OF DEPARTMENTS**

5.2. **COMMUNITY DEVELOPMENT SERVICES**

5.2.1 **SHACK POLICY**
(M/C 2012/06/14 - H 5, H 5/4, H 5/7)

RESOLVED:

That the General Manager: Community Development Services
resubmit the Shack Policy to Management Committee.

5.3 **ENGINEERING SERVICES**

5.4.1 **REPORTS ON TIME EXTENSIONS**
(M/C 2012/06/14 - D 16/2)

RESOLVED:

That the General Manager: Engineering Services ensures that the
monthly report of the Engineering Services Department includes all
requests for extensions of time by Developers and Contractors.

5.5 **FINANCE**

5.5.1 **TOTAL EXPENDITURE**

(M/C 2012/06/14 - D 7/3/2/1)

RESOLVED:

That the total expenditure of N\$31 328 109.60 for the period 01- 31 May 2012 be accepted and approved as correct.

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

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

(M/C 2012/06/14 - H 5/3)

RESOLVED:

- (a) That permission be granted for the following 10 (ten) applicants from the waiting list (number 54 to 63) to take over the loans of beneficiaries who did not claim the loan:

<i>No.</i>	<i>Name from Waiting List</i>	<i>Replaced Person</i>	<i>Loan</i>	<i>Erf No.</i>
54	William Tomas	Bonifatius E Uirab	40000.00	3652
55	Athele V Shalulu	Herold Tsaoeb	40000.00	3654
56	Elizabeth Hoabes	Charles Fisch	40000.00	3715
57	Marly Tjongarero	Loth Urikhob	35000.00	3773
58	Natanael Kausiona	Mwala Lutaka	40000.00	3778
59	Martha Kanyumbo	Magrith Areses	33000.00	3794
60	Jordina Kamberipa	Paul Gougoab	40000.00	3800
61	Fransiska Tjitandi	Dirk J Cloete	40000.00	3804
62	Robert P Gowaseb	Lucia Goagoses	28000.00	3810
63	Absalom K Iyambo	Fillemon Sakaria	20000.00	3815

- (b) That the beneficiaries be granted a loan not exceeding 25% of their monthly income as per Build Together Guidelines.

7.7 **FEEDBACK REPORT ON THE INCOMPLETE HOUSES OF THE BUILD TOGETHER PROGRAMME**

(M/C 2012/06/14 - H 5/3)

RESOLVED:

- (a) That the General Manager: Community Development Services submit a report to the Management Committee indicating when the loans were granted.
- (b) That in future, no Build Together erf be sold unless a completion certificate has been issued for the house.
-

7.8 **APPLICATION BY MESSRS ALL-SAFE TRAINING & CONSULTING FOR LAND FOR THE ESTABLISHMENT OF A MULTI-PURPOSE CENTRE**

(M/C 2012/06/14 - E 2827, 3654, G4/1/1, I 1/1/5)

RESOLVED:

- (a) That Messrs All-Safe Training & Consulting be informed that the Remainder of Erf 2827, Swakopmund situated next to the Municipal Office Complex, the area between the Tamariskia Sport Field and Atlantic Primary School and the portion of Rakotoka Street (cul-de-sac) are not available.
 - (b) That Messrs All-Safe Training & Consulting be informed that Council does not have institutional erven available at the centre of town apart from the portions to be created from the subdivision of Portion 5, Tamariskia.
 - (c) That Messrs All-Safe Training & Consulting be informed to provide proof of registration as a non-profit organisation and a company profile for it's future applications.
-

7.9 **REQUEST TO USE A PORTION OF ERF 2747, SWAKOPMUND**

(M/C 2012/06/14 - E 2747)

RESOLVED:

That this item be referred back for further investigation and be resubmitted at the next Management Committee meeting with the following information:

- (i) If Council approves the application; whether all three (3) anchor blocks should be maintained by the lessee.*
 - (ii) Does the building on Erf 400, Swakopmund have windows on the boundary of the erf overlooking the adjacent property?*
 - (iii) That the option to decline the application be motivated as well.*
-

7.11 **REQUEST FOR EXTENSION OF TIME: TRANSFER OF ERF 4326 (A PORTION OF ERF 63, MONDESA), MONDESA TO MESSRS MONDESA PROPERTY INVESTMENT CC**

(M/C 2012/06/14 - M 4326)

During the discussion of this item Councillor J Kambueshe declared his interest in the matter and left the chambers during the discussion. It was:-

RESOLVED:

- (a) That the interest declared by Councillor J Kambueshe and the fact that he left the chambers during the discussion be noted.
 - (b) That Mr J Kambueshe of Messrs Mondesa Property Investment CC be given until 30 September 2012 to secure the purchase price plus 15 % VAT, failing which the transaction be cancelled without any further notice.
-

7.12 **SUBDIVISION OF THE REMAINDER OF ERF 1803, MONDESA INTO PORTION A AND THE REMAINDER**
(M/C 2012/06/14 - M 1803)

RESOLVED:

That this item be referred back.

7.14 **SETTING UP OF MUNICIPAL PAY-POINTS**
(M/C 2012/06/14 - D 10/1)

RESOLVED:

- (a) That the setting up of a pay-point not be considered due to the escalating costs, difficulty in obtaining a suitable venue and additional anticipated implementation and maintenance difficulties making the venture practically and financially unfeasible at this time.
 - (b) That the General Manager: Finance investigate the following possibilities and report back to the next Management Committee meeting.
 - (i) *Installation of speed points at the cashiers.*
 - (ii) *Opening the cashiers during lunch hours (13H00-14H00).*
 - (iii) *Placing a cheque deposit box for the public.*
-

7.15 **APPLICATIONS BY MESSRS KAZAK AFRICAN EXPERIENCE CULTURAL TOURISM TO LEASE VARIOUS MUNICIPAL LANDS**
(M/C 2012/06/14 - E 118, E 266 ABC, E 2747, E 3777, J 8/3)

RESOLVED:

That this item be referred back and be resubmitted to next Management Committee meeting and that all Councillors be provided with the attachments for this item.

7.16 **INVESTIGATION OF UNACCOUNTED WATER CONSUMPTION**
(M/C 2012/06/14 - D 11)

RESOLVED:

- (a) That this item be referred back for further investigation and be resubmitted to Management Committee.
 - (b) That detailed motivations be provided with regard to the process to be followed.
 - (c) That the current water losses be compared to the previous financial year.
-

7.17 **SUPPLY OF FUEL FOR MUNICIPAL FLEET AT STORES**
(M/C 2012/06/14 - D 12/2)

RESOLVED:

That the report regarding the supply of fuel for Municipal fleet at the Stores submitted by the General Manager: Finance be noted.

8. **POLICY MATTERS**

8.3 **PERMISSION TO DEMOLISH ILLEGAL GARAGE ON ERF 1891, SWAKOPMUND**

(M/C 2012/06/14 - E 1891)

RESOLVED:

- (a) That legal advice be sought to ensure compliance with the correct procedures.
 - (b) That permission be granted to the General Manager: Engineering Services to make the necessary arrangements to demolish the illegal structure on Erf 1891, Swakopmund belonging to Mr Reinartz once confirmation is received from Council's Legal Advisor.
 - (c) That the cost of removing the illegal structure be levied against Mr Reinartz.
-

8.7 **PAYMENT OF ACCOUNT DEPOSITS TO ERONGO RED**

(M/C 2012/06/14 - A 4/3/1/16)

RESOLVED:

- (a) That the proposal to exempt all Local Authorities from the payment of deposits on their electricity accounts be tabled at the next Erongo RED meeting on 19 June 2012 by Council's representative.
 - (b) That this request be substantiated on the basis that any outstanding debt can be recovered from the Local Authorities surcharges due to such a Local Authority by Messrs Erongo RED.
-

8.8 **REQUEST FOR FUNDING FOR CAT PROTECTION SOCIETY SWAKOPMUND**

(M/C 2012/06/14 - F 7)

RESOLVED:

- (a) That this item be referred back for further investigation by the General Manager: Health Services and be resubmitted to the next Management Committee meeting.
 - (b) That the following be provided:
 - (i) *Proof of registration as a welfare organisation.*
 - (ii) *List of the members of the Cat Protection Society Swakopmund.*
 - (iii) *On what criteria the funds will be paid?*
-

8.12 **REPORT ON DRC AND PDA DEVELOPMENTS**
(M/C 2012/06/14 - H 5, H 5/7)

RESOLVED:

- (a) That Council initiates discussion with the Ministry of Regional and Local Government, Housing and Rural Development and the Ministry of Environment and Tourism with regard to the requirements of the Environmental Management Act.
 - (b) That the delegation consist of the following:
 - *Mayor*
 - *Chairperson of the Management Committee*
 - *Councillor P V Steinkopff*
 - *Town Planner*
-

8.13 **SHACK DWELLERS FEDERATION OF NAMIBIA: COMMUNITY LAND INFORMATION PROGRAMME (CLIP) PHASE 2**
(M/C 2012/06/14 - H 5)

RESOLVED:

- (a) That Council agrees in principle to participate in this initiative as it will enhance Council's knowledge and understanding on socio-economic features of the backyard shack dwellers in Mondesa.
 - (b) That the Community Development Services Department submit a cost implication analysis of the exercise to the next Management Committee meeting.
-

8.19 **REZONING OF ERF 694, VREDE REDE STREET, MONDESA FROM "SINGLE RESIDENTIAL" WITH A DENSITY OF 1 DWELLING PER 600M² TO "GENERAL BUSINESS" WITH A BULK OF 1.0**
(M/C 2012/06/14 - M 694)

RESOLVED:

- (a) That the rezoning of Erf 694, Mondesa from "*Single Residential*" with a density of 1 dwelling per 600m² to "*General Business*" with a bulk of 1.0 not be approved.
 - (b) That the applicant be advised to submit proposed plans to the Engineering Services Department for consideration by the Management Committee.
 - (c) That the application be compared to that of Messrs Hero's Bar.
-

9. **PERSONNEL MATTERS**

9.1 **COMPOSITION AND TERMS OF REFERENCE OF THE MUNICIPAL AIDS COMMITTEE**

(M/C 2012/06/14 - B 1/12)

RESOLVED:

(a) That the composition of the Municipal AIDS Committee be as follows:

- *Councillor J Kambueshe: Deputy Mayor;*
- *Ms Lydia Mutenda: Manager: Health Services;*
- *Mr Vilyo Ndapopiwa: Wellness Officer;*
- *Mr C McClune : Engineering Services Department, Planning Section;*
- *Mr Kheibeb : Traffic Section & NATIS;*
- *Mrs M Palmer : Community Development Services & Rest Camp;*
- *Mr C Simasiku : Human Resources Section;*
- *Mr U Tjiurutue : Administration & Property Section;*
- *Mr P Tjipute : Health Services;*
- *Ms P Embula : Finance Department;*
- *The nominee for the Engineering: Services Department, Operation Section remains outstanding.*

(b) That the Terms of References (on file) for the Municipal AIDS Committee be approved.

(c) That permission be granted to add further members as the need arises.

9.2 **INVITATION TO THE INAUGURATION OF PHASE 2 OF THE RAILWAY LINE EXTENSION FROM ONDANGWA TO OSHIKANGO AS WELL THE ELUNDU-NKURENKURU ROAD**

(M/C 2012/06/14 - A 2/3/2/1)

RESOLVED:

(a) That the Mayor attends the Inauguration of Phase 2 of the Railway line extension from Ondangwa to Oshikango as well the Elundu-Nkurenkuru Road, which will be held from 05-06 July 2012 in Okongo.

(b) That subsistence and travelling allowance be defrayed from the Council's Conference Expenses Vote 100510206500 where sufficient funds are available.

9.3 **TRAINING ON JOB DESCRIPTION WRITING**

(M/C 2012/06/14 - B 1/4/8)

RESOLVED:

(a) That training on "*Job Description Writing*" to be provided to the five (5) Human Resources staff members and ten (10) Shop Stewards by Messrs Visions Consulting at a cost of N\$9 775.00 from 5-6 July 2012 at the Swakopmund Municipal Training Centre be approved.

- (b) That the cost of the training be defrayed from the Human Resources Training Vote 101510215700, where N\$19 396.31 is available.

9.4 **WORKSHOP ON HOW TO INVESTIGATE, PREPARE FOR AND INITIATE A HEARING**

(M/C 2012/06/14 - B 1/4/8)

RESOLVED:

- (a) That to the following staff members attend A 2-days workshop offered by Messrs Labour Solutions Corporation (Pty) Ltd on “*How to Investigate, Prepare for and Initiate a Hearing*” from 20-21 June 2012 at a cost of N\$19 800.00 in Swakopmund:
- *Manager: Human Resources*
 - *Manager: Health Services*
 - *Manager: Community Development Services*
 - *Manager: Finance*
 - *Manager: Traffic Services*
 - *Chairperson of the Shop Stewards Committee*
- (b) That the cost of the workshop be defrayed from the various Departments’ Training Votes, and special leave be granted to the staff members during this period.

9.5 **TRAINING ON THE ENVIRONMENTAL ACT & REGULATIONS**

(M/C 2012/06/14 - B 1/4/8)

RESOLVED:

- (a) That the following staff members and all available Councillors attend a one-day training course offered by Messrs Urban Green CC on the Environmental Act and Regulations on 27 July 2012 at a cost of N\$2 500.00 per person in Swakopmund:
- *Chief Executive Officer*
 - *General Manager: Corporate Services and HR*
 - *General Manager: Health Services*
 - *General Manager: Engineering Services*
 - *General Manager: Community Development Services*
 - *General Manager: Finance*
 - *Manager: Corporate Services*
 - *Manager: Engineering Services*
 - *Manager: Health Services*
 - *Town Planner*
 - *Corporate Officer: Property*
- (b) That the costs of the course be defrayed from the various Departments’ Training Votes and that special leave be granted to the staff members during this period.
-

9.6 **BUDGET FOR TOWN PLANNING OFFICER**
(M/C 2012/06/14 - B 1/1/4)

RESOLVED:

That the newly created position for a Town Planning Officer be budgeted for the 2012/2013 Financial Year.

9.7 **WATER AND WASTEWATER TREATMENT COURSE**
(M/C 2012/06/14 - B 1/4/8)

RESOLVED:

- (a) That permission be granted for the Foreman Disposal Works (Mr H T Blom) to attend a Water and Wastewater Treatment Course offered by Messrs Monarch Training Pty (Ltd) from 27 to 29 June 2012 at the Nampower Convention Centre in Windhoek.
 - (b) That special leave be granted to the staff member during this period.
 - (c) That permission be granted to the staff member to make use of Municipal vehicle (Corsa Utility – N 11239 S) to and from Windhoek.
 - (d) That the total cost of N\$12 695.00 be defrayed from the Training Vote 302510215700 where N\$14 445.25 is available.
-

9.8 **INVITATION: AS A GUEST SPEAKER AT THE NAMIBIA TOURISM EXPO 2012 IN WINDHOEK**
(M/C 2012/06/14 - A 2/3/2/1)

During the discussion of this item Councillor U Kaapehi complimented the Mayor for the excellent speech she presented at the opening of the Namibia Tourism Expo on 06 June 2012 in Windhoek. Councillor P V Steinkopff requested that all the Councillors be provided with copies of the Mayor's speeches. It was:-

RESOLVED:

- (a) That the permission granted to the Mayor to be a guest speaker at the opening of the Namibia Tourism Expo on 06 June 2012 in Windhoek, be condoned.
 - (b) That the Mayoral vehicle be used for this trip.
 - (c) That subsistence and travelling allowance be defrayed from the Council's Conference Expenses Vote 100510206500 where N\$13 402.51 is available.
 - (d) That all Councillors be provided with copies of the Mayor's speeches after a particular event or function.
-

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

10.1 **VANDALISM AT THE TAMARISKIA PLAY PARK**
(M/C 2012/06/14 - N 7/4/1, T 503)

RESOLVED:

That this item be referred back for cost analysis and investigation of the security issues.

10 (B) **MINUTES OF A SPECIAL MANAGEMENT COMMITTEE MEETING HELD ON 14 JUNE 2012**

5. **DISCUSSION POINTS**

5.1 **REQUEST FOR AN AUDIENCE BY MESSRS DAMUSHKY INVESTMENTS CC**
(S/M/C 2012/06/14 - H 5/8)

During the discussion of this item, Mr K K Namoloh of Messrs Damushky Investments Cc made a presentation to Management Committee requesting ±3 200 ha of land to build ±3 500 houses. The company would install the necessary services including gravel roads and build a new pre and primary school, based on either a Public Private Partnership basis or a share in profit.

The chairperson informed Mr K K Namoloh of Council's existing resolution regarding sale of blocks of land for development and that Council's Property Policy is being reviewed at the moment. After various questions were raised and answered to the satisfaction of Management Committee, it was -

RESOLVED:

(a) That Messrs Damushky Investments CC be informed of Council's position regarding the sale of blocks of land for development as resolved by Management Committee on 10 March 2011, i.e.:

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

(b) That Messrs Damushky Investments CC be informed that the application can only be considered once the Revised Property Policy is gazetted.

11. **RECOMMENDATIONS BY THE MANAGEMENT COMMITTEE**
11.1 **ORDINARY MANAGEMENT COMMITTEE MEETINGS HELD ON 14 JUNE 2012**

11.1.1 **CONTRIBUTION TO DISASTER FUND**

(C/M 2012/06/28 - D 6/9)

Ordinary Management Committee Meeting of 14 June 2012,
Addendum 7.1 page 01 refers.

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

Management Committee on **16 May 2012** under point 7.5 resolved as follows:

That Council only considers this matter on receipt of a written motivation from the Erongo Regional Council as to what the application of the funds would be considering the contributions already requested and made to the Erongo Regional Emergency fund.

Following the above resolution, Messrs Erongo Regional Council was informed accordingly and the **attached** correspondence was received from them. (See **Annexure “A”**)

Council's current annual contribution amounts to N\$2 500.00 to the Erongo Regional Emergency Fund. This fund was established on **2 July 2010** by a motion passed by the Regional Council as per the **attached** correspondence and is intended to alleviate suffering in times of human and natural disasters. (See **Annexure “B”**).

Despite our efforts, it is not clear how the aims of the newly established Disaster Fund differs in its application to the already existing Emergency Fund to which Council already actively donates with annual contributions.

Council also established its own Emergency Fund in **May 2010**. It is proposed that Council only considers making a contribution to the Erongo Regional Council's Disaster Fund on the occurrence of a disaster rather than donating on an annual basis.

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

RECOMMENDED:

That Council only considers making a contribution towards the Erongo Regional Disaster Fund on the occurrence of a disaster.

11.1.2 **BUILD TOGETHER APPLICATION OF MS M L MATSUIS**
(C/M 2012/06/28 - H 5/3)

Ordinary Management Committee Meeting of 14 June 2012,
Addendum 7.3 page 11 refers.

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

1. Management Committee on **15 April 2010** under item 10.1 resolved as follows:

That subsequent to (a) above the allocation of erven to Build together beneficiaries be attended to as per the list (on file) - (Annexure "A").

2. Ms M L Matsuis, reference 08017000020 is a beneficiary of the Build Together Program (**Phase- Single Quarter**) whose application dated **28 October 2005** was approved and subsequently Erf 3527, Mondesa was allocated to her. However during the verification exercise, it was discovered that the particular erf is housing an electrical substation which supplies the electricity to the area. Ms M L Matsuis was advised not to go ahead with her construction work, as the particular erf cannot accommodate both Erongo RED and Ms M L Matsuis.
3. The matter was discussed at the Decentralized Build Together Committee of **10 May 2012** which recommended:

That Erf 3330, Mondesa be re-allocated to Ms Monica L Matsuis due to the fact that the erf previously allocated to her (3527) is housing an electrical kiosk.

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

RECOMMENDED:

- (a) That Erf 3330, Mondesa be allocated to Ms M L Matsuis due to the fact that Erf 3527, Mondesa which was previously allocated to her is designated for an electrical substation.
 - (b) That Messrs Erongo RED be informed to purchase Erf 3527, Mondesa.
 - (c) That permission be granted to the General Manager: Finance to write off the services account of Ms M L Matsuis for Erf 3527, Mondesa with a total amount of N\$6 194.79.
-

11.1.3 **BUILD TOGETHER APPLICATION: BUSINESS STALLS ON ERF 632**
MONDESA

(C/M 2012/06/28 - M 632)

Ordinary Management Committee Meeting of 14 June 2012,
Addendum 7.4 page 16 refers.

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

1. Management Committee on **16 May 2012** resolved as follows:

That this item be referred back for further investigation by the General Manager: Community Development Services and be resubmitted to the next Management Committee meeting.

2. Subsequent to the above resolution, the Community Development Services Department collected all relevant documents i.e. lease agreement for the Business Stalls, Build Together Application forms, etc. from a range of sources such as Archives as well as conducting interviews with the Build Together Committee members, in particular it's Chairperson.
3. The Chairperson of the Decentralized Build Together Committee confirmed that in 2005, Government allocated N\$2 000 000.00 to the Swakopmund Municipality to renovate and upgrade the Single Quarter. However since the renovation and upgrading of the Single Quarters was already finalized, Council requested permission to instead utilize the funds for the Build Together Programme – Sub Programme Rural/ Urban Housing especially to allocate loans to people residing in the business stalls and DRC – as most of them were former Single Quarter residents.
4. The Government responded positively and as such, the Decentralized Build Together Committee invited people residing at the stalls in 2005 to apply for the loans. The purpose was for the residents to build their houses and to vacate the business stalls which will allow Council to allocate the business stalls to those who are interested in conducting business there.
5. After scrutinizing all the documents and listening to the former Chairperson of the Decentralized Build Together Committee, Community Development Services summarized its findings hereunder:

NAME	FINDINGS
Onesmus Kashuuvikwa (Stall # 1A)	<ul style="list-style-type: none">• Leased business stall from 1/11/2005 to 17/03/2009• Applied for Build Together loan on 25 October 2005.
Hileni Shapaka (Stall # 21)	<ul style="list-style-type: none">• Leased business stall from 01/06/2005 to 07/11/2005• Applied for Build Together on 25 October 2005 and loan approved accordingly.
Malakia Nangombe (Stall # 5)	<ul style="list-style-type: none">• Applied for the Build Together Loan on 25 October 2005 and loan approved accordingly.• Never leased the business stall

6. As it transpired above:

- *Business stall # 5 was leased by Mr M Kalundingo who is a business partner of Mr M Nangombe.*
- *Mr O Kashuuvikwa applied for the Build Together loan on **25 October 2005**. At that time, Mr O Kashuuvikwa was apparently residing in the same business stall with Mr Reinhold Martin - his brother.*
- *Ms H Shapaka leased the Business stall 21 from 1/6/2005 to 4/11/2005, approximately, two months after she applied for the Build together loans.*

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

RECOMMENDED:

- (a) **That the Build Together loans of Mr O Kashuuvikwa and Mr M Nangombe be cancelled due to the following reasons:**
- *Mr O Kashuuvikwa - applied while he was not the legal lessee of Stall 21.*
 - *Mr M Nangombe - applied while he was not the legal lessee of Stall 5.*
- (b) **That the Build Together loan of Ms H Shapaka be approved and that Erf 3828, Mondesa be allocated to her.**
-

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

(C/M 2012/06/28 - H 5/3)

Ordinary Management Committee Meeting of 14 June 2012, Addendum 7.5 page 26 refers.

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

Management Committee on **16 May 2012** resolved as follows:

That this item be referred back for further investigation by the General Manager: Community Development Services and be resubmitted to the next Management Committee.

Both Mr A Ngutonua and Ms P Gertze form part of the beneficiaries of the Build Together Program under Phases 6 and 7, which was approved by the Ministry during 2005/6 and 2006/7 Financial Year. Mr A Ngutonua received a loan of N\$35 000.00 under Reference No. 801000411 while Ms P Gertze received a loan to the amount of N\$28 000.00 with Reference No. 801000611. The two beneficiaries however failed to show up during the time of allocation and reported after the deadline of **20 September 2010**.

Both applicants submitted letters (on file) in which they gave reasons for their late reporting, and is thus requesting the Decentralized Build Together Committee to reconsider their allocations. According to their letters:

- A. Ms P Gertze
- Was hospitalized for two weeks during **April 2010**.
 - Went to Luderitz to recover for two months (**August and September 2011**).
- B. Mr A Ngutonua
- Was out of town with work and did not know that he had to report to the Community Development Services office.

The matter was submitted to the Decentralized Build Together Committee on **19 October 2011** which recommended the following:

That the applicants hereunder be provided with the following erf numbers:

REF	NAME	PHASE	ERF
801000411	Abiud Ngutonua	6	3833
801000611	Petra Gertze	7	3837

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

RECOMMENDED:

That the reasons provided by Ms P Gertze and Mr A Ngutonua be accepted and that the following erven be allocated to them:

REF	NAME	PHASE	ERF
801000411	Abiud Ngutonua	6	3833
801000611	Petra Gertze	7	3837

11.1.5 **REQUEST FOR PRICE REDUCTION BY ERONGO DEVELOPMENT FOUNDATION**

(C/M 2012/06/28 - T 503)

Ordinary Management Committee Meeting of 14 June 2012, Addendum 7.10 page 66 refers.

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

1. Council on **26 April 2012** resolved as follows:

(a) *That the sale of a portion of Erf 503, Mondesa to Messrs Erongo Development Foundation, be approved, at:*

(i) *50% of the cost of the installation of services subject to a first right of refusal to obtain the land should Messrs Erongo Development Foundation wish to sell; at the market value of the improvements and the purchase price charged for Erongo Development Foundation; and subject to the condition that should no building activities be commenced within 24 months from date of transfer, the erf reverts to Council and all moneys / fees paid by Messrs Erongo Development Foundation be forfeited to Council, without any compensation to Messrs Erongo Development Foundation for improvements made;*

(ii) *that the purchase price for a portion of Erf 503, Tamariskia be N\$15 467.25 (being 50% of N\$12.30/m²; i.e. N\$6.15/m² x 2 515m²).*

(b) *That Council attends to the following:*

(i) *Subdivision of the portion;*

(ii) *Subsequent permanent closure thereof as a "Public Open Space", in terms of section 50 of the Local Authorities Act, Act 23 of 1992, as amended;*

(iii) *Rezoning to "Institutional" of the newly created erf;*

(iv) *Compliance with section 27 (1) and (2) of the Environmental Management Act, 2007 (Act No 7 of 2007); and*

(v) *"Consent use" as a house of safety.*

(c) *That all costs of the transaction be for the applicant's account which include, but are not limited to, all statutory disciplines for the closure of a public open space, subdivision, rezoning, alienation and transfer of land.*

(d) *That Messrs Erongo Development Foundation pays a deposit in the amount of N\$30 000.00 prior to Council attending to the statutory procedures set-out in (b) above and that Messrs Erongo Foundation will be required to pay for any shortfall and will be refunded should a balance remain.*

2. Messrs Erongo Development Foundation was informed on **02 May 2012 (Annexure "A")** of Council's resolution passed on **26 April 2012** and was requested to indicate whether they accept the conditions as set-out in point (a) (i) of Council's resolution above; and the purchase price of $N\$6.15/m^2 \times \pm 2\,515m^2 = N\$15\,467.25$.

3. A letter dated **24 May 2012 (Annexure "B")** was received from Messrs Erongo Development Foundation expressing gratitude to the Council for considering their application. They further stated that, they are a non profit welfare organisation and are humbly requesting Council to reconsider the offer.

4. With reference to point (d) of Council's resolution, the reduction of deposit amount being **N\$ 30 000.00** can not be considered as it is required to cover the costs that the Swakopmund Municipal Council will incur when attending to statutory processes.

5. In terms of Council's Property Policy, non-profit organizations purchase land from Council at 50% of the cost for the installation of services

whereas private companies purchase land at the market related price determined by Council's valuer.

6. Reference is hereby made to Council's previous decision with regards to similar applications:

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

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

- 6.2 Council on **24 March 2011** approved the sale of an industrial erf to Messrs COSDEF as follows:

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

7. Taking into consideration the request for Messrs Erongo Development Foundation, it is proposed that the Management Committee discuss the possibilities of granting a further reduction of the purchase price or to remain with Council's decision passed on **26 April 2012**.

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

RECOMMENDED:

- (a) **That Messrs Erongo Development Foundation be advised that Council will reconsider the matter after the statutory processes have been finalised.**
 - (b) **That Council proceeds with the subdivision of the property whereafter the full costs be submitted to Council for consideration of the final purchase price.**
-

11.1.6 **EXEMPTION FROM PAYMENT OF ASSESSMENT RATES**

(C/M 2012/06/28 - D 3/2)

Ordinary Management Committee Meeting of 14 June 2012,
Addendum 7.13 page 77 refers.

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

1. Provision is made in Section 75 (1) of the Local Authorities Act 23 of 1992, as amended, that Council, subject to certain conditions, may exempt certain organisations or institutions from the payment of assessment rates.

A copy of Section 75 is **attached** as **Annexure “A”**

2. According to the stipulations of subsection (3) of the Local Authorities Act (as amended), a local authority *shall not grant* any exemption under subsection (1), *unless* the application referred to in that subsection has been lodged to, or actually received by it on or before **31 May** in the year immediately preceding the financial year to which the application relates.
3. In addition, it should be noted that Council on **31 March 2010** under item 11.1.18 resolved to propose the following amendment to the Local Authorities Act, Act 23 of 1992, as amended, to the Minister of Regional and Local Government, Housing and Rural Development:

That the proposed amendments be submitted to the Permanent Secretary of the Ministry of Regional and Local Government, Housing and Rural Development for consideration, subject to following corrections:

(i) ...

(ii) ...

(iii) Section 75 be amended as: *That only those rectories which are registered in the name of the church / mission be exempted.*

Should the above proposed amendment be approved, Pastors / Reverends / Priests / Preachers will no longer be able to claim exemption for private residences as manses / parsonages / rectories. To date no reply was received from the said Ministry.

4. A notice was published on **30 March 2012 and 27 April 2012** in **The Namib Times** and **The Namibian** respectively with closing date **31 May 2012**.
5. The following applications (**Annexure “B”**) were received in terms of Section 75 (3) of the Local Authorities Act 23 of 1992 (as amended), for the exemption from payment of Assessment Rates:

ORGANISATION / BODY	ERF Number	PURPOSE FOR WHICH ERF IS RESERVED
Marie Douglas Heim Frial Care Centre / Prinzessin Rupprecht Heim	356 Swk	Old Age Home & Frail Care
The Old Apostolic Church	2108 & 681, Swk	Religious Gatherings
The Holy Cross Sisters in Namibia	196, Swk	Rectory

ORGANISATION / BODY	ERF Number	PURPOSE FOR WHICH ERF IS RESERVED
Swakopmund Baptist Church	1729, & 4264, Swk	Manse & Church
Palm Court Retirement Village	3355, Swk	Old Age Home
Bet – El Congregation	789, Tam	Place of Worship
Swakopmund Lions Welfare Organization (Lions Old Age Home)	801, 2781 & 911, Swk	Old Age home & retirement village
Swakopmund Methodist Church	2649, Swk	Church Worship Services
Deutsche Eva. Luth. Gemeinde	183 & 491, Swk	Church Services & Kindergarten
Privates Deutsches Schuler Heim	723, 724, 725, 726 & 728, Swk	Hostel, Boarding School & Kindergarten
Mahetago COSDEC	1544, Mondesa	Community Skills Development Centre & previously disadvantage groups
Missionary Benedictine Sisters of Tutzing	195, Swk	Residence of Missionary Benedictine Sisters
Church Council / Nederduits Reformed Church	508, Swk	Church
Ned . Geref. Kerk Swakopmund	2836 & 4206, Swk	Church & Rectory
Roman Catholic Church	949 Swk, 24 Tam & 284, Mon	Church Affairs
Evangelische Stadt Mission	1759, Swk	Church
Deutsche Pfadfinder	3534 & 4234, Swk	Youth Organization
Reiterverein Swakopmund	3572, Swk	Horse Riding Sport (Non Profitable Club)
Scouts of Namibia	1515, Swk	Place of Worship
Mondesa Youth Opportunity Trust	63, Mondesa	Educational services
Scientific Society Swakopmund	35, 1613, 900, 927 Swk	Library - Museum
Swakopmund Congregational Church	598, Swk	Church
Tierschutzverein SPCA Swakopmund	3758, Swk	Animal Care
Seventh – Day Adventist Church	2532, Swk	Residence of Pastor
Private School Swakopmund	1772 & 1774, Swk	School

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

RECOMMENDED:

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

ORGANISATION / BODY	ERF NO.	PURPOSE FOR WHICH ERF IS RESERVED
Marie Douglas Heim Frial Care Centre / Prinzessin Rupprecht Heim	356 Swk	Old Age Home & Frail Care
The Old Apostolic Church	2108 & 681, Swk	Religious Gatherings
The Holy Cross Sisters in Namibia	196, Swk	Rectory
Swakopmund Baptist Church	1729, & 4264, Swk	Manse & Church
Palm Court Retirement Village	3355, Swk	Old Age Home
Bet – El Congregation	789, Tam	Place of Worship
Swakopmund Lions Welfare Organization (Lions Old Age Home)	801, 2781 & 911, Swk	Old Age home & retirement village
Swakopmund Methodist Church	2649, Swk	Church Worship Services
Deutsche Eva. Luth. Gemeinde	183 & 491, Swk	Church Services & Kindergarten
Privates Deutsches Schuler Heim	723, 724, 725, 726 & 728, Swk	Hostel, Boarding School & Kindergarten
Mahetago COSDEC	1544, Mondesa	Community Skills Development Centre & previously disadvantage groups
Missionary Benedictine Sisters of Tutzing	195, Swk	Residence of Missionary Benedictine Sisters
Church Council / Nederduits Reformed Church	508, Swk	Church
Ned . Geref. Kerk Swakopmund	2836 & 4206, Swk	Church & Rectory
Roman Catholic Church	949 Swk, 24 Tam & 284, Mon	Church Affairs
Evangelische Stadt Mission	1759, Swk	Church
Deutsche Pfadfinder	3534 & 4234, Swk	Youth Organization
Reiterverein Swakopmund	3572, Swk	Horse Riding Sport (Non Profitable Club)
Scouts of Namibia	1515, Swk	Place of Worship
Mondesa Youth Opportunity Trust	63, Mondesa	Educational services
Scientific Society Swakopmund	35, 1613, 900, 927 Swk	Library - Museum
Swakopmund Congregational Church	598, Swk	Church
Tierschutzverein SPCA Swakopmund	3758, Swk	Animal Care
Seventh – Day Adventist Church	2532, Swk	Residence of Pastor
Private School Swakopmund	1772 & 1774, Swk	School

- (b) That in future a notice be included in the monthly Municipal account prior to the expiry date.

11.1.7 **ILLEGAL BUILDING ON LEASE AREA NO.1 QUARRY VENTURES**
(C/M 2012/06/28 - G 2/2)

Ordinary Management Committee Meeting of 14 June 2012,
Addendum 8.1 page 01 refers.

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

1. **Attached** letter from Messrs Onganja Mining t/a Messrs Quarry Ventures. Council has permitted them to sublet the actual quarrying to Messrs Namibia Construction on the same terms and conditions contained in the main lease.
2. The vehicles and machinery used on the quarry site are such that they cannot be removed from the site every day and the need arose to protect the vehicles and machinery from the elements and vandals/theft. Furthermore the employees on site need ablution facilities and office space. Messrs Namibia Construction (Pty) Ltd, constructed toilets and a steel portal frame structure on the Lease Area No. 1 quarry without first seeking approval from Council as required in terms of the agreement. There are also several containers on site which are being used for various purposes.
3. No approval was requested for the building plans and the above-mentioned structures are accordingly illegal in terms of the National Building Regulation Standards. The total area of the illegal buildings is 911.37 m². The transgression was pointed out to the Lessee and they have apologised for the oversight explaining that it was due to the ignorance of the site manager.
4. The penalty for illegal buildings is usually to either levy a fine or to demand that the structure be demolished. Since the structures are beneficial as opposed to gratuitous and pose danger to the public, there is no need to consider demolition. It is therefore recommended that a penalty be levied instead.

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

RECOMMENDED:

- (a) That a fine be levied on Messrs Namibia Construction (Pty) Ltd, calculated by the following formula: $\text{Illegal Area} = 911.37\text{m}^2 \times \text{N\$}20.00 = \text{N\$}18\,227.40$.
 - (b) That **"As Built"** plans be submitted to the Engineering Services Department for approval.
 - (c) That permission be granted to use containers as temporary structure on the premises.
 - (d) That the permission in (c) above be subject to the operation of clause 11.2 of the agreement which provides that *"Save for any improvement which is removed from the premises after the termination of the agreement with the prior written consent of the Lessor, all improvements made on or to the premises shall belong to the Lessor and may not be removed from the property at any time. The Lessee shall not, whatever the circumstances, have any claim against the Lessor for compensation for any improvements on or repair to structures or improvements on the premises, nor shall the Lessee have the right of retention in respect of any improvements made to the premises"*.
-

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

(C/M 2012/06/28 - M 900)

Ordinary Management Committee Meeting of 14 June 2012,
Addendum 8.2 page 04 refers.

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

Application was received from the owner of Erf 900, Mondesa for consent to operate an Administration Office on the premises.

The proposed office will deal with skilled labour training, construction and earth moving. The property is zoned “*Single Residential*” and in terms of the Swakopmund Town Planning Scheme consent can be obtained for the operation of a resident occupation by the owners of the property.

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.

The proposed consent use was advertised in terms of Clause 6 of the Swakopmund Town Planning Scheme **Notice No. 20/2012-05-22**. By the closing date for objections only one objection was received from a neighbouring property.

Objection by Mr R Moisel

Mr R Moisel argues that he cannot agree to an industrial activity to take place in a residential area, because of potential noise and other disturbances.

Discussion on objection

The argument of the objector cannot be supported as the use might be related to industrial activity but is concerned only with the administration thereof. This directly addresses the concern of noise as well. No physical construction, training or earth moving activities are allowed on the property.

If in such case that valid complains are received in terms of storage of equipment or unwanted activities not related to the consent use the permission from Council may be revoked.

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

RECOMMENDED:

- (a) That the following application by Mr S Jegonia and Mr L Dickson t/a Messrs EFS Construction and Skilled Labour Training CC for permission to operate an Administrative Office on Erf 900, Mondesa be approved.
 - (b) That they register with the Health Services Department and the standard Health Regulations will apply.
 - (c) That the consent use be subject to the following:
 - *That Council reserves the right, to cancel a consent use should there be valid complaints.*
 - *That they must operate within the Town Planning Scheme Regulations.*
 - *That the consent is not transferable.*
 - *That they provide sufficient parking on the premises.*
 - *That no storage of equipment to be done on site.*
 - *That no on street parking will be tolerated.*
 - (d) That Mr R Moisel be informed of his right to appeal (in terms of Clause 8 of the Swakopmund Town Planning Scheme) to the Minister, within 28 days of this notice against Council's decision, provided that written notice of such an appeal shall be given to the Ministry, as well as the Council within the said period.
-

11.1.9 **PERMISSION TO PURCHASE A PORTION OF ERF 99, MILE 4**
(C/M 2012/06/28 - M4 E 99, N 7/3/2/2)

Ordinary Management Committee Meeting of 14 June 2012,
Addendum 8.4 page 18 refers.

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

1. **INTRODUCTION**

The purpose of this submission is to obtain a Council resolution in order to apply to the Ministry of Regional and Local Government, Housing and Rural Development for approval in terms of Section 64 of the Local Authorities Act, Act 23 of 1992, as amended for Council to purchase a portion of Erf 99, Mile 4 measuring approximately 138.82m² at a purchase price of **N\$27 764.00** from the Ministry of Defence Force known as Defence Force Foundation trading as Mile 4 Caravan Park.

The said portion will be subdivided from Erf 99, Mile 4 and will be consolidated with Abalone Avenue at the cost of Council.

2. **BRIEF BACKGROUND**

A memo, **attached** as **Annexure “A”** was received from Engineering Services Department stating that they have received numerous complains from road users in the neighbourhood of Mile 4 concerning the sharp turn of the Abalone Avenue causing vehicles to crash into the boundary wall of Erf 175, Mile 4.

After Engineering Services Department conducted an inspection, it was found that there is an informal road crossing a triangular portion of Erf 99, Mile 4 which is currently being used as part of Abalone Avenue. The triangular portion is indicated on the **attached** map **Annexure “B”**.

In order to find an amicable solution to this, Engineering Services Department suggested that the triangular portion of Erf 99, Mile 4 be subdivided from Erf 99, Mile 4 and consolidated with Portion 184, Mile 4 (Abalone Avenue) to create a street for future extension of Mile 4. Since Erf 99, Mile belongs to the Ministry of Defence Force, Council has to buy the triangular portion from the said Ministry and consolidate it with Abalone Street.

3. **DISCUSSION**

With reference to the above, the Trust & Estate Co (Pty) was requested to provide the market valuation of the triangular portion and it was calculated as ± N\$ 200.00/m² (**Annexure “C”**).

The above mentioned valuation was forwarded to the Ministry of Defence Force requesting them to sell the said portion to Council. In response to this, a letter dated **08 May 2012 (Annexure “D”)** was received from the Ministry of Defence Force accepting to sell the portion to Council at the purchase price of **N\$27 764.00** (N\$200.00/m²).

Due to the work load of the Town Planning Section, it is proposed that Council appoints a town planning consultant to attend to the statutory processes, i.e. subdivision and consolidation of the portion. The cost of the process is to be borne by Council.

As an indication of the possible cost to Council, with reference to the quotation of Messrs Win Plan (**Annexure E**) for subdivision and consolidation of a portion of the street adjoining Erf 3589, Swakopmund; the estimated cost for permanent closure, subdivision and consolidation was approximately **N\$20 326.60** and the surveying of the portion **N\$6 579.90**. The total cost will be **N\$26 906.50**.

Should Council approve to purchase the portion of Erf 99, Mile 4, the following is a breakdown of the costs for the statutory process as per quotation of Messrs WinPlan:

❶ Subdivision and Consolidation fees	= ± N\$ 20 326.60
❷ Survey fees	= ± N\$ 6 579.90
❸ Transfer fee	= ± N\$ 2 800.00
❹ Purchase price ($\text{N\$}200.00/\text{m}^2 \times \pm 138.82\text{m}^2$)	= ± N\$ 27 764.00
	± N\$ 57 470.50

4. **CONCLUSION**

Taking the above into consideration, it is proposed that Council approves to purchase the portion of Erf 99, Mile 4 in terms of Section 64 of Local Authorities Act, Act 23 of 1992, as amended.

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

RECOMMENDED:

- (a) That Council approves the purchase of a portion of Erf 99, Mile 4 measuring $\pm 138.82\text{m}^2$ at the purchase price of $\text{N\$}200.00/\text{m}^2 = \text{N\$}27 764.00$ from the Ministry of Defence trading as Mile 4 Caravan Park.
 - (b) That Ministerial approval be applied for in terms of Section 64 of the Local Authorities Act, Act 23 of 1992, as amended in order for Council to proceed with the purchase of the portion of Erf 99, Mile 4.
 - (c) That a triangular portion of Erf 99, Mile 4 indicated on the attached plan (Annexure "B") be subdivided from Erf 99, Mile 4 and consolidated with Portion 184, Mile (Abalone Avenue).
 - (d) That Council approves the appointment of a town planning consultant by the Engineering Services Department to attend to the statutory processes, i.e. subdivision and consolidation as per (b) above.
 - (e) That Council approves the appointment of a land surveyor by the Engineering Services Department to attend to the surveying and compilation of diagrams for the said portion.
 - (f) That the Corporate Services and Human Resources Department attends to the compilation of a Deed of Purchase and the subsequent transfer of the said portion.
 - (g) That all costs regarding this transaction be borne by Council.
-

11.1.10 **SURFACING OF EXISTING STREETS**
(C/M 2012/06/28 - N 8/13/1/4)

Ordinary Management Committee Meeting of 14 June 2012,
Addendum 8.5 page 25 refers.

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

INTRODUCTION:

The Engineering Services Department in their financial budget for Financial Year 2012/2013, planned for various streets to be upgraded. Different considerations were used to identify the proposed streets for example load of traffic, storm water problems, accessibility and the classification in the road hierarchy.

The proposed streets that will be upgraded is as follows:

1. *Nelson Mandela Avenue - (Annexure 1)*
2. *Südstrand Street - (Annexure 2)*
3. *Schwester Frieda Street - (Annexure 3)*
4. *Kühnast Street - (Annexure 4)*
5. *Harder Street - (Annexure 5)*
6. *Rakotoka Street - (Annexure 6)*
7. *Theo Ben Gurirab Avenue - (Annexure 7)*
8. *Anton Lubowski Street - (Annexure 8)*
9. *Mandume Ya Ndemufayo Avenue - (Annexure 9)*

From the list above each street will be discussed individually and a cost estimate will be provided. Locality Plans for each street are also **attached** for reference.

Nelson Mandela Avenue

Nelson Mandela Avenue has been partially upgraded and therefore should be completed. Nelson Mandela is also a main Arterial Street which carries a high volume of vehicle traffic and would ease traffic through the Central Business District. It would also accelerate local business along the route and it would make the area aesthetically pleasing for visitors driving along an alternative route to the Northern Suburbs. Also included in the upgrading will be a new Traffic Circle at the intersection of Nelson Mandela Avenue and Rakotoka Street which will also increase traffic flow and would deter speeding along these two streets.

Südstrand Street

The specific street has been on the scheduled upgrading program for the Financial Year (2011/2012) and the money budgeted was used for the urgent repair of Daniel Kamho Street. This Street would also be a major route to the Kempinski Strand Hotel, once it is completed.

Schwester Frieda Street

This particular street has been chosen for the amount of traffic it carries, it is a major route to a school and therefore the need to upgrade the Street. It also has a low storm water point where storm water runoff collect and the upgrading would alleviate maintenance problems.

Kühnast Street

The specific Street has been on the scheduled upgrading program for the Financial year (2011/2012) and the money budgeted was used for the urgent repair of Daniel Kamho Street. The Street also carries a lot of pedestrian and vehicle traffic and provides access to a School.

Harder Street

Harder Street has been designed to carry surface storm water runoff from Welwitchia Street with an open interlocked channel and storm water pits. During the last rainy season it was evident that the amount of water the Street collects it should be surfaced to protect the substructure of the Street. It also makes engineering sense to link two surfaced roads namely Welwitchia Street and Fischreiher Street.

Rakotoka Street

This section of street will be an extension of Rakotoka Street between Vrede Rede Street and Mandume Ya Ndemufayo Street. This is also an important collector street which carries a lot of vehicle traffic and therefore it is important that it should be upgraded.

Theo Ben Gurirab Avenue

Theo Ben Gurirab Avenue is within the CBD area and serves as a link between Moses Garoeb and Tobias Hainyeko street access to various businesses and therefore should be upgraded to sustain business in the area.

Anton Lubowski Street

Anton Lubowski Street carries a lot of vehicle and pedestrian traffic and also gives access to a Hotel and various other high density buildings therefore the need to upgrade the street. A request for the upgrading from the Swakopmund Residents Association has also been **attached (Annexure 10)**.

Mandume Ya Ndemufayo Avenue

This section of street will be an extension of Mandume Ya Ndemufayo Street between Independence Street and Mondesa Cemetery. This is also an important collector street which carries a lot of vehicle traffic and therefore it is important that it should be upgraded.

Road Construction Cost

Nelson Mandela Avenue

MATERIAL			
KERBS	3000.00	76.00	228,000.00
INTERLOCKS	21300.00	96.25	2,050,125.00
			2,278,125.00
	CONTINGENCIES	30.00%	683,437.50
		TOTAL	2,961,562.50
LABOUR			
	QTY	RATE	AMOUNT
KERBS	3000.00	10.00	30,000.00
INTERLOCKS	21300.00	35.00	745,500.00
			775,500.00
	CONTINGENCIES	30.00%	232,650.00
		TOTAL	1,008,150.00
TOTAL ESTIMATED COST			3,969,712.50

Südstrand Street

MATERIAL			
KERBS	1400.00	76.00	106,400.00
INTERLOCKS	9897.40	96.25	952,624.75
			1,059,024.75
	CONTINGENCIES	30.00%	317,707.43
		TOTAL	1,376,732.18
LABOUR			
	QTY	RATE	AMOUNT
KERBS	1400.00	10.00	14,000.00
INTERLOCKS	9897.40	35.00	346,409.00
			360,409.00
	CONTINGENCIES	30.00%	108,122.70
		TOTAL	468,531.70
TOTAL ESTIMATED COST			1,845,263.88

Schwester Frieda Street

MATERIAL			
KERBS	1980.00	76.00	150,480.00
INTERLOCKS	9900.00	96.25	952,875.00
			1,103,355.00
	CONTINGENCIES	30.00%	331,006.50
		TOTAL	1,434,361.50
LABOUR			
	QTY	RATE	AMOUNT
KERBS	1980.00	10.00	19,800.00
INTERLOCKS	9900.00	35.00	346,500.00
			366,300.00
	CONTINGENCIES	30.00%	109,890.00
		TOTAL	476,190.00
TOTAL ESTIMATED COST			1,910,551.50

Kühnast Street

MATERIAL			
KERBS	800.00	76.00	60,800.00
INTERLOCKS	4000.00	96.25	385,000.00
			445,800.00
	CONTINGENCIES	30.00%	133,740.00
		TOTAL	579,540.00
LABOUR			
	QTY	RATE	AMOUNT
KERBS	800.00	10.00	8,000.00
INTERLOCKS	4000.00	35.00	140,000.00
			148,000.00
	CONTINGENCIES	30.00%	44,400.00
		TOTAL	192,400.00
TOTAL ESTIMATED COST			771,940.00

Harder Street

MATERIAL			
KERBS	800.00	76.00	60,800.00
INTERLOCKS	5680.00	96.25	546,700.00
			607,500.00
	CONTINGENCIES	30.00%	182,250.00
		TOTAL	789,750.00
LABOUR			
	QTY	RATE	AMOUNT
KERBS	800.00	10.00	8,000.00
INTERLOCKS	5680.00	35.00	198,800.00

			206,800.00
	CONTINGENCIES	30.00%	62,040.00
		TOTAL	268,840.00
TOTAL ESTIMATED COST			1,058,590.00

Rakotoka Street

MATERIAL			
KERBS	800.00	76.00	60,800.00
INTERLOCKS	5680.00	96.25	546,700.00
			607,500.00
	CONTINGENCIES	30.00%	182,250.00
		TOTAL	789,750.00
LABOUR			
	QTY	RATE	AMOUNT
KERBS	800.00	10.00	8,000.00
INTERLOCKS	5680.00	35.00	198,800.00
			206,800.00
	CONTINGENCIES	30.00%	62,040.00
		TOTAL	268,840.00
TOTAL ESTIMATED COST			1,058,590.00

Theo-Ben Gurirab Avenue

MATERIAL			
KERBS	800.00	76.00	60,800.00
INTERLOCKS	5680.00	96.25	546,700.00
			607,500.00
	CONTINGENCIES	30.00%	182,250.00
		TOTAL	789,750.00
LABOUR			
	QTY	RATE	AMOUNT
KERBS	800.00	10.00	8,000.00
INTERLOCKS	5680.00	35.00	198,800.00
			206,800.00
	CONTINGENCIES	30.00%	62,040.00
		TOTAL	268,840.00
TOTAL ESTIMATED COST			1,058,590.00

Anton Lubowski Street

MATERIAL			
KERBS	1120.00	76.00	85,120.00
INTERLOCKS	7952.00	96.25	765,380.00
			850,500.00
	CONTINGENCIES	30.00%	255,150.00
		TOTAL	1,105,650.00
LABOUR			
	QTY	RATE	AMOUNT
KERBS	1120.00	10.00	11,200.00
INTERLOCKS	7952.00	35.00	278,320.00
			289,520.00
	CONTINGENCIES	30.00%	86,856.00
		TOTAL	376,376.00
TOTAL ESTIMATED COST			1,482,026.00

Mandume Ya Ndemufayo Avenue

MATERIAL			
KERBS	1060.00	76.00	80,560.00
INTERLOCKS	7526.00	96.25	724,377.50
			804,937.50
	CONTINGENCIES	30.00%	241,481.25
		TOTAL	1,046,418.75
LABOUR			
	QTY	RATE	AMOUNT
KERBS	1060.00	10.00	10,600.00
INTERLOCKS	7526.00	35.00	263,410.00
			274,010.00
	CONTINGENCIES	30.00%	82,203.00
		TOTAL	356,213.00
TOTAL ESTIMATED COST			1,402,631.75

COST SUMMARY		
1	NELSON MANDELA AVENUE	3,969,712.50
2	SUDSTRAND STREET	1,845,263.88
3	SCHWESTER FRIEDA STREET	1,910,551.50
4	KHUNAST STREET	771,940.00
5	HARDER STREET	1,058,590.00
6	RAKOTOKA STREET	1,058,590.00
7	THEO BEN GURIRAB STREET	1,058,590.00
8	ANTON LUBOWSKI STREET	1,482,026.00
9	MANDUME YA NDEMUFAYO AVENUE	1,402,631.75
TOTAL COST		14,557,895.63

Budget for 2012/2013

The Department of Engineering Services has budgeted for these Streets in the Capital Budget. The following amounts have been included in budget:

1. Resurfacing of existing roads - N\$10 000 000.00.
2. Paving of new Roads - N\$5 000 000.00.
3. Paving shorter and narrow Street - N\$800 000.00.

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

RECOMMENDED:

That the streets listed below according to priority be surfaced in the 2012/2013 Financial Year and thereafter as funds become available:

No.	Street	Cost
(i)	Nelson Mandela Avenue	N\$3 969 712.50
(ii)	Rakotoka Street	N\$1 058 590.00
(iii)	Sudstrand street	N\$1 845 263.88
(iv)	Schwester Frieda Street	N\$1 910 551.50
(v)	Mandume Ya Ndemufayo Avenue	N\$1 402 631.75

11.1.11 **FAILURE TO SHOW UP BY DRIVERS LICENCE APPLICANTS**

(C/M 2012/06/28 - N 8/15/13/2)

Ordinary Management Committee Meeting of 14 June 2012,
Addendum **8.6** page **41** refers.

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

1. The passing rate for learner's licences increased tremendously after the implementation of the writing of learner's licences in **December 2011**. As a result thereof, the demand for driver's licences testing has also increased.
2. The booking system for driver's licences test is done every Monday and Wednesday from 15h00 in the afternoon. Approximately 30 numbers are handed out to the driver's licence applicants. At times these applicants storm and fight when numbers are being issued, because of the high demand for driver's licences.
3. When payments are received on Tuesday and Thursdays, the driver's licence application forms are forwarded to the Supervisor to allocate them to the Examiners to conduct the practical tests. During the allocation process, applicants are informed by the Licensing Officers to wait outside on the benches until their names are called by one of the Examiners.
4. When these names were called out by the Examiners, most of the applicants do not respond or are not present outside the office. Sometimes the person is called by his name, but pretends not to be there because he/she prefers to be tested by a specific Examiner. Since **January 2012** it has been noticed that 90 applicants failed to show up for testing, in this manner.
5. On many occasions these applicants would suddenly appear from nowhere just before the office close for business to the public at 15h00, demanding to be tested while claiming that they were present outside, and their names were never called during the day.
6. The situation discourages other applicants to come and book for driver's licence tests, as the space is being taken by those who were absent or disappear from the office.
7. **Action taken by the Supervisor:**
 - *Keep record of all the applicants who absented themselves from drivers licence in this fashion.*
 - *Give applicants a second chance, if they could not secure a vehicle for testing.*
 - *Returns learners licences to owners, and applicants forfeit their registration fees, if they failed to give reasonable excuse.*
 - *Circulate memorandum to all Natis employees urging them to refrain from any corrupt or fraudulent activities.*
8. Planning Forum on **14 May 2012** this item was discussed and the following was proposed:

- (a) That those applicants who fail to show up without reasons not be considered for new applicants again for one (1) month.*
- (b) That Messrs Roads Authority be informed about Council's decision on applicants who fail to turn up without valid reasons.*

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

RECOMMENDED:

- (a) That applicants who fail to show up without valid reasons not be permitted to apply again for a period of one (1) month.**
 - (b) That Messrs Roads Authority be informed about Council's decision regarding applicants who fail to turn up without valid reasons.**
-

11.1.12 **REPORT ON DRC AND PDA DEVELOPMENTS**

(C/M 2012/06/28 - H 5, H 5/7)

Ordinary Management Committee Meeting of 14 June 2012,
Addendum **8.12** page **53** refers.

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

1. Application for Need and Desirability was approved by the Namibian Planning Advisory Board (NAMPAB) on **22 December 2011** under item 66/2011. The approval letter for the Need and Desirability dated **29 February 2012** was forwarded to Messrs Winplan Town and Regional Planning Consultants to inform them accordingly.
2. Applications for Township Establishment were then submitted to Townships Board on **4 April 2012**. These applications needed to be advertised in terms of the Ordinance 11 of 1963 before the application is submitted for final approval by the Townships Board. On the **25 May 2012** Messrs Winplan Town and Regional Planning Consultants received a telephone call from the Ministry informing them that they cannot advertise the proposed application. This was due to the lack of an Environmental Clearance Certificate that needs to be given in terms of the new Environmental Management Act that was promulgated in **February 2012**.
3. To minimise delays, the Engineering Services Department advertised the tender for the surveying of the DRC and the PDA on **23 March 2012** in order to start the surveying as soon as final approval was granted. The tender was not awarded as one tender was too high and the other was incomplete. The Tender Board then approved the request to re-advertise the informal tender. The new tender documentation was then drawn up by the Engineering Services Department and the intention was to re-advertise on the **8 June 2012**.
4. Messrs Winplan Town and Regional Planning Consultants has in the meantime taken it upon them to draft a letter to the Ministry of Environment and Tourism to request exemption for these applications. The request is based on the fact that the Need and Desirability was already approved by NAMPAB before the Environmental Management Act was promulgated in **February 2012**.
5. If no exemption is granted for the applications it will be necessary to obtain the services of a company to do an EIA. This will have an additional cost to Council towards the project. The cost to Council can not be estimated since no formal scale of fees exists for such work to be done. It can only be established through a tender process.

6. The project will now be delayed for an undetermined period of time until confirmation has been received from Messrs Winplan Town and Regional Planning Consultants with regard to either the exemption being granted or an EIA to be initiated.
7. It is recommended that Council be proactive with regard to the new Environmental Management Act and consider to investigate the implementation of an Environmental Structure Plan for Swakopmund. Also to appoint an appropriately quantified person on tender basis to initiate the EIA process for all new development initiatives to be engaged in as soon as possible.

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

RECOMMENDED:

- (a) That Council considers appointing an appropriately qualified person on tender basis to initiate the EIA processes for new developments in Swakopmund on behalf of Council as soon as possible.
 - (b) That the surveying project be made a continuation project and the amount of N\$2 100 000.00 available on Vote 500534013800 and the amount of N\$1 420 000.00 available on Vote 500534014000 be carried over for the 2012/2013 Financial Year.
-

11.1.13 **DECENTRALIZED BUILD TOGETHER COMMITTEE: TERMS OF OFFICE**

(C/M 2012/06/28 - H 5/3)

Ordinary Management Committee Meeting of 14 June 2012, Addendum 8.14 page 61 refers.

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

1. According to the National Housing Development Act, Act 28 of 2000 (2) a member of a Decentralized Build Together Committee shall hold office for a period not exceeding three (3) years and shall at the expiration of his or her period of office be eligible for re-election or re-appointment as the case may be, as a member of such Committee (**Annexure "A"**).
2. The current Decentralized Build Together Committee was appointed by the Minister on **01 July 2009**, and as such their term of office shall end on **30 June 2012**. In this respect a new committee needs to be elected in terms of section 28 (2) of the National Housing Development Act and their names must be forwarded to the Ministry for appointment by the Minister.
3. Such an election must take place at the meeting of the beneficiaries concerned, under the chairpersonship of a staff member of Council.
4. The above matter was discussed at the Build Together Decentralized Committee meeting on **10 May 2012**, which recommended the following:

- (a) *That permission be granted to the Chief executive Officer (Chairperson of the Decentralized Build together Committee) to convene a meeting with the beneficiaries concern of the Build Together Program in order to elect a new committee.*
- (b) *That Council be provided with names of the newly elected committee members with their details for approval.*
- (c) *That information in (b) above be forwarded to the Ministry for the appointment by the Minister as per the National Housing Development Act 28, 2000.*
- (d) *That the new committee be introduced to the public at a public meeting and in the media.*

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

RECOMMENDED:

- (a) **That permission be granted to the Chief Executive Officer (Chairperson of the Decentralized Build Together Committee) to convene a meeting with the beneficiaries concerned of the Build Together Program in order to elect a new committee.**
 - (b) **That Council be provided with names of the newly elected committee members with their details for approval.**
 - (c) **That information in (b) above be forwarded to the Ministry for the appointment by the Minister as per the National Housing Development Act 28, 2000 after approval by Council.**
 - (d) **That the new Decentralized Build Together Committee be introduced to the public at a public meeting and in the media.**
-

11.1.14 **BUILD TOGETHER APPLICATION: MR N LIMBARE**

(C/M 2012/06/28 - H 5/3)

Ordinary Management Committee Meeting of 14 June 2012,
Addendum 8.15 page 63 refers.

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

1. Mr N Limbare is a Build Together beneficiary whose application was approved during 2006/2007. During the allocation of erven, the particular beneficiary informed the Build Together Committee that he is unemployed and requested the Committee to keep his loan in abeyance until his circumstances improved, that would allow him to continue with the construction of his house.
2. On **27 March 2012**, Mr N Limbare submitted a letter (on file) informing the Build Together Committee that he is now employed and thus, would like to start with the construction of his house.
3. The matter was discussed at the Decentralized Build Together Committee on **10 May 2012** which resolved the followings:

That Mr Niklaus Limbare be allocated Erf 3249 to enable him to commence with the construction of his house.

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

RECOMMENDED:

That Mr N Limbare be allocated Erf 3249 to enable him to commence with the construction of his house.

11.1.15 **APPLICATION TO PURCHASE A PORTION OF THE REMAINDER OF
ERF 503, TAMARISKIA TO ESTABLISH A DAY CARE CENTRE**
(C/M 2012/06/28 - T 503)

Ordinary Management Committee Meeting of 14 June 2012,
Addendum 8.16 page 67 refers.

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

1. Introduction

An application (**Annexure “A”**) was received from Mrs E Smith of Happy Tots Day Care on **09 March 2012** to acquire a portion land to build a day care centre.

Ms Smith was requested on **16 March 2012** as per letter on file to indicate the size of land they require and preferable location where they wish to purchase land to establish a day care centre.

2. Land applied for

In response to the above, a letter dated **27 March 2012 (Annexure “B”)** was received from Messrs Happy Tots Day Care to purchase a portion of Erf 503, Tamariskia measuring approximately 1 600m². A map indicating the proposed portion is attached as **Annexure “C”**.

Erf 503, Tamariskia is zoned “*Public Open Space*” and part of the erf is developed into a playground and the rest of it is undeveloped. The portion applied for by the applicant measures approximately 1 531.85m².

3. Similar application

A similar application was received from Messrs Erongo Development Foundation (non- profit organisation) to purchase a portion of Erf 503, Tamariskia, measuring approximately 2 515m² as indicated on the map attached **Annexure “C”**.

The application of Messrs Erongo Development Foundation was approved by Council on **26 April 2012** subject to the following conditions:

(a) *That the sale of a portion of Erf 503, Mondesa to Messrs Erongo Development Foundation, be approved, at:*

- (i) *50% of the cost of the installation of services subject to a first right of refusal to obtain the land should Messrs Erongo Development Foundation wish to sell; at the market value of the improvements and the purchase price charged for Erongo Development Foundation; and subject to the condition that should no building activities be commenced with within 24 months from date of transfer, the erf reverts to Council and all moneys / fees paid by Messrs Erongo Development Foundation be forfeited to Council, without any compensation to Messrs Erongo Development Foundation for improvements made;*

- (ii) that the purchase price for a portion of Erf 503, Tamariskia be N\$15 467.25 (being 50% of N\$12.30/m²; i.e. N\$6.15/m² x ± 2 515m²).
- (b) That Council attends to the following:
 - (i) Subdivision of the portion;
 - (ii) Subsequent permanent closure thereof as a "Public Open Space", in terms of section 50 of the Local Authorities Act, Act 23 of 1992, as amended;
 - (iii) Rezoning to "Institutional" of the newly created erf;
 - (iv) Compliance with section 27 (1) and (2) of the Environmental Management Act, 2007 (Act No 7 of 2007); and
 - (v) "Consent use" as a house of safety.
- (c) That all costs of the transaction be for the applicant's account which include, but are not limited to, all statutory disciplines for the closure of a public open space, subdivision, rezoning, alienation and transfer of land.
- (d) That Messrs Erongo Development Foundation pays a deposit in the amount of N\$30 000.00 prior to Council attending to the statutory procedures set-out in (b) above and that Messrs Erongo Foundation will be required to pay for any shortfall and will be refunded should a balance remain.

4. Provisions of the Property Policy

With reference to the sale of land to pre-primary schools (kindergarten) & crèches, Council's Property Policy reads as follows:

- (i) **Purchase price:** Not less than development cost at Council's discretion.
- (ii) **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. (Chapter 10)
- (iii) **Alienation:** Private transaction and subject to the provision of a conveyancer's certificate indicating that -
 - The Institution is properly constituted, i. e. duly certified copy of the current Constitution in English;
 - The Constitution clearly indicates the assignees who are empowered to sign the documentation on the institution's behalf; and
 - The name or entity in which ownership of the property shall vested in an acceptable form for the Deeds Registry purposes.
- (iv) Land, which is not developed within a period of 4 years from date of sale, shall revert to Council and all monies and or fees paid to Council will be forfeited to Council.
- (v) **Minimum building value:** At least 4 x municipal valuation or the average value of the main buildings in the immediate surrounding area.
- ~~(vi) Property may not be alienated or bonded without Council's prior approval and if approved then Council shall obtain a right of first refusal to repurchase the property at its original purchase price plus 70% of sworn valuation of any improvements erected thereon.~~

Replaced with as amended and approved by Council on 29 July 2010 by item 11.1.2:

- (vi) That a right of first refusal on the sale of unimproved institutional land be registered in Council's favour.

5. **Cost of installation of Services**

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

The cost for the portion of Erf 503, Tamariskia measures $\pm 1531.85\text{m}^2$ amounts to approximately **N\$18 841.75**.

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

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

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

- *the closure of the portion to be subdivided as a "public open space" in terms of section 50 of the Local Authorities Act, Act 23 of 1992, as amended;*
- *the subdivision of the portion from Erf 503, Tamariskia;*
- *the surveying of the subdivided portion and the compilation of diagrams to be submitted to the Surveyor-General for approval;*
- *the rezoning of the portion to "institution" whereby in terms of the Environmental Management Act, Act No 7 of 2007 an Environmental Impact Assessment is required; and*
- *the advertising of Council's intention to sell the newly created erf to Happy Tots Day Care.*

The costs for the subdivision and rezoning of Erf 503, Tamariskia may be less if Council considers selling the proposed portion to Messrs Happy Tots Day Care as the cost will be shared by Messrs Erongo Development Foundation and Messrs Happy Tots Day Care.

7. **Discussion**

According to Ms Smith their pre-primary school receives many applications for new enrolments every year but due to the existing facility being small applications are being turned down.

Apart from the pre- primary education services being offered at the centre, the proposed centre will also offer after school care for children and training to grade 10 and 12 drop-out child care programs.

The Remainder of Erf 503, Tamariskia measures $\pm 12\,066\text{m}^2$, taking into consideration the portion allocated to Messrs Erongo Development Foundation measuring $\pm 2\,525.368\text{m}^2$ and the portion applied for by Messrs Happy Tots Day Care measuring $\pm 1\,531.855\text{m}^2$, the remaining portion of Erf 503, Tamariskia will be $\pm 8\,008\text{m}^2$. This is the area which is currently being used as a park, and is one of the biggest if not the biggest play park in Swakopmund.

Taking the above into consideration, it is proposed that a portion of Erf 503, Tamariskia measuring $\pm 1\ 531.855\text{m}^2$ as indicated on the attached map be sold to Messrs Happy Tots Day Care at the cost of installation of services ($\pm 1\ 531.855\text{m}^2 \times \text{N\$}12.30/\text{m}^2$, = **N\\$18 841.75**).

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

RECOMMENDED:

- (a) That application by Messrs Happy Tots Day Care to purchase a portion of the remainder of Erf 503, Tamariskia to establish a day care centre, be turned down.
 - (b) That portion 8 (Erf 503, Tamariskia) be subdivided and rezoned for public "*parking*".
-

11.1.16 **REZONING OF ERF 623, SWAKOPMUND FROM “LOCAL BUSINESS” TO “GENERAL BUSINESS” WITH A BULK OF 2.0**

(C/M 2012/06/28 - E 623)

Ordinary Management Committee Meeting of 14 June 2012, Addendum 8.17 page 74 refers.

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

1. **Application** was received from Messrs Urban Dynamics on behalf of their client Karibib Schlachtereij (Pty) Ltd for the rezoning of Erf 623, Swakopmund.
2. The Erf is located on the corner of Moses Garoeb Street and Hidipo Hamutenya Avenue and measures 1276m² in extend. The Erf is currently zoned “*Local Business*” with a bulk of 1.0 and currently accommodates a butchery on the property. It is the intention of the owner to rezone the erf from “Local Business” with a bulk of 1.0 to “General Business” with a bulk of 2.0.
3. Rezoning Erf 623, Swakopmund from “*Local Business*” with a bulk of 1.0 to “*General Business*” with a bulk of 2.0 will not have a negative impact on the surrounding neighbourhood since the erf is situated in an area which is supportive of business developments. The property is located on the fringe of the Swakopmund Business District which forms a natural extension of business development.
4. The erven immediately adjacent to Erf 623 are predominantly zoned “*Light Industrial*” and “*General Industrial*” which are complementary uses and supportive of business developments and thus the overall character of the surroundings area will not experience any great changes.
5. The intended rezoning was advertised in the Republikein on **3 and 10 May 2012**. 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 **3 April 2012** and to date no objections were received.

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

RECOMMENDED:

- (a) That Council approves the rezoning of Erf 623, Swakopmund from “*Local Business*” with a bulk of 1.0 to “*General Business*” with a bulk of 2.0.
 - (b) That the approved rezoning be included in the next Amendment Scheme for approval by the Ministry of Regional and Local Government, Housing and Rural Development.
-

11.1.17 **REZONING OF ERF 539, SWAKOPMUND FROM "SINGLE RESIDENTIAL" WITH A DENSITY OF 1 DWELLING PER 900M² TO "GENERAL BUSINESS" WITH A BULK OF 2.0 AND CONSENT**

(C/M 2012/06/28 - E 539)

Ordinary Management Committee Meeting of 14 June 2012, Addendum 8.18 page 91 refers.

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

1. **Application** was received from Messrs Stubenrauch Planning Consultants on behalf of their client Mr R F Grubert for the rezoning of Erf 539, Swakopmund.
2. The Erf is located along Francios Street in town. It measures 716m² in extent and is owned by the Mr R F Grubert. The Erf is currently zoned "*Single Residential*" with a density of 1 dwelling per erf and currently accommodates a residential building. It is the intention of the owner to rezone the erf from "*Single Residential*" with a density of 1 dwelling per 900m² to "*General Business*" with a bulk of 2.0.
3. Rezoning Erf 539, Swakopmund from "*Single Residential*" with a density of 1 dwelling per 900m² to "*General Business*" with a bulk of 2.0 will not have a negative impact on the surrounding neighbourhood. The erf is situated in a mixed land use area which has over the years developed into a predominantly business area, in which erven were either developed for business uses or the owners of the existing residential erven followed the growing trend of rezoning their erven to accommodated business uses.
4. The applicant requested consent to operate while the rezoning process is in progress but according to Ordinance 18 of 1954. The zoning only takes effect once the Minister has given his approval. Section 26.(2) of the ordinance states: "*After the approval of a scheme the Minister shall give notice of such approval in the Gazette and such scheme shall come into operation upon the publication of such notice, and thereafter be referred to as an approved scheme*". Only then is the new zoning considered as approved.
5. The intended rezoning was advertised in the New Era on **9 and 16 March 2012** and the Namib Times on **9 and 16 March 2012**. 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 **3 April 2012** and to date no objections were received.

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

RECOMMENDED:

- (a) That the application for rezoning of Erf 539, Swakopmund from “*Single Residential*” with a density of 1 dwelling per 900m² to “*General Business*” with a bulk of 2.0, be approved.
 - (b) That consent to operate a general business from the remaining portion of Erf 539 while the rezoning is in process not be approved.
 - (c) That the approved rezoning be included in the next Amendment Scheme for approval by the Ministry of Regional and Local Government, Housing and Rural Development.
 - (d) That the applicant be informed to comply with the new Environmental Management Act with regard to the Environmental Clearance Certificate needed for submission to the Ministry of Regional and local Government, Housing and Rural Development.
 - (e) That Mr R F Grubert be informed of his right to appeal (in terms of Clause 8 of the Swakopmund Town Planning Scheme) to the Minister, within 28 days of this notice against Council’s decision, provided that written notice of such an appeal shall be given to the Ministry, as well as the Council within the said period.
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11.1.18 **APPLICATION FOR REZONING OF ERF 61, MYL 4, SWAKOPMUND,
CONSENT TO CONSTRUCT TWO TOWNHOUSES AND CONSENT
TO START CONSTRUCTION WHILE THE REZONING IS IN PROCESS**
(C/M 2012/06/28 - M4 E 61)

Ordinary Management Committee Meeting of 14 June 2012,
Addendum 8.20 page 126 refers.

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

1. **Application** was received from Messrs Stubenrauch Planning Consultants on behalf of their client for the rezoning of Erf 61, Myl 4, Swakopmund.
2. The Erf is located in Myl 4 Swakopmund and measures 587m² in extend. The Erf is currently zoned "*Single Residential*" with a density of 1 dwelling per 300m². It is the intention of the owner to rezone the erf from "*Single Residential*" with a density of 1 dwelling per 300m² to "*General Residential 2*" with a density of 1 dwelling per 250m² to allow for the development of 2 upmarket townhouses on the property.
3. Furthermore, the owner also applied for consent to construct 2 town houses on an erf smaller then the prescribed size and consent to start construction on the erf while the rezoning is formally being completed.
4. Rezoning Erf 61, Myl 4, Swakopmund from "*Single Residential*" with a density of 1 dwelling per 300m² to "*General Residential 2*" with a density of 1 dwelling per 250m² will not have a negative impact on the surrounding neighbourhood since the erf is situated in an already low density area. With regard to consent to construct 2 town houses on an erf smaller than the prescribed size would not negatively effect the surrounding area since the surrounding erven are very small and the erf in question is nearly twice the size and it will merely look like any two houses next to each other.
5. Council previously approved the zoning of the erf but NAMPAB was of the opinion that no consent was obtained due to the erf being smaller than 900m². The application was therefore not approved by NAMPAB.
6. The applicant requested consent to start construction of the houses while the rezoning process is in progress but according to Ordinance 18 of 1954. The zoning only takes effect once the Minister has given his approval. Section 26.(2) of the ordinance states: "After the approval of a scheme the Minister shall give notice of such approval in the Gazette and shall come into operation upon the publication of such notice, and thereafter be referred to as an approved scheme".
7. The intended rezoning was advertised in the New Era of **3 and 10 April 2012** and the Namib Times on **10 April 2012**. 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 **27 April 2012** and to date no objections were received.

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

RECOMMENDED:

- (a) That Council approves the rezoning of Erf 61, Mile 4, Swakopmund from "*Single Residential*" with a density of 1 dwelling per 300m² to "*General Residential 2*" with a density of 1 dwelling per 250m².
 - (b) That Council grants consent to Messrs Stubenrauch Planning Consultants to construct 2 houses on an erf smaller than the prescribed size of 900m.
 - (c) That no consent be given to Messrs Stubenrauch Planning Consultants to start with construction while the rezoning is in progress.
 - (d) That the approved rezoning be included in the next Amendment Scheme for approval by the Ministry of Regional and Local Government, Housing and Rural Development.
 - (e) That no building plans be approved unless the betterment fees have been paid.
-

11.1.19 **CONSENT TO OPERATE A NOXIOUS INDUSTRY (BRICK MANUFACTURING PLANT) FROM ERF 621, SWAKOPMUND**
(C/M 2012/06/28 - M 621)

Ordinary Management Committee Meeting of 14 June 2012, Addendum 8.21 page 139 refers.

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

1. **Application** was received from Messrs Holcon Bricks CC for consent to operate a "*Noxious Industry*" (Brick Manufacturing Plant) from Erf 621, Mondesa.
2. The Erf is located on the corner of Mandume Ya Ndemufayo and Hidipo Hamuntenya Avenue in Mondesa. It measures 3446 m² in extent and is owned by the R & S Holtmann. The Erf is zoned "*General Industrial*". It is the intention of the owner to use Erf 621, Mondesa to operate a noxious industry (Brick manufacturing plant) from it.
3. Erf 621 Mondesa is ideally located for an industry such as brick manufacturing due to it being in an industrial area. Furthermore, Erf 621, Mondesa is large enough to accommodate such an industry as brick manufacturing. Many other erven around Erf 621 is also currently in the process of gaining consent for similar industries.
4. Surrounding property owners were asked for their comments with regard to the consent to operate a "*Noxious Industry*" (brick manufacturing plant) from the said property. To date 1 objection was received from the surrounding properties.
5. **Objection from Mr E G Groenewald, owner of Erf 627, Mondesa:**

Mr E G Groenewald objected to the proposed industry and argued that his company already bought very expensive brick making equipment and believes that there is no need for another brick manufacturer in town.

Discussion on objection as received from Mr E G Groenewald:

Swakopmund has a free market and anyone is allowed to do anything on their property if the erf's zoning allows it. It is therefore incorrect to say that there is no need for another brick manufacturing plant in town. Furthermore, Mr E G Groenewald also mentioned that they bought expensive equipment for brick making. This information is irrelevant to this application and cannot be seen as a comment forming part of this objection.

It has also come to our attention that Mr E G Groenewald owner of Home Building Centre is manufacturing bricks on Erf 627, Mondesa without any consent from the Swakopmund Municipality or consent

from the surrounding properties. He is therefore in contravention of the Swakopmund Town Planning Scheme.

6. A letter was sent to Mr E G Groenewald with this regard and to this day no application for consent has been made by Mr E G Groenewald to the Swakopmund Municipality. His objection and comments can therefore not be considered.

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

RECOMMENDED:

- (a) That consent to operate a “*Noxious Industry*” from Erf 621, Mondesa be approved subject to the following:
- *That Council reserves the right, to cancel a consent use should there be valid complaints.*
 - *That they register with the Health Services Department and the standard Health Regulations will apply.*
 - *That they must operate within the Town Planning Scheme regulations.*
 - *That the consent is not transferable.*
 - *That they provide sufficient parking on the premises.*
 - *That no on street parking will be tolerated.*
- (b) That Mr E G Groenewald of Home Building Centre be informed to bring the use of the property in line with the provision of the Swakopmund Town Planning Scheme and that the process for consent use in terms of clause 6 of the Swakopmund Town Planning Scheme be initiated on or before 31 July 2012, failure which his Brick Making Project will not be allowed to operate.
- (c) That Mr E G Groenewald be informed of his right to appeal (in terms of Clause 8 of the Swakopmund Town Planning Scheme) to the Minister, within 28 days of this notice against Council’s decision, provided that written notice of such an appeal shall be given to the Ministry, as well as the Council within the said period.
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11.1.20 **CONSENT TO OPERATE A NOXIOUS INDUSTRY (BRICK MANUFACTURING PLANT) FROM ERF 882, MONDESA**

(C/M 2012/06/28 - M 882)

Ordinary Management Committee Meeting of 14 June 2012, Addendum 8.22 page 148 refers.

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

1. **Application** was received from Messrs WC Knight Properties CC for consent to operate a "*Noxious Industry*" (Brick manufacturing Plant) from Erf 882 Mondesa.
2. The Erf is located along Mandume Ya Ndemufayo in Mondesa. It measures 3863 m² in extent and is zoned "*General Industrial*". It is the intention of the owner to use erf 882 Mondesa to operate a "*Noxious Industry*" (Brick manufacturing plant) from it.
3. Erf 882, Mondesa is ideally located for an industry such as brick manufacturing due to it being in an industrial area. Furthermore, Erf 882, Mondesa is large enough to accommodate such an industry as brick manufacturing.
4. Surrounding property owners were asked for their comments with regard to the consent to operate a "*Noxious Industry*" (brick manufacturing plant) from the said property. To date 2 comments and 1 objection was received from the surrounding properties.
5. **Objection from Mr E G Groenewald, owner of Erf 627, Mondesa:**

Mr E G Groenewald objected to the proposed industry and argued that his company already bought very expensive brick making equipment and believes that there is no need for another brick manufacturer in town.

Discussion on objection as received from Mr E G Groenewald:

Swakopmund has a free market and anyone is allowed to do anything on their property if the erf's zoning allows it. It is therefore incorrect to say that there is no need for another brick manufacturing plant in town. Furthermore, Mr E G Groenewald also mentioned that they bought expensive equipment for brick making. This information is irrelevant to this application and can not be seen as a comment forming part of this objection. It has also come to our attention that Mr E G Groenewald owner of Home Building Centre is manufacturing bricks on Erf 627, Mondesa without any consent from the Swakopmund Municipality or consent from the surrounding properties. He is therefore in contravention of the Swakopmund Town Planning Scheme. A letter was sent to Mr E G Groenewald with this regard and to this day no application for consent has been made by Mr E G Groenewald to the Swakopmund Municipality. His objection and comments can therefore not be considered.

Comments from Mr W A van der Plas, owner of erven 2767 & 3512 Mondesa:

Mr W A van der Plas did not raise an objection but just a comment regarding the position of the access gate of Erf 882, Mondesa. Mr W A van der Plas commented that the access gate should not be opposite the entrance gate of Messrs Premier Construction.

Discussion on objection as received from Mr W A van der Plas:

The position of the access gate according to plans submitted will not be located in from Messrs Premier Constructions access gate.

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

RECOMMENDED:

- (a) That consent to operate a “*Noxious Industry*” from Erf 882, Mondesa be approved subject to the following:
- *That Council reserves the right, to cancel a consent use should there be valid complaints.*
 - *That they register with the Health Services Department and the standard Health regulations will apply.*
 - *That they must operate within the Town Planning Scheme regulations.*
 - *That the consent is not transferable.*
 - *That they provide sufficient parking on the premises.*
 - *That no on street parking will be tolerated.*
- (b) That Mr E G Groenewald of Home Building Centre be informed to bring the use of the property inline with the provision of the Swakopmund Town Planning Scheme and that the process for consent use in terms of clause 6 of the Swakopmund Town Planning Scheme be initiated on or before 31 July 2012, failure which his Brick Making Project will not be allowed to operate.
- (c) That Mr E G Groenewald be informed of his right to appeal (in terms of Clause 8 of the Swakopmund Town Planning Scheme) to the Minister, within 28 days of this notice against Council’s decision, provided that written notice of such an appeal shall be given to the Ministry, as well as the Council within the said period.
-

11.1.21 **APPLICATION FOR SPECIAL PERMISSION TO ERECT RESIDENTIAL UNITS**

(C/M 2012/06/28 - E 4518)

Ordinary Management Committee Meeting of 14 June 2012,
Addendum 8.23 page 159 refers.

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

Application was received from Messrs Homeworx Properties CC on behalf of their client Messrs Quick Investments Number Two CC to erect offices and residential units on Erf 4518, Swakopmund.

The applicant intends to develop five offices and four duplex units in a secure complex on the erf. The erf is zoned "*Local Business*" and according to the Town Planning Scheme, an applicant may only with the special consent of Council erect blocks of flats or residential buildings.

The intended use was further advertised as per Clause 6 of the Town Planning Scheme, **Notice No. 20/2012-05-22** and two objections were received.

Objections by Mr T Bayer owner of erf 4690

1. *No clarification of the commercial erf restrictions.*
2. *If the commercial license is for normal business hours how can an approval be granted for 24 hour occupancy.*
3. *Why allow 3 storey developments in front of above market homes.*

Discussion on objection of Mr T Bayer

1. *It is unclear as to what the objector's argument actually is. The Town Planning Scheme regulates the use of properties and in terms of the Scheme office use is a primary use right on the property. Objection not supported.*
2. *In terms of the Scheme this can be allowed. Many such examples can be found all over Swakopmund. It is a form of mixed use exercised to maximise the potential of the property. In no sense does the intention of the applicant have any relation to the business license component as referred to by the objector. Objection can thus not be supported.*
3. *According to the Swakopmund Town Planning Scheme a height restriction of 10 metres on a Local Business erf is allowed. Whether the owner of the property wishes to construct a 10m high building for the purpose of offices or a mixed use development it will still be done within his rights with regard to the height restriction. Objection is not supported.*

Objection by Mr S F Skoppelitus owner of Erf 4517

Without limiting my reasonable objecting to the following, the proposed encroachment will infringe on my natural light and will necessitate the means for artificial light and will result in high costs.

Discussion on Objection by Mr S F Skoppelitus

Whether the owner of the property wishes to construct a 10m high building for the purpose of offices or a mixed use development it will still

be done within his rights with regard to the height restriction. It is not understood how the proposed land use can severely limit his sunlight if the applicant is acting within his rights. The height requirement stays exactly the same. Objection is not supported.

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

RECOMMENDED:

- (a) That approval be granted to Messrs Homeworx Properties CC to erect residential units above the ground floor on Erf 4518, Swakopmund.
 - (b) That Mr S F Skoppelitus and Mr T Bayer be informed of their 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.
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11.1.22 **APPLICATION FOR SPECIAL CONSENT TO ERECT TOWN HOUSES
ON THE GROUND FLOOR OF ERF 5784, (EXTENSION 18)
SWAKOPMUND**

(C/M 2012/06/28 - E 5784)

Ordinary Management Committee Meeting of 14 June 2012,
Addendum 8.24 page 174 refers.

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

1. **Application** was received from Messrs Lentin Architects on behalf of their client Messrs Dunes Property (Pty) Ltd to erect town houses on the ground floor of Erf 5784, (Extension 18) Swakopmund.
2. The applicant intends to develop Erf 5784, (Extension 18) Swakopmund into 16 single storey town houses. The erf is zoned "*General Business*" and according to the Swakopmund Town Planning Scheme, an applicant may only with the special consent from Council erect blocks of flats or residential buildings on the ground floor.
3. Erf 5784 is bounded by a street on the north, Municipal property on the east, and a "*Single Residential*" erf on the south. On the west is a "*General Residential 2*" erf. The erven on the north side of the street are zoned "*General Business*" and the remainder of the erven to the south are "*Single Residential*".
4. The development by Messrs Dunes Property (Pty) Ltd will blend in harmoniously with the area.
5. The building has been designed to conform to the regulations of the Swakopmund Town Planning Scheme for requirements of a "*General Business*" zoning; height, bulk, coverage and parking.
 - Coverage allowable 70% - Actual Coverage 48%
 - Bulk allowable (Residential Building) 1.2 - Actual Bulk 0.4
6. The intended use was further advertised as per Clause 6 of the Swakopmund Town Planning Scheme, **Notice No. 20/2012-05-22** and no objections were received.

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

RECOMMENDED:

- (a) That consent to erect town houses on the ground floor on Erf 5784, (Extension 18), Swakopmund not be approved.
 - (b) That Messrs Dunes Property (Pty) Ltd be informed of their right to appeal (in terms of Clause 8 of the Swakopmund Town Planning Scheme) to the Minister, within 28 days of this notice against Council's decision, provided that written notice of such an appeal shall be given to the Ministry, as well as the Council within the said period.
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11.1.23 **APPLICATION FOR THE RELAXATION OF BUILDING HEIGHT**

(C/M 2012/06/28 - E 3958)

Ordinary Management Committee Meeting of 14 June 2012,
Addendum 8.25 page 179 refers.

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

1. **Attached** application was received from Mr W Lorck for a proposed height relaxation on Erf 3958, Einstein Street, Swakopmund.
2. The applicant is requesting Council's permission to exceed the prescribed height of 12.00m. The new proposed height will be 15.5m as per drawing. The height of the roof will contribute positively to the appearance of the building. **Attached** drawings illustrate the roof.
3. The erf is zoned "*General Industrial*" and has a height restriction of 12.00m. According to the Town Planning Scheme Regulations, Council may grant a relaxation, should it feel that it would not interfere with the amenities of the neighbourhood.
4. Excerpt from Town Planning Amendment Scheme No.12, Clause 5/A /2.5 for convenience.

2.5 Height

- *No building in the General Industrial Zone may exceed a height of 12 metres:*
- *Provided that the Council may relax this restriction.*

The intended use was further advertised as per Clause 6 (**Notice No. 20/2012-05-22**) and no objections were received.

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

RECOMMENDED:

That the application received from Mr W Lorck for the relaxation of building height from 12.00m to 15.5m on Erf 3958 Einstein Street, Swakopmund be approved.

11.1.24 **APPLICATION FOR PERMISSION TO OPERATE RESIDENT OCCUPATIONS**

(C/M 2012/06/28 - E 2648, VS 4105, E 3048 E 2447)

Ordinary Management Committee Meeting of 14 June 2012,
Addendum 8.26 page 191 refers.

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

Attached applications were received for the registration of resident occupations in terms of the Town Planning Scheme Regulations:

- *Erf 2648, Swakopmund (3 Opaal Street) - Ms R Swartz t/a Messrs Swartz Catering - Home Industry*
(Notice No. 20/2012-05-22)
- *Erf 4105, Vogelstrand (20 Emerald Street) - Mr L Enslin t/a Messrs Avalon Investments cc t/a Avalon Catering - Home Industry*
(Notice No. 20/2012-05-22)
- *Erf 3048, Swakopmund (24 Monotoka Street) - Ms S Labuschagne t/a Messrs Sanchia's Skincare - Beauty Salon*
(Notice No. 20/2012-05-22)
- *Erf 2447, Swakopmund (27 Topaas Street) - Ms C von der Fecht t/a Messrs Topaas Casting - Handcraft Jewellery Manufacturing Workshop*
(Notice No. 20/2012-05-22)

The owners of the above-mentioned erven have requested Council for permission to operate resident occupations on their properties. The properties are 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. 20/2012-05-22**) and no objections were received.

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

RECOMMENDED:

(a) That the following applications for permission to operate resident occupations be approved:

- *Erf 2648, Swakopmund (3 Opaal Street) - Ms R Swartzs t/a Messrs Swartz Catering - Home Industry
(Notice No. 20/2012-05-22)*
- *Erf 4105, Vogelstrand (20 Emerald Street) - Mr L Enslin t/a Messrs Avalon Investments CC t/a Avalon Catering - Home Industry
(Notice No. 20/2012-05-22)*
- *Erf 3048, Swakopmund (24 Monotoka Street) - Ms S Labuschagne t/a Messrs Sanchia's Skincare - Beauty Salon
(Notice No. 20/2012-05-22)*
- *Erf 2447, Swakopmund (27 Topaas Street) - Ms C von der Fecht t/a Messrs Topaas Casting - Handcraft Jewellery Manufacturing Workshop
(Notice No. 20/2012-05-22)*

Article II.

(b) That they register with the Health Services Department and the standard Health Regulations will apply.

(c) That the consent use be subject to the following:

- *That Council reserves the right, to cancel a consent use should there be valid complaints.*
 - *That they must operate within the Town Planning Scheme Regulations.*
 - *That the consent is not transferable.*
 - *That parking will be provided on the premises.*
 - *That no on street parking will be tolerated.*
-

11.1.25 **APPLICATION FOR PERMISSION TO OPERATE
RESIDENT OCCUPATIONS (ADMINISTRATIVE OFFICES)**

(C/M 2012/06/28 - M 1356, E 2697, M 2739, T 764, M 1049,
VS 4106, E 2111)

Ordinary Management Committee Meeting of 14 June 2012,
Addendum 8.27 page 225 refers.

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

Attached applications were received for the registration of an administrative office in terms of the Town Planning Scheme Regulations:

- *Erf 1356, Mondesa (Independence Street) - Mr J P Shomwele t/a Messrs JPT Trading - Administrative Office
(Notice No. 20/2012-05-22)*
- *Erf 2697, Swakopmund (34 Omeg Street) - Ms R W Plaatjie t/a Messrs Right Way Properties cc - Administrative Office
(Notice No. 20/2012-05-22)*
- *Erf 2739, Mondesa - Mr A J Bock t/a Messrs Andries Johannes Bock Construction cc - Administrative Office
(Notice No. 20/2012-05-22)*
- *Erf 764, Tamariskia (Ochs Avenue) - Mr C F Strydom t/a Messrs Stako Investment cc - Administrative Office
(Notice No. 20/2012-05-22)*
- *Erf 1049, Mondesa (Mandume Ya Ndemufayo Street) - Mr M M Kamati t/a Messrs Mika Trading Enterprises cc - Administrative Office
(Notice No. 20/2012-05-22)*
- *Erf 4106, Vogelstrand (27 Emerald Street) – Ms L Erasmus t/a Messrs Tara Nawa Computer Software - Administrative Office
(Notice No. 20/2012-05-22)*
- *Erf 2111, Swakopmund (42 Woker Street) - Ms C van der Walt t/a Messrs EFM Radio - Administrative Office
(Notice No. 20/2012-05-22)*

The owners of the above-mentioned erven have requested Council for permission to operate administrative offices on their properties. The properties are 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. 20/2012-05-22**) and no objections were received.

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

RECOMMENDED:

(a) That the following applications for permission to operate administrative offices be approved:

- *Erf 1356, Mondesa (Independence Street) - Mr J P Shomwele t/a Messrs J P T Trading - Administrative Office
(Notice No. 20/2012-05-22)*
- *Erf 2697, Swakopmund (34 Omeg Street) - Ms R W Plaatjie t/a Messrs Right Way Properties CC - Administrative Office
(Notice No. 20/2012-05-22)*
- *Erf 2739, Mondesa - Mr A J Bock t/a Messrs Andries Johannes Bock Construction CC - Administrative Office
(Notice No. 20/2012-05-22)*
- *Erf 764, Tamariskia (Ochs Avenue) - Mr C F Strydom t/a Messrs Stako Investment CC - Administrative Office
(Notice No. 20/2012-05-22)*
- *Erf 1049, Mondesa (Mandume Ya Ndemufayo Street) - Mr M M Kamati t/a Messrs Mika Trading Enterprises CC - Administrative Office
(Notice No. 20/2012-05-22)*
- *Erf 4106, Vogelstrand (27 Emerald Street) - Ms L Erasmus t/a Messrs Tara Nawa Computer Software - Administrative Office
(Notice No. 20/2012-05-22)*
- *Erf 2111, Swakopmund (42 Woker Street) - Ms C van der Walt t/a Messrs EFM Radio - Administrative Office
(Notice No. 20/2012-05-22)*

(b) That they register with the Health Services Department and the standard Health Regulations will apply.

(c) That the consent use be subject to the following:

- *That Council reserves the right, to cancel a consent use should there be valid complaints.*
- *That they must operate within the Town Planning Scheme regulations.*
- *That the consent is not transferable.*
- *That they provide sufficient parking on the premises.*
- *That no storage of equipment to be done on site.*
- *That no on street parking will be tolerated.*

11.1.26 **APPLICATION FOR PERMISSION TO OPERATE A TOURIST ESTABLISHMENT**

(C/M 2012/06/28 - G 2 (14))

Ordinary Management Committee Meeting of 14 June 2012, Addendum 8.28 page 283 refers.

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

Attached application was received for the registration of a tourist establishment in terms of the Town Planning Scheme Regulations:

- *Plot 151, Swakopmund - Mr & Mrs B Naude t/a Messrs Dream Catcher Accommodation - Tourist Establishment
(Notice No. 20/2012-05-22)*

The owner of the above-mentioned farm has requested Council for permission to operate a tourist establishment on the property. The property is zoned "Agriculture" and according to the Town Planning Scheme Regulations, with special consent of Council a tourist establishment may be allowed.

Insert from the Town Planning Amendment Scheme No.12:

Table B: Erection and use of buildings and use of land

	ZONE	MAP REFERENCE	PURPOSES FOR WHICH LAND MAY BE USED	PURPOSES FOR WHICH LAND MAY BE USED AND BUILDINGS MAY BE ERECTED AND USED WITH THE SPECIAL CONSENT OF THE COUNCIL ONLY
K	Agriculture	Green outline	Agricultural building	Tourist Facilities, Dwelling Houses, Farm Stall, Place of Instruction, Place of Public Worship, Shop, Tourist Establishment, Private Open Space

"TOURIST ESTABLISHMENT" means a building designed and or used as an accommodation establishment which is not a hotel and includes a pension, a caravan park, a guest house, a lodge, a backpackers lodge, a motel and all other establishments referred to in the definitions of 'Accommodation Establishments and Tourism Ordinance, 20 of 1973, as well as the regulations made thereunder, the Liquor Act 6 of 1998 and the Namibian Tourism Act 21 of 2000'.

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. 20/2012-05-22) and no objections were received.

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

RECOMMENDED:

That the application by Mr & Mrs B Naude t/a Dream Catcher Accommodation for permission to operate a tourist establishment on Plot 151 be approved subject to the following:

- *That final approval only be granted once permission from the Namibian Tourism Board has been received.*
- *That they register with the Health Services Department and the Standard Health Regulations will apply.*
- *That Council reserves the right, to cancel a consent use should there be valid objections.*
- *That they must operate within the Town Planning Scheme Regulations.*
- *Building Plans to be submitted to the Engineering Services Department for approval by the Building Inspectorate.*

11.1.27 **APPLICATION FOR PERMISSION TO OPERATE A RESIDENTIAL GUESTHOUSE**

(C/M 2012/06/28 - E 3606)

Ordinary Management Committee Meeting of 14 June 2012,
Addendum 8.29 page 296 refers.

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

Attached application was received for the registration of a Residential Guesthouse in terms of the Town Planning Scheme:

- *Erf 3606, Kramersdorf (144 Anton Lubowski Avenue) – L Le Roux t/a Messrs The Jewelbox Guesthouse*
(Notice No. 20/2012-05-22)

The erf is zoned “*Single Residential*” and according to the Town Planning Scheme the applicant may apply for a residential guesthouse provided that they meet all the requirements.

Excerpt from the Town Planning Amendment Scheme No.12 Clause 5, table A2.

Single Residential - TABLE A2: Provision of Parking

USE	MINIMUM NUMBER OF PARKING SPACES TO BE PROVIDED
<i>Dwelling Houses</i>	<i>As determined by Council.</i>
<i>Places of Public Worship and</i>	<i>1 parking bay per 10 seats or 10 members</i>
<i>Residential Guest House</i>	<i>A minimum of 2 plus 1.5 per room</i>
<i>Places of Instruction</i>	<i>Min: 15 bays for funeral chapels; 8 bays for other uses</i>

Table B: Erection and use of buildings and use of land

	ZONE	MAP REFERENCE	PURPOSES FOR WHICH LAND MAY BE USED	PURPOSES FOR WHICH LAND MAY BE USED AND BUILDINGS MAY BE ERECTED AND USED WITH THE SPECIAL CONSENT OF THE COUNCIL ONLY
A	<i>Single Residential</i>	<i>Yellow fill</i>	<i>Dwelling house</i>	<i>Place of Public Worship, Place of Instruction, Resident Occupation, Residential Guest House</i>

In order to establish a Residential Guesthouse, the applicant must also obtain permission from the Namibian Tourism Board.

All the surrounding neighbours have been contacted for their comments. All the neighbours were informed as to the proposed consent required. The intended use was further advertised as per Clause 6 (**Notice No. 20/2012-05-22**) and two (2) objections were received.

Objection by Mr Erich F Meyer owner of Erf 3603

1. *Erf 3606 is in a Single Resident area.*
2. *We already got two B&B around us.*
3. *With the main road from Windhoek going through this area we got more noise than what we need.*

Discussion on Objection

1. *Erf 3606 and the surrounding properties are zoned Single Residential and according to the Swakopmund Town Planning Scheme with special consent from Council a residential guesthouse may be allowed. The accommodation policy clearly states that Guesthouses should be operated from Residential properties. The argument is seen as vague and can thus not be supported.*
2. *It is not for the objector to decide whether there are enough B&B's in the area or not. The issue at hand is not the other existing businesses but the application of his neighbour. No evidence exists that these have created any nuisance to the objector. Objection not supported.*
3. *The nature of the use is not expected to increase noise level to the extent that it will negatively affect the objector. The nature of these uses is of such that it operates at the lowest levels of noise possible to provide tranquil surroundings for its client. Council also has the right to stipulate any condition it deems fit to govern the proposed use and in case of any transgression or valid complaints it reserves the right to revoke such consent use. Objection noted but not supported.*

An Objection from Ms Renate Boeckmann owner of Erf 3602 was received but no reasons were given.

Discussion on Objection

Objection not supported as Ms R Boeckmann gave no reasons for objecting to the proposed guesthouse.

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

RECOMMENDED:

- (a) **That the application of Messrs *The Jewelbox Guesthouse* to operate a Residential Guesthouse on Erf 3606, Swakopmund (Notice No. 20/2012-05-22) be approved subject to the following:**
 - *That final approval only be granted once permission from the Namibian Tourism Board has been received.*
 - *That they register with the Health Services Department.*
 - *That the applicant adheres to Council's Accommodation Establishment policy at all times.*
 - *That Council reserves the right, to cancel a consent use should there be valid objections.*
 - *That the applicant provides a minimum of 1.5 parking bays per Room plus two (2) parking bays.*
 - *That the consent is not transferable.*
 - *That they must operate within the Town Planning Amendment Scheme Regulations.*
 - (b) **That Mr E Meyer and Ms R Boeckmann be informed of their 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.**
-

11.1.28 **CONSOLIDATION AND REZONING OF ERVEN 3658 AND 3659, SWAKOPMUND FROM “SINGLE RESIDENTIAL” WITH A DENSITY OF 1 DWELLING PER 600M² TO “GENERAL BUSINESS” WITH A BULK OF 2.0**

(C/M 2012/06/28 - E 3658, E 3659)

Ordinary Management Committee Meeting of 14 June 2012, Addendum 8.30 page 316 refers.

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

Application was received from Messrs Elmarie du Toit Town Planning Consultant on behalf of their client Messrs Atlantic Chicken Company (Pty) Ltd for the consolidation and rezoning of Erven 3658 and 3659, Swakopmund.

It is the intention of the applicant to construct a fast food retail outlet (Kentucky Fried Chicken) with a drive-thru facility on the consolidated property. This requires that the erven be rezoned to “*General Business*” with a bulk of 2.0.

Erven 3658 and 3659 is located in Nathanael Maxuili Street, just south of the Town Centre. Erf 3658 is 1027m² and Erf 3659 is 1144m² in extent. The total size of Consolidated Erf X will be 2171m². Both erven are zoned “*Single Residential*” with a density of 1 dwelling per 600m² and there are currently dwelling houses on both erven which are use for residential purposes. These dwelling houses will be demolished to make way for the new development.

Rezoning Erven 3658 and 3659, Swakopmund from “Single Residential” with a density of 1 dwelling per 600m² to “*General Business*” with a bulk of 2.0 will not have a negative impact on the surrounding neighbourhood since the erven is situated in an area which is supportive of business developments. The availability of business erven within the Central Business District has become a scarce commodity and therefore many property owners on the fringes of Central Business District are now rezoning their properties to “*business*” in order to keep up with the demand for business erven. Many business erven already exist within this area. Furthermore, these erven are ideally located for the indented development due to their size and location.

The intended rezoning was advertised in the Republikein on **19 and 26 March 2012** and the New Era on **19 and 26 March 2012**. 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 **10 April 2012** and to date 1 objection was received.

Objection from San Michelle Complex Erf 4258:

An objection was received on **27 March 2012** from the Chairman of the trustees of the San Michelle Complex, Mr W Massier. Mr W Massier argues that this area is a purely residential area and that these fast food outlets are open 365 days a year till deep into the night and as a result constant unbearable noise, smells and littering will occur. Parking of customers cars and blocking driveways as well as the revving of engines was also seen as a concern by Mr W Massier.

Discussion on objection as received from San Michelle Complex:

This area of Swakopmund has not been a purely residential area for years. Many business erven exists here already like Erf 294 (liquor store), Erf 278

(Flordek), Erf 1309 (Grüner Kranz Hotel), Erven 4259, 4258 and Re/733 (San Michelle, Mainau and La Rochelle Residential complexes). All these erven are located within a 200m radius from the proposed consolidated erf X. It is therefore incorrect to say that this area is purely a residential area since so many business erven exist here.

The night club and bar located in the Grüner Kranz Hotel plays loud music till late and people idling outside making noise till closing time of the club. According to the applicant this fast food outlet will only be operating till 10pm in the evenings which is normal for most fast foods outlets. Surely this will not have an effect on the residents of these complexes.

Nathanael Maxuilili Street is characterised with 24 hour traffic and is noisy as it is. The complaint about revving engines is therefore subjective since clients from the bars located in the area revs their cars as well. It is also possible for anyone using Nathanael Maxuilili Street to rev their cars engine.

There are always smells associated with fast food outlets. The kitchens are located at the back of the property and thus very little smells will be noticed by these complexes. Furthermore, franchises such as Messrs Kentucky Fried Chicken also have strict policies regarding their own refuse disposal and appearance of the shop. If management is good, there should not be a problem with littering in the streets.

The area is already characterised by businesses (night club and bar) which are noisy at night. The road carries 24hour traffic as it is linking Walvis Bay with the rest of Namibia.

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

RECOMMENDED:

- (a) That Council approves the consolidation of Erf 3658 with Erf 3659, Swakopmund on condition that both properties first be registered in a name of a single entity.
 - (b) That Council approves the rezoning of Erven 3658 & 3659, Swakopmund from "*Single Residential*" with a density of 1 dwelling per 600m² to "*General Business*" with a bulk of 2.0.
 - (c) That the approved rezoning be included in the next Amendment Scheme for approval by the Ministry of Regional and Local Government, Housing and Rural Development.
 - (d) That the applicant be informed to comply with the new Environmental Management Act with regard to the Environmental Clearance Certificate needed for submission to the Ministry of Regional and local Government, Housing and Rural Development.
 - (e) That no building plans be approved unless the betterment fees have been paid.
-

11.1.29 **REQUEST FOR PROJECTS TO BE CARRIED TO THE NEW FINANCIAL YEAR (2012/2013)**

(C/M 2012/06/28 - D 2/1)

Ordinary Management Committee Meeting of 14 June 2012, Addendum 10.2 page 00 refers.

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

INTRODUCTION

The purpose of the submission is to request that several projects to be carried over from the current financial year (2011/2012) for the new financial year (2012/2013) to ensure that projects are completed.

In the table below, the capital projects and remaining funds in the respective votes have been listed.

Description	Vote Number	Funds Remaining
ROADS		
<i>Subsidized Side Walks</i>	<i>2015 316 148 00</i>	<i>N\$ 9 472.98</i>
<i>Sidewalks</i>	<i>2015 316 149 00</i>	<i>N\$ 456 558.93</i>
<i>Paving of Narrow and Shorter Streets</i>	<i>2015 316 150 00</i>	<i>N\$ 434 861.18</i>
<i>Surfacing Rakatoka Street</i>	<i>2015 340 097 00</i>	<i>N\$ 561 389.15</i>
<i>Surfacing of Roads</i>	<i>2015 340 106 00</i>	<i>N\$ 1 096.79</i>
<i>Roads Construction</i>	<i>2015 340 118 00</i>	<i>N\$ 9 040.48</i>
DEVELOPMENT		
<i>Block 7 - Streets</i>	<i>2015 340 120 00</i>	<i>N\$ 537 089.49</i>
<i>Block 7 - Water</i>	<i>4020 340 132 00</i>	<i>N\$ 692 397.77</i>
<i>Block 7 - Sewer</i>	<i>3025 340 125 00</i>	<i>N\$ 788 004.86</i>
<i>Block 7 - Electricity</i>	<i>4005 340 129 00</i>	<i>N\$ 815 005.09</i>
<i>Roads Construction – Dr. Schwietering Str.</i>	<i>2015 340 136 00</i>	<i>N\$ 3 798 140.43</i>
<i>Electricity Supply PDA Area</i>	<i>4005 340 128 00</i>	<i>N\$ 5 176 587.19</i>
<i>*Block Development</i>	<i>9601 203 016 18</i>	<i>N\$ 3 626 479.20</i>

*on going capital project

REASON FOR REQUEST

Since recently it was decided that most of the road construction projects for Council, namely the upgrading of intersections, parking areas, small streets to be done by small contractors under the interlocking and kerbing tender. Due to tendering problems that have been experienced the interlocking and kerbing tender have not yet been awarded resulting in the delays of planned projects and ultimately the funds made available for the financial year 2011/2012 not being utilized.

The several of the projects listed under the development group are projects that are work in progress that have been scheduled to be completed by the end of June, but due to the recent problems which the contractor has experience with material, namely bitumen, the concern is that the projects might not complete on the said date.

The electrification of PDA phase 3, the contractor is on schedule but due to the late approval for the construction of the B2 turn-circle, this have caused a delay

in the completion of the project. Under the electrification of the PDA phase 3 the electrification or street lights installation for the B2 turn-circle is to be done under the PDA phase 3 contract. Once the construction of the B2 turn-circle is on the way the street lights can also be installed.

CONCLUSION

Since most road construction are being done using small contractors and since these works are dependent on the interlocking and kerbing (labour only) tender, preparations have been made to go out on quotations per work to be done and this process have been approved by the tender board.

The labour only tender was not the only reason why some of the above mentioned funds under were not utilized. One of the main road construction projects that would have been completed under the current financial year was the construction of the B2 turn-circle. The circle was only approved recently by Messrs Roads Authority and ground preparation is currently on the way.

It must also be mentioned that the contractor working on the block 7 and bulk services projects have completed with the installation of most of the underground services (water, sewer and electrical) and only testing of these services needs to be done. Therefore the delays only affect portion of the roads under these development projects.

But due to the progress of the current projects and the problems experienced during the tendering process, if the listed projects are not made continuous projects in the 2012/2012 financial year then there can be a possibility that several projects won't get completed.

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

RECOMMENDED:

That Council approves the following projects to be carried over from the 2011/2012 Financial Year to the 2012/2013 Financial Year to ensure that current running projects and planned projects are completed:

<i>Description</i>	<i>Vote Number</i>	<i>Funds Remaining</i>
ROADS		
<i>Subsidized Side Walks</i>	<i>2015 316 148 00</i>	<i>N\$ 9 472.98</i>
<i>Sidewalks</i>	<i>2015 316 149 00</i>	<i>N\$ 456 558.93</i>
<i>Paving of Narrow and Shorter Streets</i>	<i>2015 316 150 00</i>	<i>N\$ 434 861.18</i>
<i>Surfacing Rakatoka Street</i>	<i>2015 340 097 00</i>	<i>N\$ 561 389.15</i>
<i>Surfacing of Roads</i>	<i>2015 340 106 00</i>	<i>N\$ 1 096.79</i>
<i>Roads Construction</i>	<i>2015 340 118 00</i>	<i>N\$ 9 040.48</i>
DEVELOPMENT		
<i>Block 7 - Streets</i>	<i>2015 340 120 00</i>	<i>N\$ 537 089.49</i>
<i>Block 7 - Water</i>	<i>4020 340 132 00</i>	<i>N\$ 692 397.77</i>
<i>Block 7 - Sewer</i>	<i>3025 340 125 00</i>	<i>N\$ 788 004.86</i>
<i>Block 7 - Electricity</i>	<i>4005 340 129 00</i>	<i>N\$ 815 005.09</i>
<i>Roads Construction - Dr. Schwietering Str.</i>	<i>2015 340 136 00</i>	<i>N\$ 3 798 140.43</i>
<i>Electricity Supply PDA Area</i>	<i>4005 340 128 00</i>	<i>N\$ 5 176 587.19</i>
<i>*Block Development</i>	<i>9601 203 016 18</i>	<i>N\$ 3 626 479.20</i>

11.1.30 **REQUEST FOR ADDITIONAL FUNDS FOR MAINTENANCE AND FUEL FOR CLEANSING VEHICLE FLEET**

(C/M 2012/06/28 - M 1)

Ordinary Management Committee Meeting of 14 June 2012, Addendum 8.9 page 50 refers.

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

The Cleansing Section in the Health Services Department has 7 (seven) refuse Compactor trucks which requires regular maintenance and fuelling in order to sustain the refuse collection schedules.

The funds provided for in the 2011/12 Operational Budget for maintenance of these vehicles are depleted, due to the ever escalating maintenance costs. It is against this background that additional funds are therefore urgently required for the maintenance and fueling of these trucks in order to provide effective service delivery for which Swakopmund is renowned.

It is required that an additional amount of N\$100 000.00 be transferred by the Finance Department to the Vehicle and Machinery Maintenance Vote 301010431100 from the PPP Groups Vote 301010215100 where N\$399 474.82 is available.

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

RECOMMENDED:

- (a) That the request for additional funds of N\$100 000.00 for the maintenance and fuel for cleansing vehicle fleet in the Health Services Department be approved.
 - (b) That permission be granted to the General Manager: Finance to transfer an additional amount of N\$100 000.00 from the PPP Groups Vote 301010215100 where N\$399 474.82 is available to the Vehicle and Machinery Maintenance Vote 301010431100.
-

11.1.31 **REQUEST TO TRANSFER FUNDS TO THE 2012/13 FINANCIAL YEAR**
(C/M 2012/06/28 - E 1/12)

Ordinary Management Committee Meeting of 14 June 2012,
Addendum 8.10 page 51 refers.

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

1. During the 2011/12 Financial Year, a total of 15 projects i.e. investigation and Planning of the 2nd PDA, Planning of DRC, Purchasing of Chairs and Table at the Town Hall, etc. were successfully completed while two related to the servicing of the DRC Informal Settlement are underway. However one project viz. purchasing of mobile stages, valued at N\$151 000.00 could not be finalized in time due to the delay in obtaining technical specifications, design, etc. from the service provider. In the meantime, the design has been received from Messrs Kesla Designs CC, which will now enable the Community Development Services Department to call for tenders.
2. It is against the above that Council is requested for permission to transfer the specific funds under Vote 104531614200 to the new Financial Year 2012/13 in order to ensure that the project is completed.

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

RECOMMENDED:

That permission be granted to the General Manager: Finance to transfer an amount of N\$150 000.00 under New Mobile Stages and Podiums Vote 104531614200 where N\$132 160.36 to the 2012/13 Financial Year.

11.1.32 **REQUEST TO TRANSFER FUNDS TO THE 2012/13 CAPITAL BUDGET**

(C/M 2012/06/28 - L 6)

Ordinary Management Committee Meeting of 14 June 2012, Addendum 8.11 page 52 refers.

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

1. The Health Services Department received an amount of N\$350 000.00 on the Capital Budget for the 2011/12 Financial Year for the purpose of de-rusting, repair and re-spraying of Compactor trucks on the Cleansing fleet.
2. Initially, tenders were called for the de-rusting, repair and re-spraying of the Compactor trucks, however no offers were received. The Tender Board meeting of **21 October 2011** under item 8.1 was then informed and the tender process closed. The General Manager: Health Services was exempted from the formal tender procedures in terms of the Tender Board Regulation 20.1 (c), and permitted to call for quotations for the de-rusting, repair and re-spraying of various Compactor trucks.
3. For the 2011/12 Financial Year various Compactor trucks intermittently suffered mechanical break-downs which sometimes threatened the effective service delivery by the Cleansing Section, and it was based on these situations that the remaining Compactor trucks could also not be taken out of operation for the much needed de-rusting, repair and re-spraying.
4. Despite the abovementioned problems the Health Services Department managed to have one Compactor truck de-rusted, repaired and re-sprayed by Messrs AutoPerfect after initial problems with them were ironed out.
5. It is therefore against this background that the Management Committee is requested to consider the de-rusting, repair and re-spraying of the remaining Compactor trucks as a continuation project, in order to effect the much needed maintenance on the Compactor trucks.

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

RECOMMENDED:

- (a) **That the de-rusting, repair and re-spraying of the remaining Compactor trucks in the Health Services Department be made a continuation project.**
 - (b) **That permission be granted to the General Manager: Finance to transfer the remaining funds on Vote 301031616000 (De-rusting, repair and re-spraying of Compactor trucks) to the Capital Budget for the 2012/13 Financial Year.**
-

11.1.33 **SALE OF BLOCK 7 (EXTENSION 15): PUBLIC AUCTION**

(C/M 2012/06/28 - G 3/3/2/15, G 3/9/7)

Ordinary Management Committee Meeting of 14 June 2012,
Addendum **10.3** page **00** refers.

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

1. Introduction

Council passed the following resolution on **24 February 2011**, under item 11.1.2

(b) That the cancellation of Block 7 be accepted and that Council services it immediately and then sells the individual erven by public auction to the general public.

As the 120 year anniversary celebration of the establishment of Swakopmund will be held on **4 August 2012**, it is proposed to have a public auction for Block 7 on Friday, **3 August 2012**, thereby ensuring attendance by the largest possible number of visitors.

The Management Committee can consider to sell all the erven or only some and the remainder at a later stage. Should all the erven be made available for sale it will probably result in lower prices to the benefit of the community, but less money in Council's coffers.

2. Block 7 (part of Extension 15)

Block 7 forms part of Extension 15 and comprises 128 single *residential* erven measuring between 600m² and 900m². Of the 128 erven 8 are reserved and will not form part of the public auction.

The following documents are attached:

- 2.1 Annexure "A" - lay-out indicating the location of the erven
- 2.2 Annexure "B" - list of the erf numbers and sizes as per General Plan G 158

An upset price of N\$222.00/m² is proposed.

3. Standard Conditions of Sale for the Public Auction

As per previous public auction held on **28 July 2006** and in line with the provisions of the revised Property Policy, the following conditions are proposed:

- registration with Council's auctioneer at a fee (which registration fee is determined by Council and is refunded by the auctioneer should an erf not be allocated) *(for the auction held on 28 July 2006 a registration fee of N\$5 000.00 was applicable)*;
- upon allocation the deposit paid is deducted from the purchase price;
- balance payable - cash, bank guarantees or electronic transfers direct to Council's bank account;
- should the full purchase price (and VAT, if applicable) not be received at the Municipal Head Office or reflect on Council's bank account (in the case of a direct deposit) on or before the 90th day from the date of auction, the

transaction will be cancelled with effect from the 90th day after the auction, without the need for the Municipal Council to place the purchaser on terms. (The 90 days period will be calculated on the basis of excluding the first day and including the last day);

- should the purchaser elect to provide a guarantee, such guarantee should be provided to the Property Section of the Municipal Council of Swakopmund, within 10 work days from the date of auction, and should make provision for the purchase price, interest (and VAT, if applicable) in case the transfer of the property into the name of the purchaser takes place after 90 days from the date of sale. Interest will be levied at the prime rate, (to be certified by the Bank of the Municipal Council of Swakopmund), on the full purchase price from date of auction, until date of transfer and receipt of the full purchase price by the Municipal Council of Swakopmund, should the transfer exceed 90 days;
- one erf per entity / individual (couples married in community of property are regarded as one entity);
- the purchaser will not be given the opportunity to nominate a nominee, therefore all prospective purchasers have to ensure that the declaration of purchase document is completed in the personal name / name of the entity into which the property will be transferred. No changes to the name will be considered; and
- building activities may only be commenced with once the erf is transferred.
- cancellation
 - should the sale be cancelled for whatever reason by the purchaser, all moneys paid to the Municipal Council of Swakopmund shall be forfeited and the sale of the erf be cancelled and offered for sale in terms of Council's Property Policy.
 - should the full purchase price (and VAT, if applicable) not be received at the Municipality Head Office or reflect on Council's bank account (in the case of a direct deposit) on or before the 90th day from the date of auction, the transaction will be cancelled with effect from the 90th day after the auction, without the need for the Municipal Council to place the purchaser on terms. (The 90 day period is calculated as excluding the first day and including the last day).
 - that the erven cancelled be offered for sale either by private transaction or be made available for sale at the next auction.

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

RECOMMENDED:

- (a) That a public auction for the *single residential* erven of Block 7 (part of Extension 15) be held on Friday, 03 August 2012.
- (b) That 120 erven be offered for sale at the auction.
- (c) That the *general residential* erven be sold on a date to be determined.
- (d) That the upset price be approved at N\$222.00/m².
- (e) That Council's intention to have a public auction be advertised in terms of the Local Authorities Act, Act 23 of 1992 as amended.
- (f) That the sale of the *single residential* erven be subject to the following conditions:
 - *registration with Council's auctioneer at N\$5 000.00 (which registration fee is refunded by the auctioneer should an erf not be allocated);*

- upon allocation the deposit paid is deducted from the purchase price;
 - balance payable - cash, bank guarantees or electronic transfers direct to Council's bank account;
 - should the full purchase price (and VAT, if applicable) not be received at the Municipal Head Office or reflect on Council's bank account (in the case of a direct deposit) on or before the 90th day from the date of auction, the transaction will be cancelled with effect from the 90th day after the auction, without the need for the Municipal Council to place the purchaser on terms. (The 90 days period will be calculated on the basis of excluding the first day and including the last day);
 - should the purchaser elect to provide a guarantee, such guarantee should be provided to the Property Section of the Municipal Council of Swakopmund, within 10 work days from the date of auction, and should make provision for the purchase price, interest (and VAT, if applicable) in case the transfer of the property into the name of the purchaser takes place after 90 days from the date of sale. Interest will be levied at the prime rate, (to be certified by the Bank of the Municipal Council of Swakopmund), on the full purchase price from date of auction, until date of transfer and receipt of the full purchase price by the Municipal Council of Swakopmund, should the transfer exceed 90 days;
 - one erf per entity / individual (couples married in community of property are regarded as one entity);
 - the purchaser will not be given the opportunity to nominate a nominee, therefore all prospective purchasers have to ensure that the declaration of purchase document is completed in the personal name / name of the entity into which the property will be transferred. No changes to the name will be considered; and
 - building activities may only be commenced with once the erf is transferred.
 - cancellation
 - should the sale be cancelled for whatever reason by the purchaser, all moneys paid to the Municipal Council of Swakopmund shall be forfeited and the sale of the erf be cancelled and offered for sale in terms of Council's Property Policy.
 - should the full purchase price (and VAT, if applicable) not be received at the Municipality Head Office or reflect on Council's bank account (in the case of a direct deposit) on or before the 90th day from the date of auction, the transaction will be cancelled with effect from the 90th day after the auction, without the need for the Municipal Council to place the purchaser on terms. (The 90 day period is calculated as excluding the first day and including the last day).
 - that the erven cancelled be offered for sale either by private transaction or be made available for sale at the next auction.
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11.1.34 **REQUEST FOR CONSENT FROM MESSRS QUARRY VENTURES ON BEHALF OF MESSRS NAMIBIA CONSTRUCTION (PTY) LTD, THE SUB LESSEE TO OPERATE A PROJECT: SPECIFIC MOBILE CONCRETE BATCHING PLANT ON THE MILE 4 QUARRY PREMISES SITUATED ON LEASE AREA NO. 1**

(C/M 2012/06/28 - G 2/2)

Ordinary Management Committee Meeting of 14 June 2012, Addendum 10.4
page 00 refers.

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

1. Introduction

Messrs Quarry Ventures entered into a lease agreement with the Municipal Council of Swakopmund to lease an area of land of approximately 308, 4153 hectares of the Remainder of Portion B of Swakopmund Town and Townlands No 41, which is indicated by the figures A B C D E and describe as “**Lease Area No 1**” on the land surveyor’s diagram attached hereto as **Annexure “A”**.

2. Background

Council on **28 April 2005** under item 11.1.17 resolved as follows:

- (a) *That the area, 308,4153 hectares in extent, indicated by points A – E and the corresponding co-ordinates of Lease Area No.1 over Remainder of Portion B of Swakopmund Town and Townlands no 41, as per the diagram on file, be leased to Messrs Quarry Ventures, subject to the approval of the diagram by the Surveyor General. (Actual size and layout of area to be confirmed by the Town Engineer).*
- (b) *That the lease be for a period of nine years and eleven months, with Council’s standard clause in respect of the right to negotiate a renewal of the agreement to be included.*
- (c) *That the final route for the flow of traffic from the proposed quarry to the Waterfront Development be determined in consultation with the Traffic Section and the Town Engineer’s Department.*
- (d) *That the applicant pay an amount of N\$20 000.00 annually for the right to quarry on the site.*
- (e) *That a royalty in the amount of N\$2.50 be payable per bench cubic metre of rock. The volumes quarried to be determined by a 6 monthly survey of the quarry pit based on a ratio of saleable rock to waste of 2:1, to be further verified by, inter alia, quantities supplied to clients. All costs of survey to be for the applicant’s account.*
- (f) *That a deposit in the form of a bank guarantee in the amount of N\$100 000.00 valid until the termination of the lease, be presented to Council to ensure the satisfactory rehabilitation of the site upon termination of the project. The bank guarantee to be returned to the applicant upon successful completion of rehabilitation.*
- (g) *That the applicant be responsible for the satisfactory rehabilitation of the quarry site upon termination of the project.*
- (h) *That subletting be subject to approval by Council upon demand by the applicant.*
- (i) *That the agreement be subject to a six month termination clause, applicable to both parties.*
- (j) *That the lease be further subject to the following conditions, which will serve as a guideline for the intended agreement:*
 - (i) *The applicant to provide all infrastructure of services to the area for its own account and to the specifications of the civil- and electrical engineers.*

- (ii) *The applicant shall be responsible for the hygienic disposal of all sewerage and wastewater to the satisfaction of the Town Engineer and Town Health Officer.*
- (iii) *That the applicant contributes to the adequate maintenance of the roads he intends to use and that any damage caused to the road surfaces by vehicles transporting rock from the quarry to sites within Swakopmund town, be for his account.*
- (iv) *That the requirements regarding the lease of immovable property as prescribed in the Local Authorities Act 23 of 1992, as amended, be dealt with successfully.*
- (v) *That all costs related to this transaction (advertising- and any legal costs, etc. that may arise from this transaction) shall be borne by the applicant.*
- (vi) *That the applicant indemnify and keep Council indemnified from any damage caused due to either blasting or transporting rock to the Waterfront and other clients within Swakopmund town.*
- (k) *The responsibility of the applicant in respect of decommissioning the mine, to be investigated and reported to Council.*
- (l) *That the Town Health Officer investigates the possibility of providing the waste material from the quarry as top soil for the new dump site.*

The lease is for a period of **nine (9) years and eleven (11) months**, which commenced on date of signing being **31 July 2007 and will laps on 30 June 2017**. The lease of the premises is exclusive for the purpose of operating a commercial quarry, for the exploitation and supply of quarried and / or crushed rock, gravel, sand waste or any other sediment or material for civil construction and similar work.

Furthermore **Messrs Onganja Mining (Pty) Ltd**, owner of Quarry Ventures also applied on 9 August 2007 to sub-let the premises to **Messrs Namibia Construction (Pty) Ltd**, as they were identified as the best candidate to assist in the quarry operations. Council approved on **02 October 2007** under item 11.1.6 the following:

That Quarry Ventures be permitted to sublet the quarry to Namibia Construction on condition that they remain responsible to Council for all matters relating to the quarry in terms of the agreement.

3. **Application**

The **attached** application dated **08 June 2012 (Annexure “B”)**, was received from **Messrs Quarry Ventures** requesting Council’s consent on behalf of their sub-lessee **Messrs Namibia Construction (Pty) Ltd**, to construct a temporary mobile concrete batching plant on the Mile 4 Quarry premises situated on **Lease Area No 1**. The duration of the Waterfront bulk earthworks contract will be approximately six (6) months as was telephonically confirmed on 13 June 2012, by the Director of Messrs Quarry Ventures, Mr Robert Carr.

Messrs Namibia Construction (Pty) Ltd is responsible for the construction of the breakwater at the Waterfront Development. The shore works requires considerable quantities of concrete for the construction of the retaining wall at the breakwater. They initially planned to set up a concrete mobile batching plant on the site of the breakwater.

Below is a summary of **Messrs Quarry Ventures** request for permission in order for **Messrs Namibia Construction (Pty) Ltd** to construct a temporarily mobile concrete batching plant on “**Lease Area No 1**”.

- The operation involves large volumes of concrete on site and therefore requires the establishment of stockpiles of sand aggregate and cement to feed the plant
- The production of concrete will result in cement dust, noise and excessive truck movement which will inconvenience the residents in the general area.

4. **Discussion**

It should be kept in mind that the construction of a temporary mobile concrete batching plant on “**Lease Area No 1**” will ease the inconvenience of the local population, which means less complaints from the public. The proposed site will also minimize the environmental and social impact during the development phase.

5. **Proposal**

That the application from **Messrs Quarry Ventures** on behalf of their sub-lessee **Messrs Namibia Construction (Pty) Ltd**, for the purpose of constructing a temporary mobile concrete batching plant on the Mile 4 Quarry premises situated on **Lease Area No 1**; whereby they will transport the concrete with ready mix trucks to the breakwater construction site, be approved. It is proposed that **Messrs Quarry Ventures** inform Council in writing when the project of **Messrs Namibia Construction (Pty) Ltd** to construct the breakwater of the Waterfront Development ends.

6. **Standard Conditions**

The lease agreement between **Messrs Quarry Ventures** and **Messrs Namibia Construction (Pty) Ltd** remains the same subject to the terms and conditions of the main lease agreement between **Council** and **Messrs Quarry Ventures**. Attached as **Annexure “C”** is a copy of the existing lease agreement.

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

RESOLVED: (For Condonation By Council)

- That Council approves **Messrs Quarry Ventures’** application on behalf of **Messrs Namibia Construction (Pty) Ltd** to operate a mobile concrete batching plant for the purpose of providing ready mix concrete for the Waterfront Development; subject to the same terms and conditions of the main lease agreement between Council and **Messrs Quarry Ventures**.
 - That **Messrs Quarry Ventures** be informed that a written notice must be addressed to Council when the project of **Messrs Namibia Construction (Pty) Ltd** to construct a breakwater at the Waterfront Development is finalised.
 - That **Messrs Quarry Ventures** be informed that to remove the structures 30 days after construction is completed.
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