

AGENDA

Ordinary Council Meeting

on

THURSDAY





30 AUGUST 2012

at

19:00



MUNICIPALITY OF SWAKOPMUND

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Ref No A 2/3/5

Enquiries: A Gebhardt

20 August 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, 30 AUGUST 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.
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3. **CONFIRMATION OF MINUTES**
(C/M 2012/08/30 - A 2/3/5)

- 3.1 Minutes of an **Ordinary Council Meeting** held on **26 July 2012**.
(pp 98/2012 - 109/2012)
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4. **INTERVIEWS WITH DEPUTATIONS OR PERSONS SUMMONED OR REQUESTED TO ATTEND THE MEETING**

None.

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-

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-

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None.

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

None.

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

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

5. **DISCUSSION POINTS**

5.1 **PRESENTATION: THE SOUTHERN AFRICA INTER-MUNICIPAL
SPORT ASSOCIATION GAMES (SAIMSA GAMES 2013)**

(S/M/C 2012/07/19 - J 10/1)

During the discussion of this item, Mr C Lawrence briefed the meeting on the historic background of the Swakopmund Municipal Sports and Social Club up to its current status. He presented the projected overview of Council's bid to host the SAIMSA games in 2013 and the budgetary requirements to host the games.

After various questions were raised and answered to the satisfaction of Management Committee, it was:-

RESOLVED:

- (a) That the presentation by Mr C Lawrence, Council's representative of on the Swakopmund Municipal Sports and Social Club, regarding the hosting of the Southern Africa Inter-Municipal Sport Association Games (SAIMSA Games 2013), be noted.
- (b) That this item be resubmitted to the ordinary Management Committee meeting of August 2012 in order for Council to decide whether to host the Southern Africa Inter-Municipal Sport Association Games (SAIMSA Games 2013) or not, taking into account the financial implications.
- (c) That the General Manager: Health Services submits a policy that will regulate the activities of the Swakopmund Municipal Sports and Social Club to the next Management Committee meeting.

10 (B) **MINUTES OF A SPECIAL MANAGEMENT COMMITTEE MEETING
HELD ON 03 AUGUST 2012**

5. **DISCUSSION POINTS**

5.1 **PROPOSED BUDGET FOR HOSTING OF THE SOUTHERN AFRICA
INTER-MUNICIPAL SPORT ASSOCIATION GAMES (SAIMSA GAMES
2013)**

(S/M/C 2012/08/03 - J 10/1)

During the discussion of this item, the delegation briefed the meeting on the progress made with the preparations for the hosting of the 2013 SAIMSA Games in Swakopmund. The delegation also explained the contribution of N\$1 Million by Council towards the hosting of the event.

After various questions were raised and answered to the satisfaction of Management Committee, it was:-

RESOLVED:

- (a) That the information provided by the SAIMSA / NALASRA delegation regarding the progress of preparations made for the hosting of the 2013 SAIMSA Games in Swakopmund be noted.
- (b) That Council considers the hosting of the SAIMSA Games in Swakopmund, subject to the approval of Council's financial contribution.

10 (C) **MINUTES OF AN ORDINARY MANAGEMENT COMMITTEE MEETING HELD ON 16 AUGUST 2012**

2. **CONFIRMATION OF MINUTES**
(M/C 2012/08/16 - A 2/3/5)

2.1 **MINUTES OF AN ORDINARY MANAGEMENT COMMITTEE MEETING HELD ON 12 JULY 2012**

On proposal of Councillor A N Bessinger seconded by Councillor N N Salomon it was:-

RESOLVED:

That the Minutes of an Ordinary Management Committee meeting held on 12 July 2012 be confirmed as correct.

2.2 **MINUTES OF A SPECIAL MANAGEMENT COMMITTEE MEETING HELD ON 19 JULY 2012**

On proposal of Councillor A N Bessinger seconded by Councillor N N Salomon it was:-

RESOLVED:

That the Minutes of a Special Management Committee meeting held on 19 July 2012 be confirmed as correct.

2.3 **MINUTES OF A SPECIAL MANAGEMENT COMMITTEE MEETING HELD ON 03 AUGUST 2012**

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

RESOLVED:

That the Minutes of a Special Management Committee meeting held on 03 August 2012 be confirmed as correct.

5. **REPORTS: HEADS OF DEPARTMENTS**

5.1 **ADMINISTRATIVE REPORT**

5.5 **FINANCE**

5.5.1 **TOTAL EXPENDITURE**

(M/C 2012/08/16 - D 7/3/2/1)

RESOLVED:

That the total expenditure of N\$30 000 804.64 for the period 01- 31 July 2012 be accepted and approved as correct.

7.2 **NAMING OF THE AMPHITHEATRE**

(M/C 2012/08/16 - N 7/3/6/1)

RESOLVED:

- (a) That a Committee be established along with policy guidelines on the naming/re-naming of streets, suburbs and public places/ buildings.
 - (b) That Councillors submit nominations for members of the committee for the next Management Committee meeting.
 - (c) That in future all requests for streets names be dealt with by the Committee to be established.
-

7.3 **FEEDBACK REPORT: INCOMPLETE HOUSES OF THE BUILD TOGETHER PROGRAMME**

(M/C 2012/08/16 - H 5/3)

RESOLVED:

- (a) That this item be referred to the Build Together Committee.
- (b) That the General Manager: Community Development Services investigates and report back to Management Committee on the following:
 - *Whether the newly elected Build Together Committee have regular weekly and monthly meetings;*
 - *Request weekly and monthly reports from the Build Together Committee regarding the progress of the Build Together houses;*
 - *Policy guidelines and advice from the Ministry of Regional and Local Government, Housing and Rural Development on the what should be done with the beneficiaries who do not repay their loans;*
 - *Submit a report on the Build Together beneficiaries who are “out of town” and those who have started building but did not complete their houses yet;*
- (c) That the General Manager: Community Development Services submits a list of the following groups:
 - *Build Together Beneficiaries who received money after started building their houses; and*

- *Build Together Beneficiaries who received money first and did not started building their houses.*
- (d) That in future, Council adheres to the provisions of the Build Together Act where the beneficiary first starts building the house to a specified level then claim funds to continue/complete building the house.
- (e) That the Chief Executive Officer assists the Community Development Services Department in complying with the provisions of the Act.

7.4 **SHORTFALL IN LOANS ALLOCATED TO BUILD TOGETHER BENEFICIARIES WHO REPLACED PREVIOUS BENEFICIARIES**
 (M/C 2012/08/16 - H 5/3)

RESOLVED:

That this item be referred back and submitted to the Build Together Committee.

7.9 **PROPOSAL FOR A JOINT VENTURE AGREEMENT BETWEEN MESSRS NAMIBIA FILM COMMISSION AND THE SWAKOPMUND MUNICIPALITY**
 (M/C 2012/08/16 - K 7)

During the discussion of this item, representatives of Messrs Namibia Film Commission provided more information to Council regarding the joint venture proposal between Messrs Namibia Film Commission and Council to establish a film Office in Swakopmund.

After various questions were raised and answered to the satisfaction of Management Committee, it was:-

RESOLVED:

- (a) That the presentation of Messrs Namibia Film Commission be noted.
- (b) That the item be resubmitted to the next Management Committee meeting.

8. **POLICY MATTERS**

8.2 **PLACEMENT OF A PORTRAIT OF ALL THE COUNCILLORS IN THE FOYER OF THE MUNICIPAL OFFICE COMPLEX**
 (M/C 2012/08/16 - A 2/3/1/4)

RESOLVED:

- (a) That a portrait of all Councillors with their names reflected below their photos be placed in the foyer at the Municipal Office Complex, below the portraits of the Founding Father of the Nation and that of His Excellency the President, in order for the public to note who their Councillors are.

- (b) That the all-in-one option on the quotation from Messrs Photo Studio Behrens CC be approved at a total cost of N\$2 203.00 and that the cost be defrayed from the Printing & Stationery Vote 100510212100 where N\$23 188.22 is available.

8.3 **REQUEST BY MESSRS NAMIBIA CONSTRUCTION FOR CREDIT ON WATER ACCOUNT**

(M/C 2012/08/16 - D 7/3/1/1, WF 71)

RESOLVED:

That the request by Messrs Namibia Construction for a special water tariff for users of large quantities of water not be approved.

8.4 **APPLICATION TO PURCHASE A STREET PORTION BETWEEN ERVEN 906 AND 909, MONDESA**

(M/C 2012/08/16 - M 909, H 5)

RESOLVED:

That Mr G #Kharixab be informed that a fresh water pipeline crosses the portion he applied to purchase; therefore Council cannot consider the sale thereof for the construction of a garage.

8.6 **REQUEST FOR BTS SITE OCCUPATION FOR MTC BTS SITES AT PEBBLE BEACH**

(M/C 2012/08/16 - G 4/2/2/2)

RESOLVED:

That Management Committee remains with the status quo in respect of all current leases of land by Messrs MTC.

8.8 **STANDARD OPERATING PROCEDURES OF THE MUNICIPAL REST CAMP**

(M/C 2012/08/16 - N 7/3/1/2)

RESOLVED:

- (a) That the operating procedures (on file) for key deposits, semi-permanent guest and cash up be approved.
- (b) That a review of the new procedures be done after 6 months to assess whether they are effective and feedback be provided to Management Committee.

8.11 **PUBLIC PRIVATE PARTNERSHIP (PPP) GROUPS TO CLEAN STREETS AND OPEN SPACES IN MONDESA AND DRC**

(M/C 2012/08/16 - A 2/3/15)

RESOLVED:

That this item be referred back.

8.12 **REQUEST FOR AUDIENCE WITH COUNCIL**
(M/C 2012/08/16 - A 2/3/15)

RESOLVED:

That a Special Management meeting be scheduled with PPP Committee members, the Union and Management Committee on a date to be determined by the Chief Executive Officer.

8.15 **REQUEST TO USE A PORTION OF ERF 2747, SWAKOPMUND**
(M/C 2012/08/16 - E 2747)

RESOLVED:

That Messrs Fiscon Investments be invited to a Special Management meeting on a date to be determined by the Chief Executive Officer.

8.17 **FEEDBACK: PUBLIC AUCTION OF 03 AUGUST 2012 FOR THE SALE OF 120 SINGLE RESIDENTIAL ERVEN**
(M/C 2012/08/16 - G 3/3/2/15, G 3/9/7)

RESOLVED:

That the outcome of the public auction of 120 “*Single Residential*” erven at Extension 15, Swakopmund held on 03 August 2012 be noted.

8.30 **REZONING OF ERF 61 MYL 4 SWAKOPMUND FROM “SINGLE RESIDENTIAL” WITH A DENSITY OF 1 DWELLING PER 300M² TO “GENERAL RESIDENTIAL 1” WITH A DENSITY OF 1 DWELLING PER 250M**
(M/C 2012/08/16 - M4 E 61)

RESOLVED:

That this item be withdrawn from the Agenda.

8.31 **PROGRESS REPORT OF MESSRS SEA GULL’S CRY CC**
(M/C 2012/08/16 - N 7/2/9)

RESOLVED:

That a site inspection be held after the Management Committee meeting of 13 September 2012.

9. **PERSONNEL MATTERS**

9.5 **CORPORATE FIT CHALLENGE**
(M/C 2012/08/16 - B 1/1)

RESOLVED:

That this item be referred back for better motivation and be resubmitted at the next Management Committee meeting.

9.6 **THE COMMEMORATION OF THE SWAKOPMUND MUNICIPALITY
HIV/AIDS AWARENESS DAY**
(M/C 2012/08/16 - B 1/12)

RESOLVED:

- (a) That permission be granted to the Municipal AIDS Committee to stage the Municipal HIV/AIDS Awareness Day on 31 August 2012 in the Council Chambers focusing on education, testing, treatment and involvement.
- (b) That all Councillors and staff members be invited to attend the event.
- (c) That the cost for refreshments and payment of the main speakers for the event be defrayed from HIV/AIDS Fund Vote 100510737000 where N\$5 000.00 is available.

9.7 **INVITATION TO NAMIBIA NATIONAL MAYORS' FORUM ANNUAL
GENERAL MEETING**
(M/C 2012/08/16 - A 2/3/2/1/2)

RESOLVED:

- (a) That the Mayor attends the Annual General meeting of the Namibia National Mayors' Forum to be held in Windhoek from 05 - 07 September 2012.
- (b) That the Mayor's vehicle not be used until it is certified mechanically sound.
- (c) That the cost be defrayed from the Council's Conference Expenses Vote 100510206500 where N\$164 547.88 is available.

9.8 **INVITATION FROM THE INTERNATIONAL CIVIL AVIATION
ORGANIZATION: AERODROME INSPECTOR TRAINING**
(M/C 2012/08/16 - A 4/3/1/3, N 9/1)

RESOLVED:

- (a) That the permission granted to the Deputy Chief Fire Officer (Mr G Kotzee) to attend the ten days Aerodrome inspector's course held from 31 July - 10 August 2012 in Windhoek be condoned.
 - (b) That special leave be granted to the Deputy Chief Fire Officer during this period.
 - (c) That subsistence and travelling allowance be defrayed from the Conference Expenses Vote 202610206500 where N\$20 000.00 is available.
-

9.9

CRIME AND VIOLENCE PREVENTION TRAINING COURSE

(M/C 2012/08/16 - A 4/3/1/3)

RESOLVED:

- (a) That permission be granted to the Manager: Traffic Services (Mr M Cloete) to attend the training course on Crime and Violence prevention in Windhoek on the following dates as indicated below:

- 17-21 September 2012
- 12-17 November 2012
- 21-26 January 2013

The examination is scheduled for 04 March 2013.

- (b) That the subsistence and travelling allowances be defrayed from the Conference Vote 202010206500 where N\$40 000.00 is available.
- (c) That special leave be granted to the staff member during these periods.

9.10

ESTABLISHMENT OF A CONSTITUENCY DISASTER RISK MANAGEMENT COMMITTEE (CDRMC)

(M/C 2012/08/16 - A 1/3/6)

RESOLVED:

That the following staff members be nominated to serve on the Swakopmund Constituency Disaster Risk Management Committee:

- | | | | |
|---|----------------------|---|-------------------------------|
| • | <i>Mr A P Goosen</i> | - | <i>Chief Fire Officer</i> |
| • | <i>Ms T Xoagus</i> | - | <i>Senior Traffic Officer</i> |
| • | <i>Ms M Palmer</i> | - | <i>Housing Officer</i> |

9.11

TRAINING ON RISK MANAGEMENT

(M/C 2012/08/16 - A 4/3/1/3)

RESOLVED:

That this item be withdrawn from the Agenda.

9.13

ASSISTANCE REQUESTED BY KARIBIB TOWN COUNCIL

(M/C 2012/08/16 - A 3/3/1)

RESOLVED:

- (a) That the permission granted to the Manager: Corporate Services (Mr A Plaatjie) to assist with restructuring at the Karibib Town Council as per the request from the Ministry of Regional and Local Government, Housing and Rural Development from 06-10 August 2012 be condoned.
- (b) That special leave be granted to the staff member during this period.

- (c) That the cost for subsistence and travelling be paid for by the Ministry of Regional and Local Government, Housing and Rural Development.

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

10.2 **INVITATION TO A TRAINING WORKSHOP ON HOUSING AND INFORMAL SETTLEMENT UPGRADING**

(M/C 2012/08/16 - A 4/3/1/3)

RESOLVED:

- (a) That permission be granted to the General Manager: Community Development Services (Mr M N Ipinge) and the Community Development and Housing Officer (Ms M Palmer) to attend the workshop on Housing and Informal Settlements Upgrading on 22-24 August 2012 in Accra, Ghana.
- (b) That permission be granted to the Chairperson of Management Committee, Councillor N N Salomon to attend the training workshop on condition that it is confirmed by the sponsors.
- (c) That the out of town allowance for Councillor N N Salomon be defrayed from Council's Conference Vote 100510206500 where N\$164 567.00 is available.
- (d) That the out of town allowance for the two officials be defrayed from Vote 500510206500 where N\$30 000.00 is available.
- (e) That special leave be granted to the staff members during this period.

10.3 **DISCIPLINARY HEARING OF MESSRS LENTIN ARCHITECTS REGARDING ERF 5379, SWAKOPMUND**

(M/C 2012/08/16 - E 5379)

RESOLVED:

- (a) That the Acting General Manager: Engineering Services (Mr M Amedick) and the Manager: Corporate Services (Mr A Plaatjie), be delegated to represent Council during the disciplinary hearing of Messrs Lentin Architects scheduled for 29 and 30 August 2012 in Windhoek.
 - (b) That travelling and subsistence allowances payable to the Acting General Manager: Engineering Services and Manager: Corporate Services be defrayed from Conference Expenses vote 103010206500 where N\$21 600.00 is available.
 - (c) That special leave be granted to the staff members during this period.
-

11. **RECOMMENDATIONS BY THE MANAGEMENT COMMITTEE**
- 11.1 **ORDINARY MANAGEMENT COMMITTEE MEETINGS HELD ON 16 AUGUST 2012**
- 11.1.1 **SALE OF ERF 1525, SWAKOPMUND – NOMINATION OF PURCHASER**
(C/M 2012/08/30 - E 1525)
- Ordinary Management Committee Meeting of 16 August 2012, Addendum 7.1 page 01 refers.**
-

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

Council on 26 July 2012 referred this item back to the Management Committee; following is the submission that was tabled to the said Council meeting.

1. INTRODUCTION

Messrs Wilderness Investments CC was the successful bidder for the Altes Amtsgericht located on Erf 1525, Swakopmund at the closed bid held on **07 October 2011** for **N\$12 500 120.00**.

The upset price was **N\$8 400 000.00**.

Part of the conditions of sale was:

- (iii) **Nominees** *The purchaser will not be given the opportunity to nominate a nominee, therefore all prospective purchasers have to ensure that the Bid Form 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.***

The reason for this is not only to curb the possibility of fraud and avoid speculation whereby the purchaser nominates a third party as purchaser before payment of the purchase price is due to Council, but also to ensure that the Receiver of Revenue receives the transfer duty payable on every transfer.

2. REQUEST BY MESSRS WILDERNESS INVESTMENTS CC

A letter, **attached** as **Annexure “A”** was received from the purchaser dated **18 May 2012** requesting Council to:

- ① *allow the **nomination of a number of close corporations** for transfer of the property into these entities, thereby paying transfer duty to the Receiver of Revenue only for one transaction; and also to*
- ② *confirm that the sale is that of a **going concern**, thereby the transaction can be concluded as a Zero Rated Going Concern for Value Added Taxation purposes. The taxation on the purchase price amounts to **N\$1 875 018.00**.*

Corporate Services replied as per **Annexure “B”** dated **07 June 2012**:

- ① *With regard to the **request to permit transfer to nominees**, this will not be allowed as it is not in line with the tender procedures and conditions of sale of the erf. The erf can only be transferred into the name of the successful bidder as indicated on the signed bid form. Since this was not a private transaction initiated by a private person / company accordingly the rules of the offer to the public are applicable meaning our office can only transfer the erf into the name of the successful bidder.*
- ② *In regard to the request to treat the transaction as a going concern the Municipality is not convinced that the circumstances meet the requirements of the Receiver of Revenue for exemption. We are not selling a business, only a building used as offices. In our opinion the transaction does not meet with the last three conditions stipulated by the Receiver in your letter. Should you disagree, we refer to our letter of **03 March 2012** and request you to provide us with a directive from the Receiver of Revenue in which the specifics of this transaction is spelled out and directing us that the transaction is a “zero rated going concern”.*

In response to the above, another written application was received from the purchaser **attached** as **Annexure “C”** dated **18 June 2012**.

The purchaser indicates that the transfer cost of the premises amounts to **N\$1 548 901.90**, by paying this amount for two transfers the feasibility of the envisaged project is adversely affected.

The purchaser states that he will be the sole member of the number of close corporations.

3. **DISCUSSION**

The nomination of an entity other than the purchaser was clearly prohibited in the conditions of the bid and should Council wish to cancel this term, the other interested bidders would have to be informed by way of advertisement of this amendment of the terms and conditions to consider whether it would move them to amend their bids. Should the purchaser not wish to accept Council's decision he can cancel the transaction and take part at the next auction where Council can amend the conditions to include nomination of nominees. Numerous enquiries have been received already in the meantime for the purchase of both municipal offices.

Furthermore, should the purchaser provide a directive from the Receiver of Revenue indicating that the sale is that of a going concern, then only can the payment of the 15% VAT on the purchase price in the amount of **N\$1 875 018.00** be exempted.

4. **CONCLUSION**

Subsequent to the Management Committee meeting held on **12 July 2012**, a request was received from Messrs Wilderness Investments CC to meet with the Mayor and the Chairperson of the Management Committee. The meeting was conveyed by the Personal Assistant to the Mayor and attended by Her Worship the Mayor, the Chairperson of Management Committee, the Deputy Chairperson of Management Committee, the Chief Executive

Officer and the General Manager: Corporate Services and Human Resources.

Mr Doll, who is the sole member of Messrs Wilderness Investments CC requested the Mayor to re-consider his application to nominate a nominee due to the cost implications it would have, should he not be allowed to nominate the CC's and he has to first transfer the property to Messrs Wilderness Investments CC and then transfer the property again into a number of CC's.

Mr Doll was once again reminded of the conditions of sale and that his oversight on the consideration of a nominee at the time of the bid cannot be accommodated by Council as there were other bidders involved.

Another letter dated **30 July 2012** was received from Mr D Doll whereby it is pointed out that the bidders only had the bid forms at their disposal and the restriction to nominate a purchaser should be indicated on the bid form (**Annexure "D"**).

In actual fact all bidders beforehand received a complete set of documents of which the bid form was numbered ⑥. **Attached** as **Annexure "E"** is an example.

The restriction on nominating a nominee is set-out under ③, (iii) of the tender procedure.

Furthermore, the following 13 bids were received, of which 9 were closed corporations represented / managed by Mr D Doll or of which he is a member:

	Entity	Bid Amount N\$	Represented By
1	Wilderness Investments CC	12 500 120.00	Ms Maria Diekman authorized Mr Detlev Doll to act on her behalf. <i>According to the amended founding statement Mr Detlev Doll is the sole member.</i>
2	Luxury Investments One Hundred & One (Pty) Ltd	10 800 000.00	Mr Ghandy Gerson !Gaoseb
3	Maquette Investments CC	11 250 120.00	Mr Arvio Grosche
4	Couch Investments CC	9 500 200.00	Mr Jens Doll
5	Shoreline Investments CC	10 000 100.00	Mr Detlev Doll
6	Waterside Investments CC	10 250 050.00	Mr Volker H H Woortman
7	Ya Otto Investment Holding (Pty) Ltd	8 800 000.00	Mr O Henrion
8	Meadow Investment CC	11 500 100.00	Mr Andreas Von Johannides
9	R & S Property Development & Construction CC	12 001 200.00	Mr Razi Ghiassi-Razavi
10	Transmarine Investments CC	11 000 100.00	Mr Berndt Hoffmann

11	Peninsular Investments CC	10 500 250.00	Mr J G van der Merwe
12	Sandbanks Investments CC	10 755 150.00	Mr Wikus Alberts
13	Morningland Investments CC	12 000 110.00	Mr F A Frank-Schultz

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

RECOMMENDED:

- (a) That Messrs Wilderness Investments CC not be permitted to nominate a number of close corporations as purchaser of Erf 1525, Swakopmund subject to the legal opinion in (b) below.
 - (b) That Messrs Wilderness Investments CC be requested to obtain a legal opinion at their cost to convince Council that Council can amend the conditions of the sale after the bid was allocated to Messrs Wilderness Investments CC.
 - (c) That Messrs Wilderness Investments CC be informed to provide a directive from the Receiver of Revenue indicating that the transaction is that of a going concern, whereafter Council can exempt the payment of the 15% VAT on the purchase price.
-

11.1.2 **NAMING OF THE AMPHITHEATRE**
(C/M 2012/08/30 - N 7/3/6/1)

Ordinary Management Committee Meeting of 16 August 2012,
Addendum 7.2 page 20 refers.

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

1. **Introduction**

Attached letter (**Annexure A**) dated **17 October 2011** was received from Mr Jack Brown, the Erongo Region SWAPO Party Elders Council's Secretary to name the Amphitheatre after Mr Thomas Amunjela (**Annexure "A"**).

Mr Jack Brown motivates his request by stating the achievements of Mr Thomas Amunjela which contributed to the growth and economy of Swakopmund.

Mr Thomas Amunjela will be 100 years old on **05 October 2012**.

2. **Naming of Public Places**

Apart from streets being named after people and recently the Fire Station being named **Fillipus Namalemo Fire Station**, which was named on proposal by Council, it is not common practice for Council to name public places.

The proposal by Councillor U Kaapehi to name streets after Alderwoman R //Hoabes and Alderman E //Khoaseb was not accepted by Council on **31 August 2011**.

3. **Comments from the Engineering Services Department**

The following comments were received from the Engineering Services Department:

3.1 **Acting GM: Engineering Services**

In the past there was a "**Street Naming Committee**" which took thematic lists (e.g. famous doctors, philosophers, composers, but also minerals, trees, birds, car brands etc.) and allocated street names.

Generally names of deceased persons were chosen. Since Independence names of living people were also used. This poses a problem should any such person fall from grace (by e.g. committing a crime or through political developments / changes).

In terms of structures, names of people were chosen, who had some relationship to the structure (e.g. first owners, builder or being a famous resident or user of the place; e.g. Woermann

Haus), but this has also changed (e.g. Fillipus Namalemo Fire Station).

In summary it appears as if the current time of "*personality cult*" anything goes without public participation.

The personal development of Mr Thomas Amunjela is certainly admirable, whether it is applicable to name the Amphitheatre after him is to Council's discretion.

However, it will be good to at least place a board which gives some background, as to why a place has been dedicated to a certain person, next to it, because tourist or other visitors may not be familiar with the achievements / fame of local celebrities.

3.2 **Town Planner**

As the public is not familiar with the pronunciation of the names and giving detailed information in terms of location becomes a problem, it might be advisable not to name streets and public places after people. By entertaining such requests from the general public Council might find itself under pressure to continue such activities. If it is allowed once then it might be requested in other similar applications to have place names changed, street names change, etc. The place concerned already has a name (Amphitheatre) which was thought to be acceptable to every citizen in town. Why change it?

Management Committee on **12 July 2012** under item 10.1 resolved as follows:

That this item be referred back and be resubmitted with the guidelines from the line Ministry regarding the naming of streets and public places.

Research revealed that the **attached** letter (**Annexure B**) from the Ministry of Regional and Local Government, Housing and Rural Development was the only available documentation found regarding the renaming of streets.

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

RECOMMENDED:

That the proposal and motivation by Mr J Brown, secretary of the Erongo Region SWAPO Party Elders Council, to re-name the Amphitheatre after Mr Thomas Amunjela be approved.

11.1.3 **SALE OF PRE-PAID WATER IN THE DRC INFORMAL SETTLEMENT**
(C/M 2012/08/30 - N 10/2/4, H 5/4)

Ordinary Management Committee Meeting of 16 August 2012,
Addendum 7.5 page 29 refers.

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

Council on **29 February 2012** resolved as follows:

- (a) *That permission be granted to Mr E Kampembe to operate as a vendor of pre-paid water sales for the DRC Informal Settlement for a trial period of six (6) months on the same terms and conditions.*
- (b) *That the residents of the DRC Informal Settlement be offered the opportunity to be venders of pre-paid water sales for the DRC Informal Settlement after a six (6) month trial period.*

The six month period for the current vendor, Mr E Kapembe will lapse on **31 Augustus 2012** and it is the purpose of this submission to obtain approval from the Council to extend the vending period of the current vender until the formalisation of DRC.

BACKGROUND

The procedure negotiated is that he would act as vendor and buy credit from Council at the normal pre-paid water tariff **less** 18% commission which is accumulated to him for his services as per Council resolution of **07 July 2011**, which reads as follows:

That the new water tariff for the DRC Informal Settlement be N\$30.00/m³ and that the new charges be effective as from 1 July 2011.

He will then take the receipt to the Works Section for the purchased of credit to be loaded onto the mobile device. The mobile device is then taken to his business premises and water is sold to the public until all the credits have been depleted. Additional credit will then again have to be purchased from Council to sell to the public.

The table below depict the pre-paid water sales in the DRC informal settlement only from the date of its inception, i.e. **02 March 2012** to date **(13 July 2012)**:

<i>Date</i>	<i>Vendor</i>	<i>Purchases</i>	<i>Commission</i>	<i>on</i>	<i>Total Credit</i>
		<i>N\$</i>	<i>Purchases</i>		<i>N\$</i>
02/03/2012	0005	2,700.00	486.00		3,186.00
05/03/2012	0005	2,900.00	522.00		3,422.00
07/03/2012	0005	3,000.00	540.00		3,540.00
12/03/2012	0005	3,100.00	558.00		3,658.00
15/03/2012	0005	3,200.00	576.00		3,776.00
22/03/2012	0005	3,300.00	594.00		3,894.00
26/03/2012	0005	3,400.00	612.00		4,012.00
30/03/2012	0005	3,500.00	630.00		4,130.00
02/04/2012	0005	3,600.00	648.00		4,248.00
04/04/2012	0004	3,700.00	666.00		4,366.00
05/04/2012	0004	3,800.00	684.00		4,484.00
12/04/2012	0004	3,900.00	702.00		4,602.00
18/04/2012	0004	4,000.00	720.00		4,720.00
24/04/2012	0004	4,100.00	738.00		4,838.00
30/04/2012	0004	4,200.00	756.00		4,956.00
02/05/2012	0004	8,400.00	1,512.00		9,912.00
09/05/2012	0004	8,500.00	1,530.00		10,030.00
18/05/2012	0004	4,600.00	828.00		5,428.00
24/05/2012	0004	8,800.00	1,584.00		10,384.00
01/06/2012	0004	9,000.00	1,620.00		10,620.00
05/06/2012	0004	5,000.00	900.00		5,900.00
07/06/2012	0004	5,100.00	918.00		6,018.00
13/06/2012	0004	5,200.00	936.00		6,136.00
18/06/2012	0004	5,300.00	954.00		6,254.00
22/06/2012	0004	5,400.00	972.00		6,372.00
29/06/2012	0004	10,000.00	1,800.00		11,800.00
29/06/2012	0004	400.00	72.00		472.00
03/07/2012	0004	7,800.00	1,404.00		9,204.00
09/07/2012	0004	5,700.00	1,026.00		6,726.00
13/07/2012	0004	5,800.00	1,044.00		6,844.00
		147,400.00	26,532.00		173,932.00

Currently there are only four vending machines, i.e. one being used by the vendor, one being used by the cashier and the remaining two machines are being kept by the Works Department as back-up machines. It is imperative that there should be two back-up machines should one of the machines in operation require repairs when the remaining machines can then be used either by the cashiers or the vendor during unexpected technicalities. This means that only one vending machine is in effect available to a vendor in the DRC informal settlement making it impractical to have more than one vendor.

No irregularities or administrative problems regarding the operations of the vendor have been reported to Council thus far and the process is ongoing as planned. Mr E Kampembe is also a full time resident within the DRC informal settlement.

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

RECOMMENDED:

- (a) That the pre-paid water vending relationship between Council and Mr E Kampembe be extended for a further period of one year.
 - (b) That an additional vendor be appointed to serve the community in the DRC and provided with a vending machine if he complies with the necessary criteria.
 - (c) That an additional vending machine be purchased and held in reserve in case one of the others fails.
 - (d) That the cost of the new vending machine be defrayed from the Accumulated Pre-paid Water Sales Vote 402022064200 where N\$70 623.00 is available.
 - (e) That the General Manager: Finance report back to Council on the performance of the vendors after the expiry of the given one year period.
-

11.1.4 **RENEWAL OF LEASE AGREEMENT: ERF 1318, SWAKOPMUND**
(C/M 2012/08/30 - E 1318)

Ordinary Management Committee Meeting of 16 August 2012,
Addendum 7.6 page 31 refers.

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

1. Introduction

Messrs Desert Explorers entered into a lease agreement with Council to lease a certain portion of municipal land, measuring $\pm 62 \text{ m}^2$ onto which their container encroaches, situated on Erf 1318, Swakopmund; of which the lease period lapses on **31 August 2012**. Attached are **Annexure "A"** the locality map together with an approved diagram by a Professional Land Surveyor, Mr C G Pieterse.

2. Background

Council on **31 May 2006** under item 11.1.14 resolved the following:

- (a) *That the application received from Messrs Desert Explorers for the leasing of a portion of $\pm 62.00 \text{ m}^2$ of Erf 1318 Swakopmund that has been encroached upon by their buildings, be approved.*
- (b) *That a further portion be identified by the Engineering Services Department that Messrs Desert Explorers are presently using for parking and that this be leased to them on the same basis as the portion that has been encroached upon.*
- (c) *That the rent will be N\$7.10/m² (VAT incl.) per month, (area still to be determined by the Engineering Services) with an escalation of 10% per year.*
- (d) *That the proposed lease must be advertised in terms of the Local Authorities Act, (Act 23 of 1992) as amended.*
- (e) *That all costs involved be for the applicant's account. Should they cease operating they have to reinstate the area to its original layout and condition at their own cost.*
- (f) *That the applicant indemnifies and keep Council indemnified during the full period of this agreement against possible claims, which may arise from the use of the area.*

A lease agreement for the $\pm 62 \text{ m}^2$ on Erf 1318, Swakopmund was entered into by and between **Messrs Desert Explorers** and the Swakopmund Municipality on 08 November 2006, in terms of which the following is stated:

DURATION *The lease shall be for a period of three (3) years which commenced on **1 November 2006** with the LESSEE to have the first option to renew the lease for a further three (3) year period, with a three (3) months' written Notice of Termination for both parties.*

The above lease period will therefore lapse on **31 October 2009**.

Furthermore on **24 July 2009** **Messrs Desert Explorers** notified Council that they wish to renew the lease agreement for a further three (3) year period.

For ease of reference Council approved the renewal of the lease period on **24 August 2009** under item 11.1.9:

- (a) *That the application received from Messrs Desert Explorers for the renewal of the lease agreement for three (3) year, for the encroachment of 62.00 m^2 on Erf 1318, Swakopmund, be approved.*

- (b) *That the rent be N\$9.45/m² (15% VAT incl.) per month, with an annual escalation of 10% during July.*
- (c) *That all costs involved be for the applicant's account. Should they cease operating they have to reinstate the area to its original layout and condition at their own cost.*
- (d) *That the applicant indemnifies and keep Council indemnified during the full period of this agreement against possible claims, which may arise from the use of the area.*
- (e) *That Council reserves the right to consider the cancellation of the lease agreement if valid objections from the public are received.*

3. **Application**

Attached letter dated **18 June 2012 (Annexure “B”)** was received from **Messrs Desert Explorers** indicating that they wish to renew the lease period for another three year period.

With reference to the nature of the business no complaints from the public were received during the lease period and the rental tariff is being paid punctually.

Furthermore with reference to 1 (b) above, no lease agreement was entered into with **Messrs Desert Explorers** for the portion that is being used as parking, because of the following reasons:

- ① *Messrs Desert Explorers levelled approximately 247m² of Erf 1318, Swakopmund for parking convenience.*
- ② *Messrs Desert Explorers keep Erf 1318, Swakopmund neat, clean and tidy.*
- ③ *Erf 1318, Swakopmund serves as parking area for Municipal Traffic and Provincial Police vehicles for road blocks.*
- ④ *The following authorities use Erf 1318, Swakopmund to go to the bridge, riverbed and dunes:*
 - ☞ *The Health Services Department (squatters)*
 - ☞ *Namibian Police (various occasions)*
 - ☞ *Nature Conservation (inspections)*
 - ☞ *RCC (bridge and road inspections)*
 - ☞ *SOS Ambulances*

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

RECOMMENDED:

- (a) **That the application of Messrs Desert Explorers for the renewal of the current lease agreement for a further three year period for a portion of ±62.00m² of Erf 1318, Swakopmund encroached upon by their buildings, be approved.**
 - (b) **That the following terms and conditions are applicable:**
 - (i) *That the lease period be three (3) years at a rental amount of N\$10.95/m² as per 2011/2012 Financial Year budget plus 15% VAT, with 10% annual escalation on 1st July 2013, and annually thereafter.*
 - (ii) *That the lease is terminable by either party giving or receiving three (3) months notice.*
 - (iii) *That Council reserves the right to cancel the lease if valid objections from the public are received.*
 - (iv) *That the lessee shall indemnify and keep Council indemnified during the full period of the agreement against possible claims, which may arise from the use of the leased area.*
 - (v) *That no subletting be allowed.*
 - (vi) *That a deposit equal to two month's rental be levied.*
 - (c) **That the lease as set-out in (a) above be advertised in terms of the Local Authorities Act, Act 23 of 1992, as amended at the cost of the applicant.**
-

11.1.5 **LEASE OF A PORTION LAND LOCATED ON ERF 2747, SWAKOPMUND:**

• **PROPOSED RENTAL AMOUNT PER MONTH**

• **ACCESS THROUGH PAINTBALL AREA; EXACT SIZE & LAY OUT**

(C/M 2012/08/30 - E 2747)

Ordinary Management Committee Meeting of 16 August 2012,
Addendum 7.7 page 36 refers.

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

1. **Introduction**

Council on **26 July 2012** under item 11.1.13 resolved as follows:

- (a) *That a portion of Erf 2747, Swakopmund be leased to Messrs Kazak African Experience Cultural Tourism for a period of five (5) years and at a rental price to be determined.*
- (b) *That Messrs Kazak African Experience Cultural Tourism be provided with access via the Paintball area.*
- (c) *That Messrs Kazak African Experience Cultural Tourism be informed that all the other identified areas could not be considered.*
- (d) *That the following conditions be applicable:*
 - (i) *That a payment of 2 x rental amount be paid as deposit (exclusive of 15% VAT).*
 - (ii) *That Council be indemnified against any claims.*
 - (iii) *That a 3 month termination period be applicable for both parties.*
 - (iv) *That no construction of permanent structures (a permanent structure is any type of roof whether it's cardboard, netting, asbestos or iron with a cement floor.), be allowed. Any temporary structures erected on the Property shall be constructed to the satisfaction of the Engineering Services Department and be aesthetically acceptable.*
 - (v) *That no subletting be allowed.*
 - (vi) *That the lease agreement is not transferable and will not form part of an estate.*
 - (vii) *That the commencement date be the date of signing the lease agreement.*
 - (viii) *That the lessee complies with all conditions laid down by the Engineering Services Department and the Health Services Department in terms of the Building Regulations and the Health Regulations of Council, as well as all other relevant municipal regulations.*
 - (ix) *That Council at all reasonable times have the right of access to the lease property for the purpose of carrying out inspections in order to ensure that all applicable regulations and requirements are being complied with.*
 - (x) *That in the event of the breach of any of the conditions of the lease, the lease agreement may be cancelled at the entire discretion of Council by giving 30 days notice in writing to the lessee.*
 - (xi) *That in the event of termination of the lease agreement, the lessee shall have no claim for compensation in respect of any improvements effected on the property.*

2. **Rental Amount**

As *point (a)* of the above resolution states that the rental amount per month is still to be determined.

A comparison can be made with the rental paid by Messrs Swakopmund Paintball Adventures who leases the adjacent

unimproved portion of portions of Erven 2747 and 1316 Swakopmund measuring approximately 12 167 m² at a rental amount of N\$3 680.60 VAT EXCL (inclusive the escalation of 2012) (Per square meter is N\$3 680.60 ÷ 12 167 m² = 0.30 /m²).

Valuation reports were obtained during 2010 to indicate a proposed monthly rental, as can be seen below:

① The Trust & Estate Co (Pty) Ltd	N\$0.10/m ²	=	N\$2 800.00
② Nasikama Property Valuation Consult	N\$0.50/m ²	=	N\$14 000.00

To be line with Messrs Swakopmund Paintball Adventures it is proposed that Messrs Kazak African Experience Cultural Tourism rental tariff per square meter also be 0.30 /m² per month.

3. Access through Paintball Area; Exact Size & Lay out

With reference to *point (b)* of the above resolution, access must be provided via the Paintball Area to enable free movement to Messrs Kazak African Experience Cultural Tourism. It is proposed that access be provided from the adjacent Erf, Erf 384, Swakopmund with permission to be obtained from Mr P H van Ginkel of Messrs Swakopmund Paintball Adventures. (Awaiting for reply). Attached a map as Annexure "A" indicating access from the adjacent Erf 384, Swakopmund. It should be noted that the Engineering Services must provide a layout with the exact size to be incorporated and attached to the lease agreement.

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

RECOMMENDED:

- (a) That the proposal for the rezoning of Erf 2747 from "*Special*" for the purpose of Holiday Houses and Caravan Park to "*Special*" for the purpose of Holiday Houses, Caravan Park, Business Use and Tourism Related Activities be approved.
 - (b) That the lease of a portion of land situated on Erf 2747, Swakopmund for a period of five (5) years to Messrs Kazak African Experience Cultural Tourism be held in abeyance until (a) above is completed.
 - (c) That the rental be N\$0.30/m² which is the same as Messrs Swakopmund Paintball Adventures.
 - (d) That the exact location and size of the lease area be determined by the Engineering Services Department and be provided to the Property Section to be incorporated and attached to the lease agreement.
 - (e) That access be provided to the portion and the route be determined by the Engineering Services Department; with permission to be obtained from Mr P H van Ginkel of Messrs Swakopmund Paintball Adventures.
 - (f) That the lease as set-out in (a) above be advertised in terms of the Local Authorities Act, Act 23 of 1992, as amended, at the cost of the applicant.
-

11.1.6 **THE PROCESS OF FORMALIZING THE DEMOCRATIC RESETTLEMENT COMMUNITY (DRC)**

(C/M 2012/08/30 - H 5/4)

Ordinary Management Committee Meeting of 16 August 2012,
Addendum 7.8 page 39 refers.

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

A number of discussions have taken place between Councillors and staff members on how to approach the process of formalization of the DRC.

In terms of Council's strategic plan the planning of the DRC area as well as the adjacent area, the so-called second PDA, were planned and NAMPAB approval has been obtained. In terms of the strategic plan, quotations for the survey of the area have been called, as has been budgeted for, but could not be awarded due to the fact that both offers did not qualify.

The implementation of the new Environmental Act has placed a hold on calling for quotations for the survey area, as it is until now not clear whether Council will be exempted from an Environmental Impact Assessment for that area. Once this matter has been cleared up, quotations will be called again. Funds for the design of Bulk Supply Services and Services to the area have been budgeted and the tender has been awarded in the mean time.

One more stumbling block that hampers the implementation of the formalization of the DRC is the number of illegal squatters that have surrounded the DRC area since the beginning of the year. These squatters will have to be registered and moved north of the current DRC. In order to move them to this area that will be formalized at a later stage, it will be necessary to survey this area and move the illegal squatters there.

This survey work has not been foreseen and thus it has not been budgeted for. It is estimated that the survey for the additional area will amount to N\$ 2.25 mill. The amount includes the compilation of the General Plan and the respective Erf Register.

The Department of Community Development Services will have to commence with the registration of the squatters and simultaneously with the registration of the backyard squatters, as these have been patiently waiting for an erf and should not be left out of this undertaking.

The residents in the DRC are all registered and the Department of Community Development Services assured that the register is up to date. A number of these residents will have to move to new erven surrounding the DRC as the new layout has fewer, but bigger erven than the current erven. Strict control and agreement will have to be applied by Community Development Services to only allocate these erven to residents of the DRC. They will have to move to these new erven after they have been surveyed.

It is recommended that Representative Committees be elected from the backyard squatters, illegal squatters and the DRC residents. These Committees become very helpful in the communication of decisions and for the buy-in of the community in to the project.

The supply of erven to the community in that area will however not address the real problem on hand. What is actually required is some form of basic shelter,

depending on the level of availability of the residents of the area. Another factor to be taken into account is not the fact that the residents will be in the position to purchase an erf from Council nor a housing solution as Council is NOT in the position to supply any of the two on a loan basis.

Council will have to recuperate the costs of the developed erven in order to service the next batch of erven on a rotational basis.

Council will have to take on board a partner, e.g. NHE who purchase the serviced erven from Council in cash to enable Council to continue with the servicing of the erven, while NHE, for example, provides a form of housing solution to their clients on a loan basis for the erf and housing solution which will be paid off on a monthly basis to NHE directly.

The way forward includes thus the following steps:

- 1) *Approval of additional funds for additional survey work*
- 2) *Obtain quotations for the survey work and survey of the area.*
- 3) *Registration of all illegal squatters and backyard squatters by Community Development Services.*
- 4) *Moving of illegal squatters to the newly surveyed area.*
- 5) *Obtain quotation for the survey work for the planned DRC and 2nd PDA area.*
- 6) *Move "surplus" residents from the DRC to erven directly adjacent to the DRC*
- 7) *Remaining free erven to be allocated to backyard squatters.*
- 8) *Funds are required for the installation of the BULK SERVICES in the next financial year, i.e. main water supply line, main sewer line and collector pump station*
- 9) *Funds are required for the servicing of erven, i.e. internal services.*
- 10) *Council to agree on level of service provision to these erven – water, electricity and basic roads*
- 11) *Form partnership with provider of housing solution and loan arrangement to their clients.*

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

RECOMMENDED:

- (a) **That additional funds to the amount of N\$2.25 million be provided from the Property Development Fund for the survey of the additional area north of the DRC.**
 - (b) **That informal tenders be called for the survey of the area.**
 - (c) **That representative committees of the three interest groups, i.e. the DRC, Illegal Squatters and Back Yard Shack Dwellers, be elected through which Council will communicate to the respective communities.**
 - (d) **That the General Manager: Community Development Services commences with the registration process of the three interest groups, i.e. the DRC, Illegal Squatters and Back Yard Shack Dwellers.**
 - (e) **That once the survey of the additional area is completed the illegal squatters be moved to the land identified for the purpose of temporarily housing them while the DRC and 2nd PDA areas are formalized.**
 - (f) **That thereafter the survey of the DRC and the 2nd PDA be commenced with.**
 - (g) **That funds for the installation of the bulk services be provided.**
-

11.1.7 **SWAKOPMUND AIRPORT RUNNING BUDGET**
(C/M 2012/08/30 - N 9/1)

Ordinary Management Committee Meeting of 16 August 2012,
Addendum 8.1 page 01 refers.

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

Following the ruling of the Supreme Court, Council took control of the Swakopmund Airport on **2 July 2012**.

It is imperative that the operational costs in respect of the Swakopmund Aerodrome be approved to ensure the effective management of this facility.

Operational Budget

Attached is the estimated operational costs that needs to be approved with the total expenditure amounting to N\$808 000.00 as per **Annexure “A”**.

It is also anticipated that revenue will be generated from landing and departure fees charged to the various operators as well as from the rental of hangars.

Attached Annexure “B” reflects the revenue that was generated from landing and departure fees for the period **1 to 31 July 2012** which amounted to N\$129 216.00. From this statistic, it is then further anticipated that revenue for the next 12 months will amount to approximately N\$1 505 920.00.

It is proposed that Council continues to implement the landing fees currently charged at the airport as prescribed by the Directorate of Civil Aviation as per **attached Annexure “C”**.

The anticipated running expenditure relating to Council’s management of the airport is as follows:

- (a) Appointment of contract workers and related salaries 4 persons were employed at the Aerodrome under the previous management and it is proposed that Council makes use of this existing manpower until such time as we are familiar with the relevant operations and can appoint permanent and specialised staff.
- (b) Provision of security related services
- (c) Insurance coverage required is:

1)	Runways	N\$500 000.00
2)	Operator’s Liability	N\$50 000 000.00

Insurance covering the landing strips and Operator’s Liability will cover Council for any event that might occur involving the runways or Council’s operations at the airport which could potentially result in any claim against Council for negligence or a claim in damages should such event result in loss of property or injury or loss of life of any person making use of the airport facilities. (e.g. an accident

caused by damage to the runway, incorrect instructions by Operating Tower, etc.)

Currently there are no underwriters available in Namibia and the insurance coverage is thus offered by Messrs Lloyds of London through the broker Messrs Lockton in London, United Kingdom (see **attached Annexure “D”**).

This cover will cost Council U\$ 25 000.00 per annum as a once off payment (excluding Namfisa Levy) which, converted to Namibia dollar at the exchange rate of 1 USD = N\$8.29 as at **2 August 2012**, amounts to N\$ 207 492.93. Stipulated in the attached document is also the detail as to the extent of this insurance coverage.

Council's current brokers, Messrs Marsh advises us that it is imperative for Council to provide written confirmation to have this cover arranged for the Aerodrome.

3)	<i>Additional structures on the premises</i>	<i>N\$100 000.00</i>
4)	<i>Building (waiting room)</i>	<i>N\$208 000.00</i>

(d) Licensing:

The **attached** report from the Ministry of Works and Transport marked as **Annexure “E”** lists the Corrective Plan to be implemented before an application for licensing can be made. The Directorate of Civil Aviation has indicated their willingness to assist Council with the implementation of the plan provided that such assistance can only be offered from their head office in Windhoek. Travel related expenditure in this regard can thus be necessary from time to time.

(e) Cleansing materials.

(f) Running cots relating to day-to-day maintenance of buildings.

Council has already approved an amount of N\$750 000.00 for the repair and maintenance of the runways.

Operating Hours

The operating hours for official activities will be shift based from 08:00 to 13:00 for one shift and 13:00 – 18:00 for the 2nd for every day of the week. Airports are required to be manned from first light until last light. A night watchman in the form of a security guard will also be required.

Management

Councillors P V Steinkopff and J Kambueshe are currently elected to the Management Body of the Aerodrome. It is suggested that they, together with additional members to be elected to this panel, deal with the day-to-day operational management issues of the airport in consultation with the Chairperson of the Management Committee.

Mr Gerhard Kotzee, Council's Deputy Fire Chief, has been assigned to oversee the day-to-day operations at the airport.

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

RECOMMENDED:

- (a) That Council endorses the tariffs that are currently operational to be maintained as prescribed by the Directorate of Civil Aviation.**
 - (b) That Council approves the Operational Budget for activities at the Aerodrome to continue functioning as usual.**
 - (c) That Council approves the official trading hours for its operations at the airport to be from 08:00 until 18:00 every day (including weekends).**
 - (d) That Council endorses the appointment of contract workers until the proper job descriptions and grading of the positions has been completed.**
 - (e) That Council agrees to take out the proposed Airport Owners and Operators Liability Insurance cover as submitted by Messrs Marsh with an annual premium of U\$25 000.00 once off payment (excluding Namfisa Levy).**
 - (f) That Council delegates its authority to the Airport Management Committee consisting of Councillor J Kambueshe, Councillor P V Steinkopff, Chief Executive Officer, General Manager: Corporate Services and Human Resources and General Manager: Finance to enter into negotiations with operators, Namibia Airports Company, Directorate of Civil Aviation or any organisation which may be required to effect the smooth operation of the Swakopmund Aerodrome and the implementation of the corrective action plan required for the issuing of a license for the airport to Council.**
 - (g) That the Airport Management Committee submits reports to Management Committee on a regular basis.**
 - (h) That Council approves travelling and related expenditure that might be required from time to time for meetings of the Airport Management Committee with the Directorate of Civil Aviation at their offices in Windhoek regarding the implementation of the Corrective Plan.**
 - (i) That Council's approval of the expenditure as mentioned in (h) above remains a standing resolution provided that the expenditure related to every trip is authorised by the Chairperson of the Management Committee.**
-

11.1.8 **APPLICATION BY MESSRS STECKEL'S TOYOTA TO PURCHASE INDUSTRIAL LAND**

(C/M 2012/08/30 - E 4800, G 4/1/3)

Ordinary Management Committee Meeting of 16 August 2012, Addendum 8.5 page 27 refers.

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

1. INTRODUCTION

An application dated **13 June 2012** was received on **25 July 2012** from Messrs Steckel's Toyota requesting that their application to purchase industrial land by private treaty be submitted to Council for consideration (**Annexure "A"**).

The newly created industrial erven are currently being serviced and will be ready for sale by public auction during **July / August 2013**.

2. BACKGROUND

2.1 Being inundated with applications to purchase or lease industrial land in the newly created industrial area, the Management Committee passed the following resolution on **15 March 2012**:

(a) *That Messrs Namib Auto Mac CC be informed that Council has no serviced industrial land available.*

(b) *That Messrs Namib Auto Mac CC be advised to participate in the public auction for industrial erven planned to be held during 2013.*

(c) *That all future applicants for the purchase / lease of industrial land be informed that Council will not consider any applications as a public auction of the serviced erven is envisaged for 2013.*

2.2 An application dated **13 June 2012** was received from Messrs West Coast Motors t/a Steckel's Toyota to purchase Erf 4800, Swakopmund as their lease premises are too small to upgrade to comply with the eco friendly standards and environmental standards expected of them from Toyota Japan and Toyota SA (**Annexure "B"**).

2.3 In order to attend to all applications in a fair and consistent manner, Messrs Steckel's Toyota was inform that in terms of the above resolution all future applicants for the purchase / lease of industrial land will be informed that Council will not consider any applications as a public auction of the serviced erven is envisaged for 2013 (**Annexure "C"**).

As the above decision was passed after considering a well motivated application, the application of Messrs Steckel's Toyota was not submitted to the Management Committee for consideration.

2.4 In addition to the above, Messrs Steckel's Toyota stated the following:

We understand that Council have entered into a similar agreement / arrangement with Mr Andre v/d Walt of Engen / Van der Walt Transport and would therefore very much appreciated Council's positive consideration in this regard.

In reply the applicant was informed that the decision to sell Erf 4799, Swakopmund to Messrs A van der Walt Trp. (Namibia) (Pty) Ltd was motivated as the applicant will be creating a safer environment by providing parking on Erven 4799, Swakopmund and reduce the unnecessary damage to streetlights, road surfaces and kerbs and relieve the congestion at this very busy junction. Nelson Mandela Avenue is also the main road used by all busses from the mines and the relocation of the heavy vehicles from the road at the junction will create a safer environment for all other road users. (**Annexure "C"**)

In terms of Council's Property Policy, Council shall be under no moral or legal obligation to allocate any property for sale to any institution on the basis of any precedent in having previously sold any other property to any other institution.

3. PREVIOUS DECISIONS WITH REFERENCE TO INDUSTRIAL LAND

With reference to two similar applications to acquire industrial land Council passed the following decisions on **24 November 2011**:

11.1.5 APPLICATION BY MESSRS RED DUNE TOOL HIRE CC TO PURCHASE AN INDUSTRIAL ERF

(C/M 2011/11/24 - G 4/1/3 & E 4884)

RESOLVED:

- (a) That Messrs Red Dune Tool Hire CC be informed that Council considered their application, but decided to decline their offer to purchase Erf 4884, Swakopmund.*
- (b) That Messrs Red Dune Tool Hire CC be informed that Council intends to sell the erven created by the subdivision of Erf 4007, Swakopmund (Extension 10) by public auction and they be advised to participate at the said auction to purchase Erf 4884, Swakopmund.*
- (c) That point (d) of Council's resolution passed on 02 October 2007-*
 - (d) That erf C (a Portion of Erf 4007) be sold as soon as possible by way of auction at an upset price including the cost to Vermeydu (N\$934 072.68), the land price to be determined by three valuers and any other administrative cost to Council.*

be repealed and replaced with the following:

- (d) That Erf 4884, Swakopmund be sold at the public auction together with the newly created erven at an upset price determined for the services erven in addition to the amount*

refunded to Messrs Vermeydu Bricks & Paving (Pty) Ltd
(N\$934 072.68)

AND

**11.1.19 APPLICATION TO LEASE A PORTION OF LAND FOR THE PURPOSE
OF BRICK MAKING**

(C/M 2011/11/24 - G 4/1/3)

RESOLVED:

- (a) *That Messrs W C Knight Properties CC be advised to participate in the public auction for industrial erven planned to be held during 2012; as Council is not in favour of leasing land on which improvements will be erected.*
- (b) *That the Town Planner reconsiders the current zonings allocated to the newly created industrial erven in order to make provision for General Industrial zoning and Tourism related activities along the B2.*

4. CONCLUSION

Should Council consider selling Erf 4800, Swakopmund to Messrs West Coast Motors t/a Steckel's Toyota, all previous applications to purchase industrial land since the last public auction for industrial land held on **08 December 2005**, which were turned down, would also have to be reconsidered.

This would create a precedent and resulting in even more applications for industrial land by private treaty, and would be counter productive to the purpose of a public auction where the highest bidder purchases the land.

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

RECOMMENDED:

That Messrs West Coast Motors t/a Steckel's Toyota be informed that their application to purchase Erf 4800, Swakopmund was considered by Council, but that Council remains with the Management Committee resolution passed on 15 March 2012 and conveyed to them in the letter dated 20 June 2012, i.e.:

- (c) *That all future applicants for the purchase / lease of industrial land be informed that Council will not consider any applications as a public auction of the serviced erven is envisaged for 2013.*
-
-

11.1.9 **REQUEST FOR BTS SITE OCCUPATION FOR MTC BTS SITES AT PEBBLE BEACH IN SWAKOPMUND**

(C/M 2012/08/30 - G 4/2/2/2)

Ordinary Management Committee Meeting of 16 August 2012,
Addendum **8.6** page **38** refers.

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

1. **Introduction**

Attached as Annexure “A” is the complete application received from Messrs AGA Technical Services (Pty) Ltd on behalf of Messrs Mobile Telecommunications Limited requesting consent from Council to construct a base station at Pebble Beach (Vogelstrand), in Swakopmund. Messrs AGA Technical Services (Pty) Ltd was appointed as the Turnkey BTS Site Build contractor of MTC.

2. **Sites Applied for**

Due to the increase in cellular phone services and its continuous effort to improve this service, **Messrs MTC** identified the following sites in order of preference, in Swakopmund as suitable, to erect a base station:

OPTION/ SITE	ORDER OF PREFERENCE	OWNERSHIP
<i>1</i>	<i>Pebble beach: Erf 66, Vogelstrand (Preferred)</i>	<i>Private</i>
<i>2</i>	<i>Pebble Beach: Erf 127, Vogelstrand</i>	<i>Private</i>
<i>3</i>	<i>Pebble Beach: Public Open Space, Vogelstrand</i>	<i>Council</i>

Kindly note that *Sites 1 and 2* are erven belonging to private owners with whom **Messrs AGA Technical Services (Pty) Ltd** will have to negotiate to either lease or to buy the properties subject to all relevant requirements such as an EIA or rezoning.

If Site 3 is approved, **Messrs MTC - Messrs AGA Technical Services (Pty) Ltd** advises that they would need to construct a base station that will consist of a 35m Palm Tree Tower with standard 3m x 3m building and a 9m x 9m concrete palisade fence, due to the location.

3. **Comments from Engineering Services**

The site forms part of the street network and is zoned “street” which could be a possibility. In order to get a feeling of the community at large whether they approve such a development in their area; Messrs AGA Technical Services (Pty) Ltd has to obtain written consent from the surrounding neighbours. They must conduct an Environmental impact Assessment as stipulated by the Environmental Management Act.

As indicated, the site is zoned “Street” meaning it will have to be permanently closed and rezoned by Council, at the cost of the applicant.

4. **Current Situation**

Since cellular towers are necessary for good mobile reception, and it is a technology which will not disappear ever; Council needs to consider the existing situation and plan for the future.

SITE	M ²	RENTAL TARIFF (VAT EXCL)	COMMENC E-MENT DATE	EXPIRY DATE	ATTACH- MENTS
Portion of land adjacent to Ext 9	72	702.00	Oct 2004	Aug 2014	Annexure "B"
Portion of Erf 632, M Base Station	81	789.75	Mar 2006	Jan 2016	Annexure "C"
DRC Tower	216	2106.00	May 2006	Mar 2016	Annexure "D"
Airfield Water Tower	8.84	139.00	Dec 2008	Apr 2016	Annexure "E"
Erf 3666, Swk Strand Hotel Area	50	864.00	Dec 2008	Oct 2018	Annexure "F"
A portion of Erf 604, Mondesa next to the Erongo Substation	81	1400.49	01 Oct 2011	30 Sept 2016	Annexure "G"
A portion of Erf 3701, Mondesa within the Tulinawa residential area. Erf 3701, Mondesa is situated in Extension 8	81	1400.49	01 Oct 2011	30 Sept 2016	Annexure "H"

MTC currently leases 7 sites from Council on which permanent structures are constructed due to the nature of the operations. This situation arose due to the need for towers at sites where subdivisions was difficult and access was an issue.

5. **In conclusion**

Council cannot consider leasing the sites located on Erf 66, Vogelstrand and Erf 127, Vogelstrand to **Messrs MTC** as these belong to private owners.

Taking into consideration that Council is currently leasing various sites to **Messrs MTC** for base stations (towers) it is proposed that Council considers selling all lease sites to **Messrs MTC** due to the fact that there are permanent structures erected on these sites. Since the lease sites are not individual erven yet, it is suggested that **Messrs MTC** be responsible for all costs involved for the statutory procedures including subdivision, closure of public open space and the rezoning thereof to an appropriate zoning.

The following comments were obtained from the *City of Windhoek* and *Municipality of Walvis Bay* as can be seen in the table below:

	Lease / Sell	Lease Period	Height Restriction	Rental Amount per square meter
City of Windhoek	lease	Yearly, with an option to renew.	30 m	N\$71.14/m ²
Municipality of Walvis Bay	lease	Five years, with an option to renew	No height restriction	N\$25.00/m ²

Valuations will be obtained from Council's appointed valuer and an additional valuer, should Council approve to sell the above mentioned lease sites plus the additional site applied for by **Messrs MTC**.

There is no policy restricting the height of towers in Swakopmund and towers and aerals are excluded from the Town Planning Scheme,

meaning it resorts under Council's discretion. **Messrs MTC** must however adhere to the following requirements:

- *a detailed motivational letter as to why they wish to construct a 35 m tower on the portion of a public open space*
- *consent letter from the neighbours*
- *environmental impact assessment*

6. **Height Control / Restriction**

A reply letter dated **01 August 2012 (Annexure "I")** was received from **Messrs MTC** motivating why they need a 35 m Palm Tree Tower at Pebble Beach; reasons as set out below:

Elevation

There is a considerable elevation difference from Ocean View to Pebble Beach and it is recommended to increase the general tower height.

Clutter

The majority of the buildings being erected in the Pebble Beach area are multi story which hampers propagation / coverage. The proposed tower height will compensate for the mentioned clutter and in turn ensure improved voice and data services for wider number of customers.

Clearance for Micro Wave transmission

In order to interconnect MTC sites with each other via M/W System, MTC requires the said tower height.

Coverage

In order to achieve the required coverage in and around Pebble Beach and Ocean View area.

Lastly a reply dated **02 August 2012** was received on what the minimum height can be from **Messrs MTC** stating that they had discussion where it was concluded that the absolute minimum height can be 25 m, although from a technical / coverage point the ideal height should be 35 m.

The following height restrictions are quoted from Town Planning Amendment Scheme No 12:

"General Residential 1, no building in this use zone shall be erected to exceed a height of 10 m.

Provided that: a height relaxation up to a maximum building height of 16 m may be permitted with special consent of Council".

"General Business, no building in this zone shall be erected so as to exceed a height of 13 m. *Provided that a height relaxation up to a maximum building height of 16 m may be permitted with special consent of the Council."*

7. **Latest Council Resolutions to Similar Application**

Council on **28 July 2011** approved the application of **Messrs MTC** to construct BTS Sites at various areas of which the heights varies from 20 – 24 m. Council's resolution is quoted for ease of reference:

(a) *That the following sites not be considered:*

- (i) *Tulinawa 1 site, because the site is located on an erf which could be used for other purposes; and*
- (ii) *DRC 2 site, because the site is located within a residential area.*

(b) *That the following sites be considered:*

- (i) *Tulinawa 2 site and that Community Development Services incorporates the tower in their overall layout plan for Erf 3701, Mondesa;*
- (ii) *DRC 1 site, only be considered once the future development plan for the DRC is available so that the site can be placed on an open space, close to or in the vicinity requested by Messrs MTC;*

(iii) *Mandume Ya Ndemufayo site, but that a portion of Erf 604, Mondesa be reserved for Messrs MTC, next to the Erongo substation, to set up their tower.*

(c) *That the following conditions be applicable for the lease of the sites:*

- (i) *Rental at N\$17.29 / m² per month (15% VAT excluded), escalating annually with 10% (the first escalation being on 1 July 2012);*
- (ii) *Lease period of 5 years;*
- (iii) *That building plans of all proposed buildings must be submitted to the Engineering Services Department and Erongo RED;*
- (iv) *That the portion of land is leased on the explicit condition that the lessee indemnifies Council against any claim for damages resulting from its occupation by the lessee; and*
- (v) *That all costs be for the account of the lessee.*
- (vi) *That Messrs MTC installs their own electrical meter so that any expense and cost generated be allocated to Messrs MTC.*

(d) *That Messrs MTC provides the GPS co-ordinates of the approved sites to the Engineering Services Department in order to indicate such on lay-out plans.*

(e) *That Council's intention to lease the area be advertised in terms of the Local Authorities Act, Act 23 of 1992, as amended.*

On **28 April 2011** Council approved the application of Messrs Radio Electronics CC to construct a 24 m self supporting radio tower at the Water Reservoir which is located next to the Airport Water Tower. For ease of reference Council resolution is quoted:

(a) *That the application of Messrs Radio Electronic CC to construct a 24m high self-supporting tower at the Water Reservoir which is located next to the Airport Water Tower be approved, subject to the following standard lease conditions:*

- (i) *Rental at N\$15.72 / m² per month (15% VAT excluded), escalating annually with 10%;*
- (ii) *Lease period of 5 years;*
- (iii) *That building plans of all proposed buildings must be submitted to the Engineering Services Department;*
- (iv) *That the portion of land is leased on the explicit condition that the lessee indemnifies Council against any claim for damages resulting from its occupation by the lessee; and*
- (v) *That all costs be for the account of the lessee.*

(b) *That the Engineering Services Department provides a lay-out plan for the exact site to be used for the radio tower.*

(c) *That Council's intention to lease the area be advertised in terms of the Local Authorities Act, Act 23 of 1992, as amended.*

(d) *That Messrs Radio Electronics CC install their own electrical meter so that any expense and cost generated be allocated to Messrs Radio Electronic CC.*

8. **Proposed height**

Seeing that the latest approved BTS Sites by Council varies in height from 20 to 24 meters; it be therefore proposed to restrict the height to a maximum of 25 meters. It should also be kept in mind that there is no policy in place, restricting the height of cell phone towers / masts. The Town Planner must ensure that the new Town Planning Scheme makes provision for the height restriction of cell phone communications masts / self supporting towers.

9. **Attachments**

Annexure "A" –	Complete Application
Annexure "B" -	Portion of land adjacent to Ext 9
Annexure "C" -	Portion of Erf 632, M Base Station
Annexure "D" –	DRC Tower
Annexure "E" –	Airfield Water Tower

Annexure "F" -	Erf 3666, Swk Strand Hotel Area
Annexure "G" - Substation	A portion of Erf 604, Mondesa next to the Erongo
Annexure "H" -	A portion of Erf 3701, Mondesa within the Tulinawa residential area. Erf 3701, Mondesa is situated in Extension 8
Annexure "I" -	Motivational Letter of Messrs MTC

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

RECOMMENDED:

- (a) That the following sites not be considered due to private ownership:
 - (i) *Sites Erf 66, Vogelstrand*
 - (ii) *Erf 127, Vogelstrand*
 - (b) That Council offers to lease a Portion of a Public Open Space situated at Pebble Beach, Vogelstrand to Messrs MTC.
 - (c) That Messrs MTC adheres to the following requirements:
 - *A detailed motivational letter as to why they wish to construct a 35 m tower on the portion of a public open space*
 - *Consent letter from the neighbours*
 - *Environmental Impact Assessment*
 - (d) That the application of Messrs MTC to construct a 25m high self-supporting tower on a Portion of a Public Open Space situated at Pebble Beach, Vogelstrand be approved, subject to the following standard lease conditions:
 - (i) *Lease period of 5 years;*
 - (ii) *That building plans of all proposed buildings must be submitted to the Engineering Services Department;*
 - (iii) *That the portion of land is leased on the explicit condition that the lessee indemnifies Council against any claim for damages resulting from its occupation by the lessee; and*
 - (iv) *That all costs be for the account of the lessee.*
 - (e) That the Engineering Services Department provides a lay-out plan for the exact site to be used for the tower.
 - (f) That Council's intention to lease the area be advertised in terms of the Local Authorities Act, Act 23 of 1992, as amended.
 - (g) That Messrs MTC installs their own electrical meter so that any expense and cost generated be allocated to Messrs MTC.
 - (h) That a valuation be obtained from Council's appointed valuer and an additional valuer for determination of the lease rate.
 - (i) That the proposed lease be advertised in terms of Section 63 of the Local Authorities Act, (Act 23 of 1992), as amended; at the cost of Messrs MTC.
 - (j) That the height be restricted to a maximum of 25 m which is in line with the latest and also similar approved applications; and which will meet the minimum height required by Messrs MTC.
 - (k) That the Town Planner ensures that height of cell phone communication masts / self-supporting towers be regulated in the new Town Planning Scheme 35.
-

11.1.10 **CO-OPERATION WITH BETHANIE VILLAGE COUNCIL**

(C/M 2012/08/30 - A 2/3/1/7/1)

Ordinary Management Committee Meeting of 16 August 2012,
Addendum 8.7 page 58 refers.

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

Attached letter received from the Chairperson of the Bethanie Village Council, Hon. A J Knouwds making application to Council to engage in various specialized fields and discipline to enhance their governance, administrative abilities and capabilities though exchanging good practices.

Their Council has formulated their 5-year strategic plan with specific targets and therefore needs co-operation for the implementation of their 5-year plan.

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

RECOMMENDED:

- (a) That Council *in principle* approves the co-operation with Bethanie Village Council.
 - (b) That Bethanie Village Council provides a copy of their five (5) year Strategic Plan with specific targets and their annual budget.
 - (c) That a co-operation agreement indicating the financial responsibility by both Local Authorities be drafted by Bethanie Village Council and be forwarded to Council for approval.
-

11.1.11 **INTERNAL AUDIT REPORT: MUNICIPAL REST CAMP**

C/M 2012/08/30 - D 10/1)

Ordinary Management Committee Meeting of 16 August 2012,
Addendum 8.9 page 63 refers.

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

Attached, a copy of the Internal Audit Report received from Messrs Ernst & Young on Council's Municipal Rest Camp.

Council's Audit & Risk Management Committee therefore:-

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

RECOMMENDED:

- (a) That the findings made on cash-up surpluses not recorded be noted and that the recommendation made by the Internal Auditors be implemented by the Community Development Services Department.
 - (b) That the findings made on key deposits not obtained be noted and that the recommendation made by the Internal Auditors be implemented by the Community Development Services Department.
 - (c) That the findings made on semi-permanent guests not paying within 30 days and some formal policies and procedures with respect to the Municipal Rest Camp processes which does not exist be noted and that the proposed formulation of a policy for the process at the Municipal Rest Camp be submitted to Management Committee before 31 August 2012 and the approval and implementation be done before 31 October 2012.
 - (d) That all the findings made by the Internal Auditors be accepted and that the recommendations be implemented by the Community Development Services Department with feedback after six (6) months.
-

11.1.12 **INTERNAL AUDIT REPORT: GENERAL ADMINISTRATION**
(C/M 2012/08/30 - D 10/1)

Ordinary Management Committee Meeting of 16 August 2012,
Addendum 8.10 page 73 refers.

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

Attached, a copy of the Internal Audit Report received from Messrs Ernst & Young on Council's General Administration.

Council's Audit & Risk Management Committee therefore:-

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

RECOMMENDED:

- (a) That the follow-ups on the execution of Council resolutions be executed by the Archives Assistant.
- (b) That the findings with regard to data incorrectly captured from the Orbit system to the administrative report be noted and that the Executive Assistant will continue to capture the data on the administrative report and the respective Personal Assistants from the various departments be responsible for the capturing of the feedback / remarks to be recorded in the various departments monthly report to Management Committee, reviewed and signed of by the respective General Manager for accuracy and completeness.
- (c) That the findings with regard to inadequate or incorrect feedback given by the various departments be attended to and the various departments to include the dates the action was taken and more descriptive action be given.
- (d) That the findings with regard to incorrect filing or use of file references numbers be noted and that no other staff member except the Archivist or the line supervision be responsible for the allocation of the reference numbers in terms of the Archives Act and that other staff members must comply with the reference number allocated by the Archivist.
- (e) That a sessions between the Archivist and the Personal Assistants be held to discuss the index reference numbers and how it should be executed, should there be any doubt or questions on which file certain correspondence should be placed, the Archivist to discuss the matter with the line supervision.
- (f) That the findings with regard to subsequent documentation relating to initial letters not stored on the Orbit system, the shortcomings of the Orbit system be noted and that a policy defining the guidelines for the retention of documents be developed and approved by Council, defining the

responsibilities of officials involved in Council's administration.

- (g) That the proposed formulation of the archives policy and policy for the procedures of Council's general administrative process together with the implementation of the new system first be discussed with Management Committee at a Special Management Committee meeting.**
 - (h) That the findings with regard to the file control register be noted and the recommendation made for the Archivist to consistently ensure that the file register be signed and to ensure accountability of the files, as well as tracking files.**
 - (i) That the findings with regard to the non-compliance with the Archives Act, 1992 be noted and a formal filing system be developed in consultation with the National Archives to their requirements and standards.**
 - (j) That the proposed filing system be thoroughly evaluated by Management Committee before implementation to determine if it is cost effective to Council.**
 - (k) That the findings for access to the archives not restricted when archives officials are absent be noted and the recommendations made by the Auditors be noted.**
 - (l) That all the findings made by the internal audit be accepted and that the recommendations be implemented by the relevant departments with feedback after 6 months.**
-

11.1.13 **TRANSFER OF FUNDS TO THE NEW FINANCIAL YEAR**

(C/M 2012/08/30 - N 7/3/1/2)

Ordinary Management Committee Meeting of 16 August 2012,
Addendum **8.13** page **98** refers.

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

Quotations were invited during **May 2012** for the repair and repainting of houses at the bungalows (labour only).

Messrs Independence Building Contractors submitted the most beneficial offer and were thus appointed accordingly.

The company started off well and has managed to complete more than 60% of the project. A meeting was recently held with the contractors to urge him to expedite the renovation process in order to finish the project by the end of **July 2012**. The contractor indicated, however, that he was experiencing problems with some of his staff and thus will not be able to reach the particular dead line.

He further appealed for an extension of time, promising to hand over the project by **31 August 2012**. In the meantime the staff problems have now been sorted out and the contractor has deployed more workers to this project to speed up the process.

The opinion is held that it will not be cost effective to stop the project at this stage as appointing another contractor to complete outstanding work could prove more costly.

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

RECOMMENDED:

That permission be granted to the General Manager: Finance to transfer funds to the Repair & Repaint Flat 2 Vote 600531612700 to the 2012 / 2013 Financial Year to enable the contractor to complete the project.

11.1.14 **REQUEST TO TRANSFER FUNDS AS A CONTINUATION PROJECT
TO THE 2012/13 CAPITAL BUDGET**

(C/M 2012/08/30 - M 2)

Ordinary Management Committee Meeting of 16 August 2012,
Addendum 8.14 page 102 refers.

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

1. The Health Services Department received an amount of N\$60 000.00 on the Capital Budget for the 2011/12 Financial Year for the purpose of purchasing pole refuse bins.
2. During the 2011/12 Financial Year, tenders were called for the supply & delivery of refuse bins and all offers received were invalid. 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 bins. The offers received did not meet the minimum requirements as per the tender specifications and only after repeating the quotation process for the third time, a successful quotation was awarded.
3. It is therefore against this background that the Management Committee is requested to grant permission that the funds on Vote 301031615500 (Street Corner Bins) be retained and used in the 2012/2013 Financial Year for the purchase of street corner bins.

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

RECOMMENDED:

That permission be granted to the General Manager: Finance to transfer funds on Vote 301031615500 (Street Corner Bins) to the Capital Budget for the 2012 / 2013 Financial Year.

11.1.15 **WRITING OFF: OLD AND REDUNDANT TELEPHONE SET –
ENGINEERING SERVICES DEPARTMENT**

(C/M 2012/08/30 - L 2)

Ordinary Management Committee Meeting of 16 August 2012,
Addendum 8.16 page 115 refers.

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

Eight (8) old and redundant telephone sets from the Engineering Services Department needs to be written off. The sets were still in the old Municipal Building (Altes Amptsgericht) and when the staff members moved to the new Municipal Office Complex, new telephone sets were installed.

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

RECOMMENDED:

- (a) That the eight (8) old and redundant telephone sets from the Engineering Services Department be written off and be sold at the next public auction.
 - (b) That the Chairperson of Management Committee, Chief Executive Officer and the General Manager: Finance determines the upset prices.
-

11.1.16 **APPROVAL OF AMENDMENT SCHEME NO. 53**
(C/M 2012/08/30 - G 3/2/2/2)

Ordinary Management Committee Meeting of 16 August 2012, Addendum 8.18 page 118 refers.

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

Swakopmund Municipality has taken the responsibility to compile Amendment Scheme No. 53. The Amendment Scheme needs to be approved by Council in order to submit it to the Ministry of Regional and Local Government, Housing and Rural Development for final approval. The following items will be included in Amendment Scheme No. 53:

1. *Rezoning of Erf 989, Swakopmund, from "Local Authority" to "General Business". (Council Resolution 29-02-2012)*
2. *Rezoning of Erf 3486, Swakopmund, from "Light Industrial" to "Office". (Council Resolution 31-05-2012)*
3. *Rezoning of Erf 4349, Mondesa, from "Local Authority" to "General Business". (Council Resolution 29-02-2012)*
4. *Rezoning of Erf 776, Mondesa, from "Single Residential to "Institutional". (Council Resolution 31-05-2012)*
5. *Rezoning of Erf 623, Swakopmund, from "Local Business to "General Business with a bulk of 2.0". (Council Resolution 28-06-2012)*
6. *Rezoning of Erf 4010, Swakopmund, from "Single Residential with a density of 1:900m²" to "General Residential 2" with a density of 1:250m²". (Council Resolution 31-05-2012)*

All items as contained in Amendment Scheme No. 53 have been approved by Council through the resolutions taken. Due to the size and extend of Amendment Scheme No. 53 please find **attached** only the approval letters as approved by Council and locality plans of the above listed items. The Municipality of Swakopmund is therefore requesting Council's Approval of Amendment Scheme No. 53.

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

RECOMMENDED:

(a) That Amendment Scheme No. 53 as submitted by the Acting General Manager: Engineering Services be approved with the following items:

- (i) *Rezoning of Erf 989, Swakopmund, from "Local Authority" to "General Business". (Council Resolution 29-02-2012)*
- (ii) *Rezoning of Erf 3486, Swakopmund, from "Light Industrial" to "Office". (Council Resolution 31-05-2012)*
- (iii) *Rezoning of Erf 4349, Mondesa, from "Local Authority" to "General Business". (Council Resolution 29-02-2012)*
- (iv) *Rezoning of Erf 776, Mondesa, from "Single Residential to "Institutional". (Council Resolution 31-05-2012)*
- (v) *Rezoning of Erf 623, Swakopmund, from "Local Business to "General Business with a bulk of 2.0". (Council Resolution 28-06-2012)*
- (vi) *Rezoning of Erf 4010, Swakopmund, from "Single Residential with a density of 1:900m²" to "General Residential 2" with a density of 1:250m²". (Council Resolution 31-05-2012)*

(b) That Amendment Scheme No. 53 be submitted to the Ministry of Regional and Local Government, Housing and Rural Development for approval by the Honourable Minister.

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

(C/M 2012/08/30 - E 1222)

Ordinary Management Committee Meeting of 16 August 2012,
Addendum **8.19** page **133** refers.

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

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

- *Erf 1222, Kramersdorf (7 Khan Street) - Ms C Visser t/a Messrs Pixi Office Solutions - Administrative Office*

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

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>

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:

- The resident occupation shall be confined to one third of the total floor area of the said dwelling;*
- The resident occupation must be carried out entirely within the dwelling to include the basement, outbuilding, garage, and/or attic of the dwelling.*
- The home occupation must be clearly incidental and secondary to the residential use of the dwelling;*
- 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;*
- No materials or products shall be stored on the erf outside in such a manner as to be visible from any adjacent property;*
- 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;*
- The resident occupation shall not create any objectionable noise, odor, vibration or unsightly conditions;*
- The resident occupation shall not create a health or safety hazard;*
- 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 Swakopmund Town Planning Scheme Regulations in the Namib Times on **3 and 10 July 2012** and no objections were received.

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

RECOMMENDED:

- (a) **That the following application for permission to operate an Administrative Office be approved:**
- *Erf 1222, Kramersdorf (7 Khan Street) - Ms C Visser t/a Messrs Pixi Office Solutions - Administrative Office.*
- (b) **That they register with the Health Services Department and the standard Health Regulations will apply.**
- (c) **That the consent use be subject to the following:**
- *That Council reserves the right, to cancel a consent use should there be valid complaints.*
 - *That they must operate within the Town Planning Scheme regulations.*
 - *That the consent is not transferable.*
 - *That they provide sufficient parking on the premises.*
 - *That no storage of equipment be done on site.*
 - *That no on-street parking will be tolerated.*
-

11.1.18 **APPLICATION FOR PERMISSION TO OPERATE A PUBLIC GARAGE**
(C/M 2012/08/30 - E 3566)

Ordinary Management Committee Meeting of 16 August 2012,
Addendum 8.20 page 148 refers.

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

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

- *Erf 3566, Swakopmund Unit 57 (Mandume Ya Ndemufayo Street) - Mr J Thiel t/a Messrs Thiel's Bodywork & Auto Repair (Notice No. 34/2012-07-13)*

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

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
G	General Industrial	Dark Purple fill	Industrial Building, Scrap Yard, Warehouse, Building Yard, Dry Cleanette, Launderette, Light Industry	Service Stations, Office Building, Place of Instruction, Noxious Industry, Shop, Public Garage, Place of Amusement

Insert from the Town Planning Amendment Scheme No.12:

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

All adjacent neighbours were contacted and no one objected. The proposed consent use was also advertised as per Clause 6 of the Swakopmund Town Planning Scheme Regulations (**Notice No. 34/2012-07-13**) and no objections were received.

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

RECOMMENDED:

(a) That the following application for permission to operate a public garage on Erf 3566, Unit 57 be approved.

- *Erf 3566, Swakopmund Unit 57 (Mandume Ya Ndemufayo Street) - Mr J Thiel t/a Messrs Thiel's Bodywork & Auto Repair (Notice No. 34/2012-07-13)*

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

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

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

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

(C/M 2012/08/30 - E 1118, M 1980, T 123, E 2325)

Ordinary Management Committee Meeting of 16 August 2012,
Addendum **8.21** page **160** 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 Swakopmund Town Planning Scheme Regulations:

- *Erf 1118, Kramersdorf (3 Trekkopje Street) - Ms B Garry t/a Messrs Namibia Click & Travel - Administrative Office
(Notice No. 34/2012-07-13)*
- *Erf 1980, Mondesa (Cemetery Crescent Street) - Ms O Naruses t/a Messrs Chribaz Construction CC - Administrative Office
(Notice No. 34/2012-07-13)*
- *Erf 123, Tamariskia (Brockerhoff Avenue) - Ms F Uises t/a Messrs Feka Construction and Cleaning Services - Administrative Office
(Notice No. 34/2012-07-13)*
- *Erf 2325, Swakopmund (3 Saphir Street) - Mr J le Roux t/a Messrs Cheval Construction and Renovations CC - Administrative Office
(Notice No. 34/2012-07-13)*

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 Swakopmund Town Planning Scheme Regulations, with special consent of Council a resident occupation may be allowed.

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>

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 Swakopmund Town Planning Scheme Regulations (**Notice No. 34/2012-07-13**) 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 1118, Kramersdorf (3 Trekkopje Street) - Ms B Garry t/a Messrs Namibia Click & Travel - Administrative Office (Notice No. 34/2012-07-13)*
 - *Erf 1980, Mondesa (Cemetery Crescent Street) - Ms O Naruses t/a Messrs Chribaz Construction CC - Administrative Office (Notice No. 34/2012-07-13)*
 - *Erf 123, Tamariskia (Brockerhoff Avenue) - Ms F Uises t/a Messrs Feka Construction and Cleaning Services - Administrative Office (Notice No. 34/2012-07-13)*
 - *Erf 2325, Swakopmund (3 Saphir Street) - Mr J le Roux t/a Messrs Cheval Construction and Renovations CC - Administrative Office (Notice No. 34/2012-07-13)*
 - (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.*
-

11.1.20 **APPLICATION FOR THE RELAXATION OF BUILDING HEIGHT ON ERF 134, (UNITS 1, 2 AND 3) MYL 4**

(C/M 2012/08/30 - M4 E 134)

Ordinary Management Committee Meeting of 16 August 2012, Addendum 8.22 page 200 refers.

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

Attached application was received from Messrs KB Designs Architects & Associates on behalf of their client Messrs Ocean Village Body Corporate South for a proposed height relaxation on Erf 134, Mile 4.

The applicant is requesting Council's permission to exceed the prescribed height of 8.00m. The new proposed height will be 10.00m as per drawing for the second floor extension, Units 1, 2 and 3. The height will contribute positively to the appearance of the building. **Attached** drawings illustrate the height.

The erf is zoned "*General Residential 2*" and has a height restriction of 8.00m. According to the Swakopmund Town Planning Scheme Regulations, Council may grant a relaxation, should it feel that it would not interfere with the amenities of the neighbourhood.

Excerpt from Town Planning Amendment Scheme No.12, Clause 5/C /2.6 for convenience.

2.6 Height

Except with the special consent of the Council no building in this zone may exceed a height of 8 metres.

Provided that:

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

The surrounding neighbours were contacted and no one objected. Registered mail was also sent to some of the owners of the surrounding properties and no one replied. The intended use was further advertised as per Clause 6 (**Notice No. 34/2012-07-13**) and no objections were received.

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

RECOMMENDED:

That the application for the relaxation of building height from 8.00m to 10.00m on Erf 134, (Units 1, 2 and 3) Myl 4, Swakopmund be approved.

11.1.21 **APPLICATION FOR THE RELAXATION OF BUILDING HEIGHT ON
ERF 131, (UNIT 1 AND 4) MYL 4**

(C/M 2012/08/30 - M4 E 131)

Ordinary Management Committee Meeting of 16 August 2012,
Addendum 8.23 page 227 refers.

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

Attached application was received from Messrs KB Designs Architects & Associates on behalf of their client Messrs Ocean Village Body Corporate North for a proposed height relaxation on Erf 131, Myl 4, Swakopmund.

The applicant is requesting Council's permission to exceed the prescribed height of 8.00m. The new proposed height will be 10.00m as per drawing for the addition of the second floor to Units 1 and 4. The height will contribute positively to the appearance of the building. **Attached** drawings illustrate the height.

The erf is zoned "*General Residential 2*" and has a height restriction of 8.00m. According to the Swakopmund Town Planning Scheme Regulations, Council may grant a relaxation, should it feel that it would not interfere with the amenities of the neighbourhood.

Excerpt from Town Planning Amendment Scheme No.12, Clause 5/C /2.6 for convenience.

2.6 Height

Except with the special consent of the Council no building in this zone may exceed a height of 8 metres.

Provided that:

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

The surrounding neighbours were contacted and no one objected. Registered mail was also sent to some of the owners of the surrounding properties and no one replied. The intended use was further advertised as per Clause 6 (**Notice No. 34/2012-07-13**) and no objections were received.

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

RECOMMENDED:

That the application for the relaxation of building height from 8.00m to 10.00m on Erf 131, (Units 1 and 4) Myl 4, Swakopmund be approved.

11.1.22 **APPLICATION FOR CONSENT FOR THE RELAXATION OF BUILDING HEIGHT AND BUILDING LINE RELAXATION ON ERF 3955, SWAKOPMUND**

(C/M 2012/08/30 - E 3955)

Ordinary Management Committee Meeting of 16 August 2012,
Addendum 8.24 page 255 refers.

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

Attached application was received from Messrs KB Designs on behalf of their client Messrs Q E Construction for a proposed height relaxation and building line relaxation on Erf 3955, Swakopmund.

The applicant is requesting Council's permission to exceed the prescribed height of 12.00m. The new proposed height will be 14.17m as per drawing for the architectural feature (tower) of the office building for the related matters. The height will contribute positively to the appearance of the industrial area. **Attached** drawings illustrate the height.

The erf is zoned "*General Industrial*" and has a height restriction of 12.00m. According to the Swakopmund Town Planning Scheme Regulations, Council may grant a relaxation, should it feel that it would not interfere with the amenities of the neighbourhood or area.

Excerpt from Town Planning Amendment Scheme No.12, Clause 5/G /2.5 for convenience.

2.5 Height

Except with the special consent of the Council no building in this zone may exceed a height of 12 metres.

The surrounding neighbours were contacted and no one objected. Registered mail was also sent to some of the owners of the surrounding properties and no one replied. The intended use was further advertised as per Clause 6 (**Notice No. 34/2012-07-13**) and no objections were received.

Furthermore, application was also received for consent to relax the lateral building line from 3m to 0m. The applicant requested the owner of the neighbouring property to give consent to relax the building line to which the neighbour objected.

Objections raised by Mr G R Brettschneider, owner of Erf 3954

Point 1: Considering the size of Erf 3955 and the proposed development thereon, we do not see any reasons that any development within the 3-meter building line restriction will have any added benefit for the intended development.

Discussion on Point 1:

According the Swakopmund Town Planning Amendment Scheme, all owners of erven has the right to apply for consent for relaxation of building lines to better

optimise their Erf. Many “*General Industrial*” property owners make use of this consent in order to use the Erf to its best potential no matter what the “use” of that particular Erf is.

Furthermore, an owner of an Erf is allowed to plan and develop the Erf in any way they feel fit and if it is not in contravention of the provisions of the Town Planning Scheme and the Building Regulations for the matter.

Point 2: The fact that the owner of Erf 3955 intends to erect a concrete batching plant, which by nature requires large amounts of water for production, cleaning of equipment and the occurrence of un-avoided spillage will result in unnecessary high maintenance to our boundary wall. The boundary wall of Erf 3954 has not been designed or constructed to allow more moisture ingress than which can reasonably be expected in Swakopmund. No proper allowance for the drainage and disposal of wastewater generated by the batching plant has been made. This omission will infringe the long-term structural integrity of the boundary wall of Erf 3954.

Discussion on Point 2:

A site inspection was done on the premises of Erf 3955 Swakopmund regarding the above mentioned objection and the findings showed that Erf 3955 has a separate wash bay for equipment to avoid water from spilling or seeping into the boundary wall or anywhere else. It is also highly unlikely that the amount of water that will be spilled or used to clean the equipment will result in damage to the structural integrity of the boundary wall.

Point 3: The planned industrial activities on Erf 3954 require reasonable low dust pollution. The high dust pollution and unavoidable spillage of cement and aggregate caused by a direct adjacent concrete batching plant on Erf 3954 will have an enormous negative effect on the planned industrial activities on Erf 3954. In order to avoid any possible spillage and to reduce the direct dust pollution the batching plant must be erected outside the 3 meter building restriction.

Discussion on Point 3:

It can not be seen how the proposed batching plant on Erf 3955 will have a lesser influence on the activities of Erf 3954 if it is constructed 3 meters further away than proposed on the plans as dust is distributed by wind. The predominated South Westerly wind will blow the dust towards Nelson Mandela Avenue and only an Easterly wind will blow dust towards Erf 3954. An East wind condition usually carries a lot of dust. It must also be said that the position of the batching plant is not directly adjacent to the industrial activities located on Erf 3954 but is located in one of the corners of the erf boundary close to Nelson Mandela Avenue. Furthermore, brick built bins will be constructed to contain any spillages and aggregate caused by the activities on Erf 3955.

Point 4: Due to the recent and most likely future high un-acceptable precipitation in Swakopmund, we cannot support that the drainage of storm water generated by these unexpected down pours is restricted to due adjacent development that will restrict the proper drainage of such waters. We regard the 3 meter building line restriction as an unrestricted passage to drain such waters into the Municipal drainage channels.

Discussion on Point 4:

It is not possible that the planned activities on Erf 3955 can restrict the proper drainage of storm water since all structures proposed on this particular boundary line will be temporary structures and constructed 1 meter away from the boundary line. This 1 meter gap between the boundary wall and temporary structures will be sufficient for the purpose of storm water drainage. It is also not allowed for a neighbouring erf to direct any amount of storm water via another neighbour's erf into the Municipal drainage channels as is the case with Erf 3954. Storm water must be accommodated on the erf itself.

Point 5: The boundary wall of Erf 3954 has not been designed and constructed to carry any lateral load. The planned and present development on Erf 3954 takes this limitation into consideration and no development is been done and planned beyond these boundary line restrictions on Erf 3954.

Discussion on Point 5:

According to the building plans submitted to the Municipality by Messrs Q E Construction, construction will take place 1 meter away from the boundary wall in question. Therefore there will be no lateral load on the boundary wall.

Conclusion

Erf 3955 is located in an industrial area which is especially created to accommodate activities such as batching plants and brick manufactures if Council allows it. Many such activities already operate in the industrial areas and never has a case been reported of a boundary wall being damaged by such an activity. It must also be mentioned that the foundation of the boundary wall of Erf 3954 protrudes $\pm 0.50\text{m}$ onto Erf 3955 and thus is an illegal structure (Please see **attached** surveyors diagram).

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

RECOMMENDED:

- (a) That the application for the relaxation of building height from 12.00m to 14.17m on Erf 3955, Swakopmund be approved.**
 - (b) That the application for relaxation of Lateral Building Line from 3m to 0m be approved.**
 - (c) That Mr G R Brettschneider, owner of Erf 3954, Swakopmund be informed of his right to object (in terms of Clause 8 of the Swakopmund Town Planning Scheme) to the Minister, within 28 days of this notice against Council's decision, provided that written notice of such an appeal shall be given to the Ministry, as well as the Council within the said period.**
-

11.1.23 **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 2012/08/30 - E 539)

Ordinary Management Committee Meeting of 16 August 2012, Addendum 8.25 page 277 refers.

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

Attached application was received from Messrs Stubenrauch Planning Consultants on behalf of their client Mr R F Grubert for the rezoning of Erf 539 Swakopmund to "*General Business*" with a bulk of 2.0. The erf is located along Francios Street in town and measures 716m² in extend. Council resolved to have the property rezoned to "*General Business*" with a bulk of 2.0.

Council on **28 June 2012** resolved as follows:

- (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 (in respect of resolution (b) above) 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.*

It is thus proposed that point **(e)** of Council's resolution passed on **28 June 2012** be repealed and that this point not be replaced.

The applicant requested consent to operate while the rezoning is in process 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.

Therefore the applicant cannot appeal to the Minister for the consent not being approved by Council to operate while the rezoning is in process.

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

RECOMMENDED:

That point (e) of Council's resolution passed on 28 June 2012 be repealed and not be replaced.

11.1.24 **REZONING OF ERF 1113 TAMARISKIA FROM “LOCAL AUTHORITY” TO “INSTITUTIONAL”**

(C/M 2012/08/30 - T 1113)

Ordinary Management Committee Meeting of 16 August 2012, Addendum 8.26 page 289 refers.

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

Attached application was received for the rezoning of Erf 1113, Tamariskia from “*Local Authority*” to “*Institutional*”.

The Erf is located along Franziska van Neel Street in Tamariskia. It measures 2,1711 ha in extend and is owned by the Cottage Hospital. The Erf is currently zoned “Local Authority” and accommodates the Cottage Hospital. It is the intention to rezone the erf from “*Local Authority*” to “*Institutional*”.

Rezoning Erf 1113, Tamariskia from “Local Authority” to “Institutional” will not have a negative impact on the surrounding neighbourhood. The current zoning of the erf does not allow for any medical uses on the erf and therefore the Cottage Hospital is in contravention of the provisions of the Swakopmund Town Planning Amendment Scheme. In order to bring the currently use in line with the Swakopmund Town Planning Amendment Scheme, Erf 1113, Tamariskia needs to be rezoned to “*Institutional*”.

The intended rezoning was advertised in The Namibian **22 May 2012** and the Namib Times on **22 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 **6 June 2012** and to date no objections were received.

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

RECOMMENDED:

- (a) That the rezoning of Erf 1113, Tamariskia from “*Local Authority*” to “*Institutional*” be approved.
 - (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.
-

11.1.25 **REZONING OF ERF 2547, SWAKOPMUND FROM "INSTITUTIONAL" TO "GENERAL RESIDENTIAL 2" WITH A DENSITY OF 1 DWELLING PER 250M²**

(C/M 2012/08/30 - E 2547)

Ordinary Management Committee Meeting of 16 August 2012, Addendum 8.27 page 302 refers.

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

Attached application was received for the rezoning of Erf 2547, Swakopmund from "*Institutional*" to "*General Residential 2*" with a density of 1:250.

The Erf is situated along Turmalin Street in Extension 8. It measures approximately 1889m² in extent and is owned by the Swakopmund Municipality. The erf is currently zoned "*Institutional*" and is vacant and it is highly unlikely that the erf will ever be used for "*Institutional*" purposes. It is the intention to rezone the erf from "*Institutional*" to "*General Residential 2*" with a density of 1:250 which is better suited for this specific area.

The area is characterised by many "*General Residential 2*" and "*Single Residential*" properties. "*Institutional*" and "*Public Open Space*" Erven is also located close to the erf in question. Rezoning Erf 2547 Swakopmund from "*Institutional*" to "*General Business 2*" with a density of 1:250 will not have any negative impact on the existing character of the area since many such erven are already found within this area.

The intended rezoning was advertised in The Namibian on **24 April** and **8 May 2012** and The Namib Times on the **24 April** and **8 May 2012**. Letters were also sent to the owner's of the surrounding properties by means of registered mail to inform them of the owner's intentions. The closing date for objections was on **22 May 2012** and to date no objections were received.

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

RECOMMENDED:

- (a) That the rezoning of Erf 2547, Swakopmund from "*Institutional*" to "*General Residential 2*" with a density of 1 dwelling per 250m² be approved.
 - (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.
-

11.1.26 **REZONING OF ERF 757, SWAKOPMUND FROM “GENERAL RESIDENTIAL 2” WITH A DENSITY OF 1 DWELLING PER 250M² TO “GENERAL RESIDENTIAL 2” WITH A DENSITY OF 1 DWELLING PER 100M² AND CONSENT TO THE PROPERTY FOR THIS PURPOSE WHILE THE REZONING IS BEING PROCESSED**

(C/M 2012/08/30 - E 757)

Ordinary Management Committee Meeting of 16 August 2012, Addendum 8.28 page 310 refers.

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

Attached application was received from Messrs Urban Green CC on behalf of their client Mr & Mrs Schröder for the rezoning of Erf 757, Swakopmund from “*General Residential 2*” with a density of 1:250 to “*General Residential 2*” with a density of 1:100 and consent to use the property for these purposes while the rezoning is being formulated.

The Erf is situated on the corner of Anton Lubowski Avenue and Windhuker Street in Swakopmund. It measures approximately 2086m² in extent and is owned by Mr & Mrs Schröder. The Erf is currently zoned “*General Residential 2*” with a density of 1:250 and accommodates a main building with its outbuilding. It is the intention to rezone the erf from “*General Residential 2*” with a density of 1:250 to “*General Residential 2*” with a density of 1:100.

It is the intention of the owners to increase the Erf’s development potential by increasing the residential density from 1:250 to 1:100. A density of 1:100 would allow for a total of 21 dwelling units to be constructed on the Erf. It is however the intention of the owners to construct only 11 dwelling units in order to ensure a pleasant living environment with ample space for gardens and movement throughout the development. The area surrounding Erf 757 is characterised by a mixture of low and high density residential developments, general business and institutional zoned erven to mention a few. This specific area has undergone a slight change in character becoming more dens as more erven are being rezoned from low to high density residential and so being supportive to the intended increase in density of Erf 757, Swakopmund. The rezoning of Erf 757, Swakopmund will not have any negative impact on the existing character of the area and Swakopmund as a whole.

Furthermore, the owner also applied for consent to use the erf for “*General Residential 2*” with a density of 1:100 purposes while the rezoning is formally being completed.

The applicant requested consent to start using the erf for “*General Residential 2*” with a density of 1:100 purposes 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*”.

The intended rezoning was advertised in the Namib Times on **15 and 22 June 2012** and the Republikein on **14 and 18 June 2012**.

Letters were also sent to the owner's of the surrounding properties by means of registered mail to inform them of the owner's intentions. The closing date for objections was on **31 July 2012** and to date no objections were received.

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

RECOMMENDED:

- (a) That the rezoning of Erf 757, Swakopmund from "*General Residential 2*" with a density of 1 dwelling per 250m² to "*General Residential 2*" with a density of 1 dwelling per 100m² be approved.
 - (b) That the consent to use the erf for "*General Residential 2*" with a density of 1 dwelling per 100m² purposes while the rezoning is in progress 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.
-

11.1.27 **REZONING OF ERF 1845, MONDESA FROM “UNDETERMINED” TO “GENERAL RESIDENTIAL 2” WITH A DENSITY OF 1 DWELLING PER 100M² AND CONSENT TO CONSTRUCT 12 DWELLING UNITS WHILE THE REZONING IS BEING PROCESSED**

(C/M 2012/08/30 - M 1845)

Ordinary Management Committee Meeting of 16 August 2012, Addendum 8.29 page 327 refers.

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

Attached application was received from Messrs Ritta Khiba Planning Consultants on behalf of their client Mr and Mrs Petrus for the rezoning of Erf 1845, Mondesa from “*Undetermined*” to “*General Residential 2*” with a density of 1:100 and consent to construct 12 dwelling units while the rezoning is being processed.

The Erf is situated along Masilo Street in Extension 4, Mondesa. It measures approximately 1286m² in extent and is owned by Mr & Mrs Petrus. The Erf is currently zoned “*Undetermined*” and is vacant. It is the intention to rezone the erf from “*Undetermined*” to “*General Residential 2*” with a density of 1:100.

It is the intention of the owners of Erf 1845, Mondesa to construct 12 residential units on the property. The present zoning does not allow the owner to construct the 12 units and therefore they wish to rezone to a higher density. The current size of Erf 1845, Mondesa allows for the construction of townhouses, residential buildings and block of flats on the zoning of “*General Residential 2*”. Since the area is densely populated with “*Single Residential*” and “*General Residential*” zones on Erven 2184, 2185, and 2186, Mondesa, it is highly unlikely that the rezoning of Erf 1845, Mondesa will have any negative impact on the existing character of Mondesa and Swakopmund as a whole.

Furthermore, the owner also applied for consent to construct 12 residential units on the erf while the rezoning is formally being completed.

The applicant requested consent to start construction of the houses while the rezoning process is in progress. 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*”.

The intended rezoning was advertised in The Namibian on **11 and 18 July 2012** and the New Era on **11 and 18 July 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 **31 July 2012** and to date no objections were received.

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

RECOMMENDED:

- (a) That the rezoning of Erf 1845, Mondesa from “*Undetermined*” to “*General Residential 2*” with a density of 1 dwelling per 100m² be approved.
 - (b) That the request for the consent to start with construction while the rezoning is in progress 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 Town Planner ensures that the applicable density zoning is adhered to depending on the outcome of the resolution of the dispute regarding the encroachment site of Erf 1845, Mondesa by the relevant developers.
-

11.1.28 **PROGRESS REPORT OF MESSRS SEA GULL'S CRY CC**
(C/M 2012/08/30 - N 7/2/9)

Ordinary Management Committee Meeting of 16 August 2012,
Addendum **8.31** page **366** refers.

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

1. **Introduction**

In terms of the notarial deed of lease entered into by and between Council and Messrs Sea Gull's Cry on **9 February 2012**, the following is quoted:

The Lessee shall develop the Lease Area, alternatively, complete those developments of the Lease Area which resorted under the existing agreement and which had, as at the Commencement Date, not been fully completed yet, as the case may be, in four phases, all of the Phases to be completed within 48 months of the Commencement Date.

The commencement date is **9 February 2012**, therefore the entire project must be completed on / before **9 February 2016**.

Attached as Annexure "A" is a copy of the lease agreement indicating the four phases of the development.

Copies of the Notarial Deed of Lease were provided to the General Manager: Engineering Services and the General Manager: Finance on **18 January 2012**, to co-ordinate the finalization of the development phases in order to ensure that the correct rental is levied.

2. **Progress on Development**

Messrs Sea Gull's Cry CC was requested to provide bi-annual progress reports on the development of the venture, the first being for the period ending **30 June 2012**.

The progress report is attached as **Annexure "B"** and a map as **Annexure "C"**.

It is assumed that the *building material for the proposed lodge – 2 200 x 7m poles*, relates to the construction of the units for rent (chalets).

The agreement lists the following as "phases" or development areas:

6.1 **PHASE 1**

The Lessee shall –

6.1.1	provide the Lease Area with internal services;	✚ Not reported on.
6.1.2	improve and enhance the existing natural bird life sanctuary, cleaning out and landscaping such part of the marshy wetland and lagoon area at the estuary of the Swakop River falling within the perimeter of the Lease Area , and, in doing so, the Lessee shall take all reasonable measures to minimise the disturbance and / or disruption of existing bird life:	<div>✚ The lessee appointed a land surveyor to confirm the exact boundaries of the lease area.</div> <div>✚ A large area was cleared and grass planted.</div>

6.1.3	at the area marked “ Area 2 ” on the location plan;	
6.1.3.1	layout and construct camping sites and caravan stands, in aggregate not less than 50 in number;	✚ The campsite has been cleaned up and upgraded.
6.1.3.2	construct sufficient, adequate and proper ablution facilities for the campers and caravanners;	✚ New ablution and wash-up facilities were installed and upgraded.
6.1.3.4	construct and provide adequate lighting at the camp sites and caravan stands;	✚ Not reported on.
6.1.4	reserve the area marked “ Area 3 ” on the location plan for public recreation and -	
6.1.4.1	layout, create and / or construct thereat sufficient and adequate braai facilities and sheltered picnic spots for public use;	✚ Not reported on.
6.1.4.2	construct thereat sufficient, adequate and proper ablution facilities for public use;	✚ New ablution and wash-up facilities were installed and upgraded, although not indicated for public use.
6.1.5	at the area marked “ Area 4 ” on the location plan, -	
6.1.5.1	construct/erect and complete approximately 22 chalets;	✚ Not reported on.
6.1.5.2	provide adequate parking in respect of each of the aforesaid chalets at or in close proximity of each of the said chalets.	✚ New ablution and wash-up facilities were installed and upgraded, although not indicated for public use.

Messrs Sea Gull’s Cry CC already constructed and completed an open air restaurant at the area marked “**Area 3**” on the location plan.

6.2 **PHASE 2**

The Lessee shall –

6.2.1	construct and complete a timber boardwalk -	
(a)	within the 10 and 5 metre strips indicated on the location plan respectively;	✚ Not reported on.
(b)	along a route running more or less parallel with the broken lines indicated at Areas 5, 4 and 2 on the location plan;	✚ Not reported on.
(c)	giving access to and connecting with the bird hide platforms referred to in clause 6.2.3 below;	✚ Not reported on.

6.2.2	provide resting and / or viewing places for users of the boardwalks by widening the said boardwalks and placing thereat of at least one permanent bench at each of such widened areas;	Not reported on.
6.2.3	construct and complete timber bird viewing platforms along the southern boundary of the Lease Area .	Not reported on.

6.3 **PHASE 3**

The Lessee shall –

6.3.1	at the area marked “ Area 1 ” on the location plan, construct and complete buildings and/or structures, not exceeding one storey in height, which buildings and/or structures shall facilitate -	Not reported on.
6.3.1.1	a craft village covering approximately 400m ² ;	Not reported on.
6.3.1.2	commercial units covering in aggregate approximately 2 200m ² ;	Not reported on.
6.3.1.3	residential units covering in aggregate approximately 2 200m ² ;	Not reported on.
6.3.1.4	adequate parking for the users of the facilities referred to in clauses 6.3.1.1 – 6.3.1.3.	Not reported on.

6.4 **PHASE 4**

The Lessee shall –

6.4.1	at the area marked “ Area 5 ” on the location plan, construct and complete a building not exceeding one storey in height, for the purpose of facilitating therein -	Not reported on.
6.4.1.1	the main entrance to and reception of the Lease Area ;	Not reported on.
6.4.1.2	administrative offices;	Not reported on.
6.4.1.3	living quarters for the manager/caretaker of the Lease Area ;	Not reported on.
6.4.1.4	adequate and sufficient parking for the users of the facilities referred to in clauses 6.4.1.1 – 6.4.1.3;	Not reported on.
6.4.2	at the area marked “ Area 4 ” on the location plan, construct and complete a building not exceeding one storey in height, for the purpose of facilitating therein -	Not reported on.
6.4.2.1	a restaurant covering an aggregate not more than 900m ² ;	Not reported on. (open air restaurant already constructed on Area 3)
6.4.2.2	a conference facility covering in aggregate not more than 200m ² ;	Not reported on.

6.4.2.3	a venue for live entertainment covering not more than 200m ² ;	✎ Not reported on.
6.4.2.4	adequate parking for the users of the facilities envisage in clauses 6.4.2.1 – 6.4.2.3.	✎ Not reported on.

From the above it can be seen that the first report for the period ending **30 June 2012** is not very comprehensive or specific.

It is therefore proposed that the above table quoting the different phases be provided to the lessee to indicate the development progress.

3. **Requirements of the Environmental Management Act, Act 7 of 2007**

In addition to the progress report, Messrs Sea Gull's Cry CC must be informed of the following requirement:

The above act lists the following:

LIST OF ACTIVITIES THAT MAY NOT BE UNDERTAKEN WITHOUT ENVIRONMENTAL CLEARANCE CERTIFICATE: ENVIRONMENTAL MANAGEMENT ACT, 2007

ANNEXURE

LIST OF ACTIVITIES THAT MAY NOT BE UNDERTAKEN WITHOUT ENVIRONMENTAL CLEARANCE CERTIFICATE

OTHER ACTIVITIES

11.1 ...

11.2 Construction of cemeteries, camping, leisure and recreation sites.

Section 57 (1) of the Environmental Management Act 7 of 2007 makes provision for a period until **5 February 2013** to comply with the requirements and is quoted for ease of reference:

Existing authorisation

57. (1) *A person who, on the date of commencement of this Act, undertakes a listed activity under an authorisation may continue to undertake such activity for a period not exceeding one year, or such longer period as the Minister may on application approve.*
- (2) *A person who wishes to continue with a listed activity in terms of an authorisation contemplated in subsection (1) after its expiry in terms of that subsection must apply for an environmental clearance certificate, in terms of this act before its expiry.*
- (3) *If a person has lodged an application in terms of subsection (2) the relevant authorisation in respect of which the application has been lodged remains valid until such time as the application has been dealt with in terms of this Act.*

The Environmental Management Act, Act 7 of 2007 was promulgated in the Government Gazette on **6 February 2012**.

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

RECOMMENDED:

- (a) That the first bi-annual progress report submitted by Messrs Sea Gull's Cry CC regarding the development of the lease area be noted.**
 - (b) That the Engineering Services Department takes note of the phased development and co-ordinate the finalization of the completion of the phases with the Finance Department to ensure that the correct rental is levied as per Clause 5 of the Notarial Deed of Lease.**
 - (c) That Messrs Sea Gull's Cry CC be provided with the report in the table format and be requested to indicate the progress on the listed phases.**
 - (d) That Messrs Sea Gull's Cry CC be informed that the next report is for the period ending 31 December 2012.**
 - (e) That Messrs Sea Gull's Cry CC be informed of the requirements of the Environmental Management Act, Act 7 of 2007 that must be complied with.**
-

11.1.29 **UPDATED RECRUITMENT POLICY**

(C/M 2012/08/30 - B 1/8)

Ordinary Management Committee Meeting of 16 August 2012,
Addendum **9.1** page **01** refers.

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

A proposed updated Recruitment Policy was submitted to the Management Committee on **12 July 2012** for input.

Proposed changes to the policy, taken into consideration the Management Committee's input, are therefore as follows:

Current policy	Updated proposal
7.6.1 Internal advertisement procedure a) Where a vacancy exists and the General Manager deems that there are sufficient suitably qualified internal candidates for the vacant position, permission be obtained from the Chief Executive Officer that the vacant position be advertised internally only, in the first instance.	7.6.1 Internal advertisement procedure a) Where a vacancy exists and the General Manager in consultation with the Manager: HR deems that there are sufficient suitably qualified internal candidates for the vacant position, in consultation with the Chief Executive Officer , that the vacant position be advertised simultaneously internally, and amongst current contract workers. Current contract workers should meet the requirements. Internal candidates (including fixed term current contract workers employed for more than three (3) months) will be considered first, and only if they do not meet the prescribed requirements for the position, the applications of the contract workers will be considered.
b) Where only one internal candidate has applied, in response to the advert referred to in 7.6.1(a), and which applicant is deemed to meet <u>all</u> the requirements, the Management Committee shall continue with the interview process of the internal applicant.	Remains as is
c) Where a General Manager with the permission granted by the Chief Executive Officer has decided to advertise in terms of Section 7.6.1(a), it will only proceed to advertise the post externally, once the internal applicants have through the interview process been found to be not a suitable candidate(s) for the position i.e. not achieving the 75% mark during the interview.	c) Where a General Manager in consultation with the Chief Executive Officer has decided to advertise in terms of Section 7.6.1(a), he/she will only proceed to advertise the post externally, once the internal applicants have through the interview process been found to be not successful. The score sheet should be used as a guideline during the interviews, but the decision on the successful candidate should be with the interview panel, motivating their decision to appoint or not to appoint.

12. REVIEW OF POLICY This policy shall be reviewed in 12 months from the date of approval by Council.	12. REVIEW OF POLICY This policy shall be reviewed at least once within 24 months from the date of approval by Council or as the situation arises.
	14.1 Add the following paragraph: That contract workers in Paterson Bands C and above from outside of Swakopmund may be invited to be interviewed and Council be liable for subsistence and travelling allowances of those interviewees.

Another problem currently being experienced is that the policy stipulates that an internal candidate must meet at least 75% of the requirements to be considered for an interview. The requirements for positions are as such that it is not always possible to get to the 75%, especially in cases where there are only one or two requirements.

Section 8.2(a) of the Recruitment Policy regarding selection of internal candidates reads as follows:

- (a) (i) *If an internal candidate applied for a position and he/she only meets 75% of the requirements, he/she should be short listed and if appointed, the appointment be with the condition that he/she obtains the required qualification during a certain period of time (to be determined by the relevant Head of Department in consultation with the Manager: Human Resources) and based on the Remuneration Policy, he/she will receive 5% less than the relevant notch of the scale of the grading of the position until he/she obtained the required qualification for the position. This should apply to all job grade categories;*

It is therefore proposed that the following be brought into the policy:

"To qualify to be interviewed, internal candidates should meet at least the following:

- *Where there are 4 requirements/criteria or more, 75%*
- *Where there are 3 requirements/criteria 66%*
- *Where there are only 2 requirements/criteria, 50%*
- *Where there is only 1 requirement/criteria, 100%"*

An example will be as follows:

4 requirements or more - Corporate Officer: Administration

Grade 12, National Diploma in Public Administration, Computer literacy, 3 years relevant experience, and a Code B Drivers License

3 requirements – Archives Assistant

Grade 12, Computer literacy, 2 years relevant experience

2 requirements – Bricklayer Assistant

Grade 10, 6 months relevant experience

1 requirement – Compactor Assistant

Grade 8

As can be seen from the above examples, it is difficult to apply the policy with positions where there are less than 4 requirements/criteria for the job, as for these jobs incumbents basically need to meet all requirements in order to obtain the 75% or more. **Attached** the updated Recruitment Policy.

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

RECOMMENDED:

- (a) **That the updated Recruitment Policy (on file) be approved and that the current policy be repealed and replaced.**
- (b) **That information sessions be arranged in order to inform all the staff members of the updated Recruitment Policy.**

11.1.30 **OPERATIONAL GUIDELINES OF THE SWAKOPMUND MUNICIPAL SPORTS AND SOCIAL CLUB**

(C/M 2012/08/30 - J 10/1)

Ordinary Management Committee Meeting of 16 August 2012,
Addendum **9.2** page **20** refers.

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

The Swakopmund Municipal Sports and Social Club (SMSSC) was established in **October 2007** after Council at a meeting held on **25 October 2007** under item 11.1.4 resolved:

- (a) *That the Council takes note of the winding-up of the Officials' Club.*
- (b) *That Council makes an annual financial contribution towards the Swakopmund Municipal Sports/Social Club and apply the same principles as applied to the Officials' Club.*
- (c) *That all interested Councillors and staff members wishing to join the club have N\$20.00 deducted from their salaries per month.*
- (d) *That Council avails the recreational facilities at the Vineta Central Sports Fields to the Swakopmund Municipal Sports/Social Club at no cost if and when needed for fundraising activities.*

After the establishment of the Swakopmund Municipal Sports and Social Club, the Local Organizing Committee submitted several applications to Council to attend sporting events hosted by the international and national bodies SAIMSA (Southern African International Sports Association) and NALASRA (Namibian Local Authority Sports and Recreation Association).

Council approved all the applications and on return from any sporting event the Chairperson of the Local Organizing Committee had to submit reports to Council as feedback on the staging of the Municipal Games. The Swakopmund Municipal Sports and Social Club presented reports and the outcome of the events to Council and experience has shown that the participants of the Swakopmund Municipal Sports and Social Club performed very well in all sporting activities.

However, it was found that in some cases, the normal performance of a section of the Municipality was hampered by the absence of staff members during the week of the games.

The purpose of this addendum is therefore to set a guideline for future participation in activities of the members of the Swakopmund Municipal Sports and Social Club.

Contributions by Council

1) Annual Financial Contribution:

The resolution above states that Council will make an annual contribution to the MSSC, which amount must be provided for by the General Managers in their respective operational budgets. The amount is currently set at N\$ 100 000.00 but may be determined by Council from time to time.

2) Leave:

The Local Organizing Committee always requested Council for **special leave** for members of Swakopmund Municipal Sports and Social Club to attend sporting events but this request although granted by Council seems to be a bone of contention. Some of the concerns raised were that;

- *Special leave is only afforded to sports club members at great cost to Council whereas none of the other permanent non-sport club staff members get any similar benefit.*
- *Other staff had to perform the duties of the sports club members in their absence.*

These concerns were discussed with the Local Organizing Committee and it was then decided that all Swakopmund Municipal Sports and Social Club that want to participate in sports events may only do so with the approval of the respective General Manager and a form was designed for this approval which had to be submitted to the Local Organizing Committee in writing.

Secondly, the normal operation of the Section/Department may not be hampered by the absence of any staff member affiliated to the Sports Club.

Sports Club members are prepared to put in annual leave for 50% of the time needed to participate in official sporting events.

Staff Members Responsibilities

All staff members affiliated with the Swakopmund Municipal Sports and Social Club:

- 1) *Do so on a voluntary basis,*
- 2) *Indemnifies Council from any risks/injuries while participating in activities other than official tasks.*
- 3) *Pays own affiliation fees*
- 4) *Pays own membership fees for respective codes as determined by the Sporting Code and approved by the Local Organizing Committee.*
- 5) *Each Code is responsible to obtain the equipment needed to practice their sport but may apply for assistance from the Local Organizing Committee or any private entity. (To be approved by Local Organizing Committee and representative of Council)*
- 6) *Will make use of Council sports facilities to practice and stage sporting events after office hours.*
- 7) *No sport to be practiced during normal office hours unless approved by Council.*
- 8) *Meetings of the Local Organizing Committee may be performed during office hours and should be organized with minimal interference in the normal performance of the staff member.*
- 9) *All members will operate within the parameters set by the Constitution of the Club.*
- 10) *The Local Organizing Committee may determine and controls membership in accordance with the Constitution of the Club.*
- 11) *Visits to foreign countries are subject to meeting the statutory requirements which will be the responsibility of the Staff member.*
- 12) *Misconduct by a staff member on any official visit will be regarded as a contravention of the Municipal values and will be addressed accordingly.*
- 13) *The Local Organizing Committee may co-opt members from the community of Swakopmund to assist with the management and coaching of Sport codes on an ad hoc basis.*
- 14) *Retired staff members may be awarded honorary membership of the Swakopmund Municipal Sports and Social Club.*

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

RECOMMENDED:

- That Council continues to make an annual contribution as decided by Council from time to time towards the annual activities of the Swakopmund Municipal Sport and Social Club and that the use of the funds will be subject to the Municipal Financial Regulations.**

- (b) That annual leave be given to all participating Sports Club members to attend approved sporting events based on the time needed including travelling time.
- (c) That no subsistence and travel allowances be applicable to staff members involved in Swakopmund Municipal Sport and Social Club Committee matters.
- (d) That only staff members as advised by the Local Organizing Committee and as approved by Council from time to time may participate in activities of the Swakopmund Municipal Sport and Social Club, Local Organizing Committee and abroad.
- (e) That at least one nominated Councillor accompanies the Swakopmund Municipal Sport and Social Club to sporting events as approved by Council at the cost of Council. (i.e. accommodation, travelling and subsistence allowance included).
- (f) That the following basic rules be applicable to all members affiliated to the Swakopmund Municipal Sport and Social Club:

All staff members affiliated to the Swakopmund Municipal Sports and Social Club:

- *Do so on a voluntary basis,*
 - *Indemnifies Council from any risks / injuries while participating in activities other than official tasks.*
 - *Pays own affiliation fees*
 - *Pays own membership fees for respective codes as determined by the Sporting Code and as approved by the Local Organizing Committee.*
 - *Each Code is responsible to obtain the equipment needed to practice their sport but may apply for assistance from the Local Organizing Committee or any private entity. (To be approved by Local Organizing Committee and representative of Council)*
 - *All codes make use of available sports facilities of Council to practice and stage sporting events after office hours.*
 - *No sport to be practiced during normal office hours unless approved by Council.*
 - *Meetings of the Local Organizing Committee may be performed during office hours and should be organized with minimal interference in the normal performance/duties of the staff member.*
 - *All members will operate within the parameters set by the Constitution of the Club. (To be submitted to Council for approval)*
 - *The Local Organizing Committee may determine and control membership in accordance with the Constitution of the Club.*
 - *Visits to foreign countries are subject to meeting the statutory requirements which will be the responsibility of the respective staff members.*
 - *Serious misconduct by a staff member on any official visit will be regarded as a contravention of the Municipal values and will be addressed accordingly.*
 - *The Local Organizing Committee may co-opt members from the community of Swakopmund to assist with the management and coaching of sport codes on an ad hoc basis.*
 - *Retired staff members may be awarded honorary membership of the Swakopmund Municipal Sports and Social Club.*
-

11.1.31 **SOUTHERN AFRICA INTER-MUNICIPAL GAMES 2012 IN BOTSWANA**

(C/M 2012/08/30 - J 10/1)

Ordinary Management Committee Meeting of 16 August 2012, Addendum 9.3 page 25 refers.

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

The Swakopmund Municipal Sports and Social Club would firstly like to thank Council for their dedication and unwavering support towards its staff members, for making it possible for the sports club to participate in this annual SADC event.

Council on **28 July 2011** under item 11.1.37 resolved as follows:

- (a) *That permission be granted to members of the Swakopmund Municipal Sport and Social Club as per the list (on file), which is subject to change as well as the nominated Councillor to attend the SAIMSA Games to be held from 24-30 September 2011 in Swaziland.*
- (b) *That special leave be granted to the selected staff members to represent Council at the SAIMSA Games from 24-30 September 2011, at Swaziland, (including the days needed for travelling depending on the mode of transport).*
- (c) *That Council authorize the release of N\$100 000.00 budgeted by the different departments (N\$107 386.00) and that these be made available to the Municipal Sports & Social Club for the preparation to participate in the SAIMSA Games scheduled for Swaziland.*
- (d) *That the Chairperson of the Swakopmund Municipal Sport & Social Club be accountable to provide Council with a full financial report at the end of October 2011.*
- (e) *That Council mandates the Swakopmund Sports Club to submit a bid to SAIMSA Executive Committee to host the 2013 SAIMSA games in Swakopmund.*
- (f) *That the registration fee of N\$10 000.00, which is due by the end of July 2011 be paid.*
- (g) *That the objection of Councillor P V Steinkopff against the allocation of N\$100 000.00 to the Swakopmund Municipal Sport & Social Club for their participation in the SAIMSA Games to be held from 24-30 September 2011 in Swaziland, be noted.*

The Swakopmund Municipal Sport and Social Club (SMSSC) was again invited to participate in the (SAIMSA) Games to be hosted by Botswana from **21 - 29 September 2012.**

These games are aimed at breaking the social, cultural and political barriers and act as team building exercise to promote the spirit of unity that gives the participants the opportunity to network through sports. The games also strive to make sports and recreation accessible to both administrative and political personnel.

A total of 41 Municipalities participated in the SAIMSA 2011 games hosted by Swaziland. The Swakopmund Municipal Sport and Social Club was one of 11 Namibian Local Authorities that participated in the games and was involved in five different sporting codes namely; golf, darts, pool, 21km marathon and volleyball male, female and mix.

The Swakopmund Municipal Sport and Social Club achieved the following:

- *Volleyball Ladies - Bronze medals.*
- *21km Marathon - Gold medal (Mr Gabriel Shilunga).*

The club members have maintained a high level of discipline on and off the field and kept the name of Swakopmund Municipality high. Through their outstanding leadership abilities some of the participants from Swakopmund became part of the Local Organizing Committee (LOC) which of course contributed to the overall success of the Swaziland Games.

The Swakopmund Municipal Sport and Social Club as an affiliate was invited to participate in NALASRA Games 2012 held in Tsumeb in **May 2012**. We participated in five different sporting codes namely; darts, pool, volleyball, 21km marathon and the 5km fun walk. The Swakopmund Municipal Sport and Social Club came in third overall out of the 39 participating Municipalities. We achieved gold, silver and bronze medals in the different sports codes.

In preparation for SAIMSA 2012 our Club sports codes are hard at work in their training programs. The clubs members are also determined to participate in this SAIMSA Games 2012 in Botswana, given the opportunity.

The club is hard at work raising the much needed funds in order to make this trip a reality and to market the Swakopmund Municipality. Various fundraising activities are currently underway to raise funds, and requests for sponsorships will also be send out to the private sector and individuals to help cover the anticipated expenses.

A total of \pm 50 staff members, (Name list **attached**) have indicated their willingness to participate in this upcoming event in Botswana and committed themselves to assist in raising the funds needed.

The estimated cost to attend this event in Botswana which will cover registration/affiliation, transport, accommodation and meals (breakfast and dinner), is set out in the table below:

	BY ROAD
<i>Transport</i>	<i>90 000.00</i>
<i>Accommodation and Meals</i>	<i>174 000.00</i>
<i>Registration</i>	<i>10 000.00</i>
TOTAL	N\$ 274 000.00

Considering the above and Council Resolution taken on **25 October 2007**, Item 11.1.4 (b) which inter alia states the following:

(b) That Council makes an annual financial contribution towards the Swakopmund Municipal Sports/Social Club and apply the same principles as applied to the Officials' Club.

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

RECOMMENDED:

- (a) That permission be granted to members of the Swakopmund Municipal Sport and Social Club as per the list (on file), which is subject to change as well as the nominated Councillor to attend the SAIMSA Games to be held in Botswana from 21-29 September 2012.**
- (b) That annual leave (4.5 days) be granted to the selected staff members to represent Council at the SAIMSA Games from 21-29 September 2012, in Botswana, (including the days needed for travelling depending on the mode of transport).**
- (c) That Council authorizes the release of N\$100 000.00 budgeted by the different departments (107-386-00), and that this be made available**

to the Swakopmund Municipal Sports and Social Club for the preparation to participate in the SAIMSA Games scheduled to be hosted in Botswana.

- (d) That the Chairperson of the Swakopmund Municipal Sport & Social Club be accountable to provide Council with a full financial report at the end of October 2012.
 - (e) That Councillor F Hamukwaya accompanies the Swakopmund Municipal Sport and Social Club to the games.
 - (f) That the subsistence and travelling allowance for Councillor F Hamukwaya be defrayed from Conference Expenses Vote 100510206500 where N\$164 547.88 is available.
-

11.1.32 **ENVIRONMENTAL MANAGEMENT ACT OF 2007: THE WAY FORWARD**

(C/M 2012/08/30 - G 1/1)

Ordinary Management Committee Meeting of 16 August 2012,
Addendum **9.4** page **29** refers.

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

A training session was held on **26 July 2012** for the Municipality to discuss the new Environmental Management Act (Act No.7 of 2007) that came into effect on **6 February 2012**. This training session was presented by Mr Brand van Zyl of Urban Green.

During this session many unclear issues were raised regarding Environmental Clearance Certificates and the listed activities in the Environmental Management Act and the way forward to mitigate these issues. Mr Brand van Zyl informed Council that a "*Task Team*" will be appointed by the Namibian Institute for Town and Regional Planners in the following few months. This "*Task Team*" will then have discussions with the Environmental Commissioner regarding these issues and how to mitigate their impact on development.

To lessen the potential effect on development in town while bringing the planning process in line with the Act the following steps were identified:

Environmental Act Task Force

However, this does not only affect the work of private planning consultants, but all local authorities. Looking at the capacities to address the matter it is proposed to encourage at least the Part 1 Municipalities to each appoint a task force and to jointly with the Namibian Institute for Town and Regional Planners make a presentation to the Environmental Commissioner to address the ambiguities and clauses which seriously impact future planning and development.

Council's are requested to appoint a taskforce consisting of the following members: the Chief Executive Officer and the Town Planner to work with the Namibian Institute for Town and Regional Planners on technical issues; and Her Worship the Mayor or another Councillor as political support for the delegation to the Minister.

Three-Year Grace Period

According to the Environmental Management Act of 2007, certain listed activities require an Environmental Clearance Certificate which is approved only by the Minister. The EIA's and other necessary and supporting investigations will take time and incur significant costs. Currently running operations and planned projects cannot be halted. The Environmental Commissioner can allow a 3 year "grace" period to obtain a Clearance Certificate for the listed activities if such activities are already approved. The Municipality as a **proponent** would therefore like to apply to the Office of the Environmental Commissioner for a 3 year "grace" period to obtain Clearance Certificates for the activities:

1. *Old and new Waste Water Treatment Works.*
2. *New Landfill site with Recycling yard(s).*
3. *DRC Formalisation & PDA development.*
4. *The "Wagon wheel" layout.*

5. *The block developments including the last strip of land south of the Salt Works.*
6. *Paving and upgrading of streets as per approved budget and strategic plan.*
7. *Upgrading of existing runways and infrastructure at the Swakopmund Airport*
8. *The Construction of the Multi-purpose centre.*
9. *The construction of staff rooms, sanitary facilities, garages and infrastructure at the Solid Waste yard.*
10. *Upgrading / replacement of mid-block sewer lines and network infrastructure.*
11. *The construction of two reservoirs – one for freshwater and the other for purified effluent in the vicinity of the existing reservoirs.*
12. *The development and improvement of existing public open spaces.*
13. *The operation of a nursery.*
14. *Paving of a new parking area in Libertine Amathila Street.*
15. *Raising and reinforcement of existing sea-walls and beach protections.*
16. *Construction of a market for African woodcarvings, other crafts products and souvenirs.*
17. *Extension to the purification network to existing suburbs which are not serviced with irrigation water to date.*
18. *Upgrading and construction of various boundary walls (esp. around sport fields and cemeteries)*

The Environmental Act Task Force may amended the above list based on discussions with the Namibian Institute for Town and Regional Planners and other stakeholders.

Budgeting for a Strategic Environmental Plan for Swakopmund

Mr Brand van Zyl also advised the Municipality to start with a Strategic Environmental Plan for Swakopmund as soon as possible. This requires much research. The appointment of specialists and commissioning environmental studies will be expensive. No provision was made for this in the 2012/2013 budget. Depending on the outcome of the application for a “**grace**” period funds need to be made either available as a supplementary budget in the current financial year or must be provided for under the 2013/2014 Budget.

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

RECOMMENDED:

- (a) **That the appointment of an “*Environmental Act Task Force*” consisting of the Chief Executive Officer and the Town Planner as a technical advisor and the Mayor or another Councillor be approved.**
 - (b) **That this “*Task Force*” supports and assists the Namibian Institute for Town and Regional Planners in their representations to the Environmental Commissioner and the Minister of Environment and Tourism.**
 - (c) **That Council applies to the Office of the Environmental Commissioner for a three (3) year “grace” period to obtain Environmental Clearance Certificates for certain listed running operations and approved or envisaged projects in line with Council’s strategic development plan.**
 - (d) **That Council takes note of the need for funding for the formulation of a Strategic Environmental Plan for Swakopmund and that an addendum be submitted to the next Management Committee meeting to deal with the budget for this item.**
-

11.1.33 **REQUEST FOR FINANCIAL ASSISTANCE BY MR MATEUS TOMAS**

(C/M 2012/08/30 - A 2/3/2/1/3)

Ordinary Management Committee Meeting of 16 August 2012,
Addendum **9.12** page **52** refers.

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

Attached, letter was received from Mr Mateus Tomas requesting financial assistance from Council to attend the 37th International Small Business Congress schedule to take place in Johannesburg South Africa from **15 – 18 September 2012**. The congress will under the theme *“Fostering small business in new and high-potential industries worldwide”*.

Mr Mateus Tomas received a donation for the return air ticket from the National Youth Council of Namibia and a contribution of N\$2 000.00 from Erongo Regional Youth Forum.

Mr Mateus Tomas requires financial assistance of **N\$3 450.00** to cover accommodation expenses during his stay in Johannesburg.

In view of fact that Mr Mateus Tomas has acquire sponsorship for the air ticket and N\$2 000.00 for his incidental expenses and be him being a local SME operator, Council should consider assisting him with the remaining N\$3 450.00 for accommodation.

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

RECOMMENDED:

- (a) That a donation / sponsorship to the amount of N\$3 450.00, in kind, be granted to Mr Mateus Tomas in order for him to attend the 37th International Small Business Congress to be held in Johannesburg from 15 - 18 September 2012.
 - (b) That the funds be defrayed from the Publicity Vote 100510212700 where N\$7 450.56 is available.
 - (c) That the beneficiary provides a full report to Council upon return.
-

11.1.34 **HOSTING OF THE SOUTHERN AFRICA INTER-MUNICIPAL SPORT ASSOCIATION GAMES (SAIMSA GAMES 2013)**

(C/M 2012/08/30 - J 10/1)

Ordinary Management Committee Meeting of 16 August 2012,
Addendum 10.1 page 01 refers.

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

The Southern Africa Inter-Municipal Sport Association Games are aimed at breaking the social, cultural and political barriers and act as team building exercise to promote the spirit of unity that gives the participants the opportunity to network through sports. The games also strive to makes sports and creation accessible to both administrative and political personnel.

A presentation was given by Mr C Lawrence, representative of Council on the Local Organizing Committee(LOC) of the Swakopmund Municipal Sports and Social Club(SMSSC), regarding the bid to host the Southern Africa Inter-Municipal Sport Association Games (SAIMSA Games 2013) in Swakopmund.

Management Committee on **19 July 2012** resolved as follows:

- i. *That the presentation by Mr C Lawrence, Council's representative of on the Swakopmund Municipal Sports and Social Club, regarding the hosting of the Southern Africa Inter-Municipal Sport Association Games (SAIMSA Games 2013), be noted.*
- ii. *That this item be resubmitted to the ordinary Management Committee meeting of August 2012 in order for Council to decide whether to host the Southern Africa Inter-Municipal Sport Association Games (SAIMSA Games 2013) or not, taking into account the financial implications.*
- iii. *That the General Manager: Health Services submits a policy that will regulate the activities of the Swakopmund Municipal Sports and Social Club to the next Management Committee meeting.*

Management Committee was also informed that the International Organizing Committee of SAIMSA will be visiting Swakopmund on **3 August 2012** and agreed to reserve a final decision on the hosting of the games of 2013 until after deliberations with the attending Committee.

The meeting with NALASRA and SAIMSA was held on **Friday 3 August 2012** where the following issues were discussed.

- *More detail on the proposed SAIMSA budget.*
- *Responsibilities of MSSC towards SAIMSA delegations into financing accommodation and Subsistence allowances during the duration of the games.*
- *Expenses into Financial Regulations.*

After the matters were discussed it was recommended under item 5.1.

- (a) *That Council approves the hosting of the SAIMSA games in Swakopmund subject to the provisions as provided by SAIMSA Secretariat.*
- (b) *That the letter of approval to the Swakopmund Municipality from the Secretary General of the Southern Africa Inter-Municipal Sport Association, Ms T Dlamini, to host the SAIMSA Games 2013 from 22-28 September 2013 be noted.*
- (c) *That the memorandum of Understanding be held in abeyance pending the outcome of the meeting.*
- iv. *That SAIMSA be informed of the outcome of the meeting*

However, the General Manager: Health Services were requested to re-visit the budget, clarifying only the amounts that are to be paid by Council and that the budget then be tabled for final approval.

It was also agreed that the Memorandum of Understanding (MOU) will be re-visited after the finalization of the budget and that the outcome of the discussions on the budget will be reflected in the MOU.

At a meeting held on **13 August 2012** the General Manager: Health Services presented a detailed budget by means of a PowerPoint presentation and after discussions it was resolved that a spreadsheet reflecting the details as explained during the presentation be submitted to Management Committee on **16 August 2012**.

The Municipality of Swakopmund will be responsible for the expenditure as portrayed below: (Read together with **attached** budget).

LOC Administration fees N\$ 28 000:

1. *Information Materials: **Design and print Daily newsletter** at a rate of 15 issues per registered LA (Local Authority) per day which totals approximately **N\$ 3000.00***
2. *Appoint coordinator for (1) which have to travel on a daily basis to all the sporting events and venues **to record the highlights and then compiles a one page newsletter which is distributed daily. N\$ 10 000.00***
3. *Funds will also be used to **produce a programme of events**, mapping all the locations of venues and times of play. This document will also serve as an advertising medium for local business. **N\$ 15 000.00***

Anticipated means of income to cover the related expenses:

Discussions were held with Local experts in Marketing of special events and it was confirmed that synergies could be formed with sponsors to cover the related costs of printed media needed in return for free advertisements during the events. In their experiences **a saving of up to 30%** can be attained on this portfolio. It must also be noted that the appointed Marketing Specialist will engage all sponsors to save on the use of Council's Staff for the services required.

Anticipated Saving: N\$ 8 400.00	Expense: N\$ 19 600.00
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However, the aim is to get this portfolio fully sponsored.

OPENING CEREMONY: N\$ 48 000.00

This amount will cater for the opening ceremony logistics, music and equipment and contains:

Hiring of audio and Visual Equipment	N\$ 25 000.00
Special Displays, Sky Divers	N\$ 5 000.00
Cultural group Performances (Donation of N\$ 1000/Group X 5)	N\$ 5 000.00
Welcoming Marimba Band	N\$ 5 000.00
Announcer for the Ceremony	N\$ 7 000.00

The stakeholders for this portfolio will be requested to render their services free of charge or at a reduced cost.

Anticipated Saving: Still to be discussed	Expense: N\$ 48 000.00
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Officiators Costs, Referees/Umpires/facilities: N\$200 000.00

These funds are required to pay for referees and to secure venues other than Municipal Venues i.e. SFC etc.

Four referees (minimum) are required for each codes (5 codes)per day for 5 days at a probable cost of N\$ 2000.00 per week per referee = 100 referees x N\$ 2 000.00 for the week = N\$ 200 000.00.

Anticipated means of income to cover the related expenses:

- *The stakeholders for this portfolio will be requested to render their services free of charge or at a reduced cost.*
- *Local volunteers will be sourced as far as possible.*
- *These costs will be partially covered by the lease of stalls at the respective venues.*
- *3 Venues x 100 stalls/venue x N\$50/stall/day X 7 days = N\$ 105 000.00*

Anticipated Income: N\$105 000.00	Expense: N\$95 000.00
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The LOC endeavours to get the officiators to perform on a voluntary basis and will enter into negotiations with the owners of Private Sporting Venues for the use of their facilities e.g. SFC, Rossmund and Tennis Fraternity. This may lead to further savings.

Health and Emergency N\$ 40 000.00

Makes provision for the availability of qualified paramedics for the duration of the games and at all the utilized venues. The idea is to consult with local service providers and to make a donation to each for their services unless, they offer voluntary services. Service providers that will be requested for assistance include St Gabriel's, Eagle, E-med and the Local Fire Brigade Emergency services.

Anticipated Saving:

The stakeholders for this portfolio will be requested to render their services free of charge or at a reduced cost. Still to be negotiated

Medals and Trophies N\$ 60 000.00

Expenses for this Vote is dependent on how many Local Authorities enter for respective Sporting Codes but currently the SMSSC have to provide for the presenting of Medals in the following categories:

<i>Sporting Code</i>	<i>Medals N\$ 35</i>	<i>(@</i>	<i>Trophy (N\$ 250.)</i>	<i>Total Cost Medals</i>	<i>Total Cost Trophies</i>
<i>Soccer</i>	<i>(3x25) = 75</i>	<i>3</i>			
<i>Volleyball</i>	<i>(3x36) = 108</i>	<i>3</i>			
<i>Netball</i>	<i>(3x15) = 45</i>	<i>3</i>			
<i>Snooker</i>	<i>(8x3) = 24</i>	<i>2</i>			
<i>Tennis</i>	<i>(5x3) = 15</i>	<i>5</i>			
<i>Table Tennis</i>	<i>(2x3) = 18</i>	<i>2</i>			
<i>Darts</i>	<i>(6x3) = 18</i>	<i>6</i>			
<i>Golf</i>	<i>(6x3) = 18</i>	<i>3</i>			
<i>Angling</i>	<i>(6x3) = 18</i>	<i>3</i>			
<i>10km race</i>	<i>3</i>	<i>3</i>			
<i>21km Race</i>	<i>3</i>	<i>3</i>			
		<i>345</i>	<i>36</i>	<i>12 075</i>	<i>9 000.00</i>

These totals exclude honorary medals and are also subject to total entries into road races, because all road racers receive a medal if they complete the respective distances.

Anticipated Saving:

The marketing team will source for sponsors to cover the total expense related to the purchasing of the medals and trophies that may lead to a saving on the total amount.

MIDWEEK EVENT N\$ 130 000.00

This event is the Mayoral function and will be presented as a gala Dinner and the cost to Council will be @ N\$ 260.00 per person where 500 people are expected. It is however expected from all attendees to pay for their own seating and all indications are that the cost per table will be N\$ 3000.00 which will lead to the recovery of the expenses.

Anticipated Income: N\$ 150 000.00

Closing Ceremony N\$ 25 000.00

This is the occasion where the medals and trophies are handed over and the event carries a high protocol profile. The amount will cater for the closing ceremony logistics, music and equipment and contains:

Hiring of audio and Visual Equipment N\$ 25 000.00.

Anticipated Income:

The marketing team will source for Sponsors to cater for the Closing Ceremony expenses.

SECURITY N\$ 30 000.00

This amount will cater for the security services at the respective sporting venues.

Anticipated Saving:

The marketing team will source for Sponsors to cater for the Security expenses.

Accreditation N\$ 30 000.00

All registered Local Authorities are expected to register all participant by providing supporting documents. These documents have to be verified and recorded and during the games will be confirmed by issuing a valid participant and entry permit. The money is budgeted for the logistics to have the verification done on the days of registration.

Anticipated Saving:

The marketing team will source for Sponsors to cater for the Closing Ceremony expenses.

Marketing N\$150 000

This amount will cater for building up a “hype” for the games and even though the funds are provided for, the intention is to invite local stakeholders to buy into this project at a cost of N\$ 5000.00 and in return get the opportunity to market their companies or products for the duration of the games.

Anticipated Saving:

The marketing team will manage this portfolio at their own merits and with no additional charges to Council.

If 30 Companies buy into this portfolio the related expenses will be covered.

Accommodation:

The Municipal Bungalows will be offered as a first option to all participants. (862 beds) Expected attendees numbers to three thousand (3000+).

An investigation into the impact that the Games may have on the turnover for the month of September revealed the following:

Year	Total Income for September	Anticipated Income	Anticipated Income/Games
2009	669504.33		
2010	1077283.32		
2011	744166.72		
2012		1033444.00	
Average for 4Years	881 099.43		
2013 Games income/week			933 569.00
Anticipated Increase for week vs. Total for month			52 469.57

The investigation also revealed that if additional accommodation is booked via the Tourism Section, a 20% discount is offered, meaning that it will be to the benefit of Council to manage all reservations through Council's tourism offices.

The following table reflects the **Anticipated Income** from this source calculated at 10% and the customary 20% afforded to all tour operators:

Participants	Average Price pp/night	x 7 Nights	Commission @10%	Commission 20%
2138	300.00	4 489 800.00	448 980.00	897 960.00

Conclusion:

The Swakopmund Sports Committee in conjunction with the local stakeholders are committed to hosting the SAIMSA games in Swakopmund during **September 2013** and pledge to investigate all avenues possible to minimize the expenses for this special event and to create opportunities for the local communities to benefit from the staging of this sporting event.

The Swakopmund Municipal Sports and Social Club is also committed to host the event in accordance with all statutory requirements applied by Council and especially recognizing the Financial Regulations of Council.

The proposed budget as discussed with the Local Organizing Committee, the Chief Executive Officer and Management Committee as well as the amended MOU is now tabled for consideration.

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

RECOMMENDED:

- (a) That the proposed budget tabled by the Local Organizing Committee (LOC) of the Swakopmund Sport and Social Club be approved.**
 - (b) That the Memorandum of Understanding (on file) between the Municipality of Swakopmund and SAIMSA as amended, to host the SAIMSA games in 2013, be submitted to the IOC of SAIMSA for consideration.**
 - (c) That the LOC be mandated to plan the hosting of SAIMSA games in Swakopmund during September 2013.**
 - (d) That an amount of N\$1 000 000.00 be made available as a contribution towards the cost for the hosting of the Games of which N\$250 000.00 is to be paid over to the account of the International Organizing Committee of SAIMSA.**
 - (e) That the funds in (d) be budgeted for in the operational budget of the financial year 2013/14 against Councils Vote as determined by the General Manager: Finance.**
 - (f) That all expenses incurred by the LOC be done in accordance with the Municipal Financial Regulations.**
 - (g) That Mr C Lawrence be mandated to attend all related national and international meetings as approved by Council from time to time for the purpose of finalizing arrangements to host the SAIMSA Games in Swakopmund.**
 - (h) That the costs for travelling and subsistence of the LOC be funded from the approved funds in the SAIMSA 2013 budget.**
 - (i) That annual leave be granted to the staff member in (g).**
-

11.1.35 **REQUEST TO TRANSFER FUNDS AS A CONTINUATION PROJECT
TO THE 2012/13 CAPITAL BUDGET**

(C/M 2012/08/30 - M 2)

Ordinary Management Committee Meeting of 16 August 2012,
Addendum 10.4 page 00 refers.

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

An amount of N\$750 000.00 was budgeted in the 2011/12 Financial Year on the Capital Budget of the Cleaning Section in the Health Services Department for the purchasing pole refuse bins.

Tenders were awarded to Messrs Sididi Industrial Supplies in the Financial Year 2011/2012 for the supply & delivery of refuse bins. However, due to the delayed shipment of the bins the service provider could not meet the delivery time which expired at the end of **June 2012**. Subsequently no payment could be effected until the products are delivered.

Thus far the following items were delivered:

6 x 1000 litre wheelie bins
10 x 50 litre pole refuse bins
750 x 240 litre Mobile refuse bins

Outstanding is 750 x 240 litre which should be funded from Vote 301031615300 in the 2011/2012 Financial Year.

It is against this background that the Management Committee is requested to grant permission that the funds on Vote 301031615300 (1500 mobile refuse bins) be transferred to the current 2012/2013 Financial Year in order to pay Messrs Sididi Industrial Supplies once the rest of the products are delivered.

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

RECOMMENDED:

That the General Manager: Finance be authorized to transfer the funds on Vote 301031615300 (1500 mobile refuse bins) to the Capital Budget as a continuation project.

11.1.36 **REQUEST FROM SWAPO PARTY YOUTH LEAGUE (SPYL),
SWAKOPMUND DISTRICT FOR PERMISSION TO HOLD THE
SWAKOPMUND SPRING FESTIVAL AT MUNICIPAL FACILITIES**
(C/M 2012/08/30 - G 3/10/2, H 2/5, H 2/12, I 1/12)

**Ordinary Management Committee Meeting of 16 August 2012,
Addendum 10.5 page 00 refers.**

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

Attached letter hereto was received from the SPYL, Swakopmund District seeking permission to make use of Meduletu hall, Town Hall and Mondesa Sports Stadium free of charge during their upcoming Swakopmund Spring Festival activities which is schedule to take place from **01-09 September 2012**. The programmes accommodate fundraising, hence requesting permission to braai and sell alcohol at these Municipal facilities.

The purpose of the event is to bring people of different age together to enjoy themselves in a safe environment, learn about cultural values and create awareness of social evils that affect the society. The event will also promote sports and entrepreneurship among the community.

The Namibian Police will be deployed at the facilities during this festival to maintain peace and order.

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

RECOMMENDED:

- (a) That permission be granted to the Swapo Party Youth League in order to utilize various Municipal facilities during the upcoming Spring Festival to be held between 1-9 September 2012 free of charge to the value of N\$4 301.00.**
 - (b) That the amount of N\$4 301.00 be defrayed from the Publicity Vote 500510212700 where N\$10 000.00 is available.**
-