

# AGENDA

Ordinary Council Meeting

on

**THURSDAY**





**28 FEBRUARY 2013**

at

**19:00**



**MUNICIPALITY OF SWAKOPMUND**

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Ref No        A 2/3/5

Enquiries:    A Gebhardt

19 February 2013

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, 23 FEBRUARY 2013 at 19:00,**

**E U W Demasius**  
**CHIEF EXECUTIVE OFFICER**

AG/-

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(C/M 2013/02/28 - A 2/3/5)

3.1 Minutes of an **Ordinary Council Meeting** held on **31 January 2013**.  
(pp 01/2013 - 12/2013)

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

None.

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None.

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10. **REPORT TO COUNCIL ON RESOLUTIONS TAKEN BY PREVIOUS  
MANAGEMENT COMMITTEE MEETINGS HELD IN FEBRUARY 2013**

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10 (A) **MINUTES OF A SPECIAL MANAGEMENT COMMITTEE MEETING  
HELD ON 05 FEBRUARY 2013**

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8.1 **ERONGO RED: STRATEGIC SUB-COMMITTEE 1: REVIEW OF  
SHAREHOLDERS AGREEMENT**

(SM/C 2013/02/05 - A 4/3/1/16)

**RESOLVED:**

**That the following comments regarding the minutes be recorded and that the Chief Executive Officer gives feedback at the next Sub-Committee Meeting 1:**

- 4.1: *The Shareholders Agreement is not in conflict with the Company's Act. Note: it is SOME shareholders that are not satisfied with the current agreement.*
  - 4.3.1: *Recommend to remain with composition of BOD as is. Recommend that 4 Board Meetings and one Extra Meeting to discuss tariffs only be held annually. Remuneration of Board members should be fixed annual compensation.*
  - 4.4.1.1 *Erongo RED should be managed as a profit making institution, the profit margin should be limited (profit should not only be the only consideration) Dividends to be paid out annually as set out in the current Shareholders Agreement.*
  - 4.4.1.2 *Council prefers that Nampower remains a Shareholder of Erongo RED. On tax exemption Erongo RED should obtain a tax directive from the Minister of Finance for clarity purposes.*
  - 4.4.1.4-4.4.1.6 *This must be investigated to what extent it affects the shareholding of each respective shareholder.*
  - 4.4.3: *Remain with status quo.*
  - 4.4.3.1: *Recommendation is supported on condition that at least one of the big shareholders, i.e. Walvis Bay or Swakopmund is present.*
  - 4.4.4.1 *Board members are required to act in the interest of the Company only. Chairperson of the Board to be elected amongst Board members.*
  - 4.4.6.1: *Walvis Bay and Swakopmund should rotate Chairmanship of Shareholder Meetings.*
  - 4.4.7.1: *Remain with status quo as it has proven to work well.*
  - 4.4.8: *Declaration of Interest should be a standard Agenda item.*
  - 4.4.9.1: *Audit and Risk Committee and Nomination and Remuneration Committee to remain as they are.*
  - 4.4.10.1: *The proposed change for the selling of shares to the government, if no other shareholder can buy, is supported.*
-

10 (B) **MINUTES OF AN ORDINARY MANAGEMENT COMMITTEE MEETING  
HELD ON 14 FEBRUARY 2013**

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2. **CONFIRMATION OF MINUTES**

(M/C 2013/02/14 - A 2/3/5)

2.1 **MINUTES OF AN ORDINARY MANAGEMENT COMMITTEE MEETING  
HELD ON 17 JANUARY 2013**

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

**RESOLVED:**

That the Minutes of the Ordinary Management Committee meeting held on 17 January 2013 be confirmed as correct.

2.2 **MINUTES OF A SPECIAL MANAGEMENT COMMITTEE MEETING HELD  
ON 05 FEBRUARY 2013**

On proposal of Councillor N N Salomon seconded by Councillor Alderwoman R //Hoabes it was:-

**RESOLVED:**

That the Minutes of the Special Management Committee meeting held on 05 February 2013 be confirmed as correct.

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5. **REPORTS: HEADS OF DEPARTMENTS**

5.5 **FINANCE**

5.5.1 **TOTAL EXPENDITURE**

(M/C 2013/02/14 - D 7/3/2/1)

**RESOLVED:**

That the total expenditure of N\$17 425 225.52 from 01-31 January 2013 be accepted and approved as correct.

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

7.1 **MESSRS TEARS OF HOPE'S APPLICATION FOR AN ERF TO ESTABLISH  
AN ORPHANAGE**

(M/C 2013/02/14 - M 1790)

**RESOLVED:**

- (a) That this item be referred back and be resubmitted to the Special Management Committee meeting scheduled for 21 February 2013 at 18:30.
  - (b) That all applications for land by welfare organisations be submitted to the Special Management Committee in (a) above.
-



7.7      **MESSRS ROSSMUND GOLF COURSE CC: REQUEST FOR EXTENSION OF TIME: TRANSFER OF PORTION 116 A PORTION OF THE REMAINDER OF THE FARM SWAKOPMUND TOWN AND TOWNLANDS NO. 41**  
(M/C 2013/02/14                      -                      N 7/3/4/1)

**RESOLVED:**

That this item be referred back and that it be resubmitted with similar applications to ensure consistency.

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7.10      **APPLICATION TO PURCHASE LAND FOR INSTITUTIONAL PURPOSES**  
(M/C 2013/02/14                      -                      E 4666, E 4650, E 3342 & G 3/2/9)

**RESOLVED:**

That this item be kept in abeyance and be discussed with the applicants by the following members:

- *Mayor*
  - *Deputy Mayor*
  - *Chairperson of Management Committee*
  - *Town Planning Officer and Special Projects*
- 

7.17      **PROPOSALS FOR THE DEVELOPMENT OF NORTHERN BEACHFRONT**  
(M/C 2013/02/14                      -                      N 7/2/8)

**RESOLVED:**

That the Chief Executive Officer confirms the size of the development before the next Council meeting.

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8.      **POLICY MATTERS**

8.1      **APPLICATION TO REFUND MAINTENANCE COST FOR RUNWAY 06/24**  
(M/C 2013/02/14                      -                      N 9/1)

**RESOLVED:**

That this item be referred back and be submitted to the Airport Sub-Committee.

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8.4      **REQUEST FOR TOURS ON SEGWAYS**  
(M/C 2013/02/14                      -                      N 8/1/1)

**RESOLVED:**

- (a) That the application received from Mr L Kotzee to operate segways for tourist rides in Swakopmund not be approved due to safety reasons.
  - (b) That the applicant be informed that the proposed business venture does not conform to traffic laws.
-

8.5      **APPLICATION FOR PERMISSION TO OPERATE DONKEY CART RIDES IN SWAKOPMUND**  
(M/C 2013/02/14                      -                      N 8/1/1)

**RESOLVED:**

- (a)    That the application received from Ms C van Wyk to operate a donkey cart ride in Swakopmund not be approved due to safety reasons.
- (b)    That the applicant be informed that the proposed business venture does not conform to traffic laws.

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8.6      **APPLICATION TO LEASE THE HOUSE WHICH IS SITUATED AT THE SWAKOPMUND AIRPORT**  
(M/C 2013/02/14                      -                      N 9/1)

**RESOLVED:**

That this item be referred back and be submitted to the Airport Sub-Committee.

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8.13     **APPLICATION FOR CONSENT FOR THE CONSTRUCTION AND USE OF A GYMNASICS TRAINING HALL**  
(M/C 2013/02/14                      -                      E 912)

During the discussion of this item Mr R Kubirske declared his interest on the item and recused himself from the chamber. It was:-

**RESOLVED:**

That it be noted that Mr R Kubirske declared his interest and left the chamber.

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8.19     **OLD AND REDUNDANT ITEMS/EQUIPMENT: ENGINEERING SERVICES DEPARTMENT - WORKS SECTION**  
(M/C 2013/02/14                      -                      L 2)

**RESOLVED:**

That Head of Departments identify the items which are still in working order and exchange with other departments that might need the items and the rest or the material/equipment can be sold at the next public auction.

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8.20     **WRITING OFF OF OLD AND REDUNDANT OFFICE FURNITURE AND EQUIPMENT - TRAFFIC SERVICES**  
(M/C 2013/02/14                      -                      L 2)

**RESOLVED:**

That Head of Departments identify the items which are still in working order and exchange with other departments that might need the items and the rest or the material/equipment can be sold at the next public auction.

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8.21 **REDUNDANT ITEMS: COMMUNITY DEVELOPMENT SERVICES DEPARTMENT**  
(M/C 2013/02/14 - L 2)

**RESOLVED:**

That Head of Departments identify the items which are still in working order and exchange with other departments that might need the items and the rest or the material/equipment can be sold at the next public auction.

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8.22 **SALE OF REDUNDANT VEHICLES OF THE FIRE BRIGADE BY PUBLIC AUCTION**  
(M/C 2013/02/14 - L 2)

**RESOLVED:**

That Head of Departments identify the items which are still in working order and exchange with other departments that might need the items and the rest or the material/equipment can be sold at the next public auction.

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8.23 **WRITING OFF: OLD AND REDUNDANT EQUIPMENT – CORPORATE SERVICES AND HUMAN RESOURCES DEPARTMENT**  
(M/C 2013/02/14 - L 2)

**RESOLVED:**

That Head of Departments identify the items which are still in working order and exchange with other departments that might need the items and the rest or the material/equipment can be sold at the next public auction.

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8.24 **FINANCIAL AUDIT 2011/2012**  
(M/C 2013/02/14 - D 11)

**RESOLVED:**

That this item be referred back and that the General Manager: Finance provides a breakdown of the savings of N\$8.5 million and explanation why only N\$121 million of approve projects for the Capital budget was used.

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9. **PERSONNEL MATTERS**

9.1 **INTEREST FREE LOAN FOR CORPORATE WEAR**  
(M/C 2013/02/14 - B 1/1)

**RESOLVED:**

That this item be referred back and be resubmitted at the next Management Committee meeting after the financial implications have been determined.

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9.2 **REPORT ON THE MEETING HELD WITH NAPWU WITH REGARD TO APPOINTMENT OF CONTRACTORS TO PERFORM STREET AND OPEN SPACE CLEANING DUTIES**  
(M/C 2013/02/14 - A 2/3/15)

**RESOLVED:**

That the resolution taken by Management Committee on 15 November 2012 under item 9.1 be repealed and replaced with the following:

*That the 8 (eight) Street Cleaners positions be filled.*

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9.13 **PROPOSED PROMOTION POLICY**  
(M/C 2013/02/14 - B 1/8)

**RESOLVED:**

That this item be referred back and be resubmitted with the Performance Management System.

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9.15 **MEDICAL AID**  
(M/C 2013/02/14 - B 1/8)

**RESOLVED:**

(a) That all Medical Aid service providers be invited to give presentations to the workforce.

(b) That the workforce decides whether to belong to one or multiple Medical Aid service providers.

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9.17 **COUNCIL'S REPRESENTATIVES ON VARIOUS COMMITTEES AND BODIES - 2013**  
(M/C 2013/02/14 - A 2/3/1/4)

**RESOLVED:**

That the Chief Executive Officer submits an item to the next Management Committee meeting regarding the election of Erongo RED Board of Directors.

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9.18 **LETTER OF APPRECIATION**  
(M/C 2013/02/14 - A 2/3/1/6)

**RESOLVED:**

That the letter of appreciation submitted by the Secretary of the National Assembly be noted.

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

10.2      **PROPOSED ACCESS ROAD TO MOLE PARKING**  
(M/C 2013/02/14                      -                      N 7/4/4, N 8/13/1/4)

**RESOLVED:**

- (a) That a site inspection be conducted after the Management Committee meeting to determine the proposed access road to the Mole Parking.
  - (b) That this item be referred back and be resubmitted to the Special Management Committee meeting scheduled for 21 February 2013 at 18:30.
- 

10.3      **WINNING TEAM SEMINAR**  
(M/C 2013/02/14                      -                      A 4/3/1/3)

**RESOLVED:**

That this item be referred back and be resubmitted to the Special Management Committee meeting scheduled for 21 February 2013 at 18:30.

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10.4      **REGISTRATION OF 064 BAR**  
(M/C 2013/02/14                      -                      M 2186)

**RESOLVED:**

That this item be investigated by the Health Services Department and be resubmitted to the Special Management Committee meeting scheduled for 21 February 2013 at 18:30.

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10.5      **INSTALLATION OF SEPTIC TANKS AT THE DRC MARKET STALLS**  
(M/C 2013/02/14                      -                      H 5/4)

**RESOLVED:**

That this item be investigated by the Engineering Services Department and be resubmitted to the Special Management Committee meeting scheduled for 21 February 2013 at 18:30.

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10 (C) **MINUTES OF A SPECIAL MANAGEMENT COMMITTEE MEETING HELD ON 21 FEBRUARY 2013**

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5. **DISCUSSION POINTS**

5.1 **NEW ACCESS CORRIDOR TO MOLE PARKING - BUDGETING**

(S/M/C 2013/02/21 - N 8/1/2, N 7/4/1, N 7/2/1)

**RESOLVED:**

- (a) That Acting General Manager: Engineering Services budgets for the new access road from the end of Südstrand Street to the Mole Parking Area for the 2014 / 2015 budget.
- (b) That the character of the street be that of a pedestrian corridor with only slow moving vehicular traffic and that the street be designed with wide sidewalks and a median island - possibly with attractive planters or greenery.
- (c) That the Mole Parking be enlarged as shown on plan (on file) (Annexure B), namely from where the north-easterly corner of the corridor north of Erf 3546 E to the south-westerly point of the existing parking area is.
- (d) That the Place Naming Committee allocate a name for this access corridor with a sea and ocean related theme (e.g. Ocean Boulevard, Sea Street, Surf Street or similar).

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5.4 **CREATING WINNERS IN THE WORKPLACE: IN-HOUSE SEMINAR**

(S/M/C 2013/02/21 - B 1/4/8)

**RESOLVED:**

- (a) That permission be granted to the Councillors, Chief Executive Officer, General Managers and Managers to attend a two-day seminar offered by Messrs Jolene Nell Consultancy during May 2013.
- (b) That the costs of the course can be defrayed from each Department's Training Votes.
- (c) That special leave be granted to the Management Team during that period.
- (d) That the Chief Executive Officer arranges a capacity building workshop for Councillors.

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5.5 **ABLUTION FACILITIES FOR DRC INFORMAL MARKET**

(S/M/C 2013/02/21 - E 1/6, H 5/4/2)

**RESOLVED:**

- (a) That Acting General Manager: Engineering Services budgets an amount of N\$250 000.00 for the provision of ablution facilities at the

DRC Informal Market and the connection of water and drainage for it in the 2013 / 2014 budget.

- (b) That the intended system be connected to the main sewer network once the DRC is formalized.

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5.6

**FEEDBACK ON THE MEETING HELD WITH THE SAIMSA AND NALASRA DELEGATION DEALING WITH THE HOSTING OF THE SOUTHERN AFRICA INTER-MUNICIPAL SPORT ASSOCIATION GAMES (SAIMSA GAMES 2013)**

(S/M/C 2013/02/21 - J 10/1)

**RESOLVED:**

- (a) That this item be referred back and be resubmitted to the next Ordinary Management Committee meeting with the minutes of the SAIMSA LOC meetings held on 20 February 2013.
  - (b) That the report by the General Manager: Health Services pointing out that the Memorandum of Understanding signed on 20 February 2013 is not the same as the one approved by Council, be noted.
-

11. **RECOMMENDATIONS BY THE MANAGEMENT COMMITTEE**

11.1 **ORDINARY MANAGEMENT COMMITTEE MEETINGS HELD ON 14 FEBRUARY 2013**

11.1.1 **SALE / ALLOCATION OF RESIDENTIAL ERVEN AT EXTENSION 9, MONDESA (PDA)** **item is withdrawn from the agenda**  
(C/M 2013/02/28 - H 5/7)

Ordinary Management Committee Meeting of 14 February 2013,  
Addendum 7.2 page 10 refers.

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

1. The installation of electricity infrastructure at the Progressive Development Area (PDA), Extension 9, Mondesa, has been completed and the area has already been handed over to the Municipality. The total cost for installing all services amounted to N\$9 470 684.28 - VAT included.

The area concerned is 84 383m<sup>2</sup> in extend and consists of 234 residential erven, of which Erf 4018 is used to accommodate an electrical substation (**Annexure "A"**). As such the total cost per erf will be N\$112.49/m<sup>2</sup> (see details hereunder). The sizes of erven at this area range from 292m<sup>2</sup> to 617m<sup>2</sup>.

<b>PROGRESSIVE DEVELOPMENT AREA</b>		<b>(PDA)</b>	
Total Area for Erven		84,383m <sup>2</sup>	
No. of Erven		234	
		<b>Price/ m<sup>2</sup></b>	<b>Price per Erf</b>
Tender price for Civil Services		N\$1 564 734.66	N\$18.54
Consultancy Fees		N\$94 843.31	N\$1.12
Electricity Reticulation		N\$7 500 000.00	N\$88.88
Survey Cost		N\$129 841.62	N\$1.54
Town planning Cost		N\$22 000.00	N\$0.26
Supervision Cost @ 2%		N\$181 294.69	N\$2.15
<b>Total</b>		<b>N\$9 492 714.28</b>	<b>N\$112.49</b>
			<b>N\$40 567.09</b>

2. Recently, Council allocated erven at Extension 8, Mondesa (PDA) to various groups especially those living in Mondesa viz.
  - Build Together Program : at staggering prices between N\$15.00/m<sup>2</sup> and N\$23.00m<sup>2</sup>
  - National Housing Enterprise : at the development cost
  - Closed Bids : at the development cost and
  - Staff member: at the development cost.
3. In the same manner, Council is requested to once again consider allocating erven at Extension 9, Mondesa (PDA) to various groups/



individuals in order to build their houses considering the short supply thereof in Swakopmund. Such groups/ individuals can include but not limited to the following:

- **Staff Members** who have not owned property in Swakopmund before at development cost.
- **Closed Bids** to residents of Swakopmund who are first time home owners
- **Shivolo and Matheus**: Council to allocate two erven to Mr P Shivolo and Mr M Stephanus' estate (Council recently resolved to build two houses and sell them to Mr P Shivolo and Mr M Stefanus estates in lieu of Erf 2364, Mondesa
- **Build Together Program**: Another group that should be considered is the Build Together Program which needs 89 erven (including 32 from the "45 group") in order to accommodate all beneficiaries who have been allocated loans by the Ministry. This step is important as it will allow us to exhaust all Build Together funds allocated to the Swakopmund Municipality. Once such funds have been exhausted, the Municipality will again be free to request more funds for the financial year 2013/14.

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

**RECOMMENDED:**

- (a) That Erf 4018, Mondesa be transferred to Messrs Erongo RED as there is an Electrical Substation constructed on it.
- (b) That Erven 4020 and 4021, Mondesa be allocated to Mr P Shivolo and Mr M Stefanus respectively in lieu of Erf 2364, Mondesa, which cannot be subdivided.
- (c) That Council allocates 33 erven to the remaining Decentralized Build Together beneficiaries who formed the list of 45 as per the recommendation by the Ministry of Regional, Local Government, Housing and Rural Development and that the erven be sold at a subsidized staggered rate of N\$15.00/m<sup>2</sup> and N\$33.00/m<sup>2</sup>.
- (d) That Council allocates a further 58 erven to the members of the Decentralized Build Together Master List at a staggered subsidized rate of N\$15.00/m<sup>2</sup> and N\$23.00/m<sup>2</sup> and that the names of the beneficiaries be forwarded to the Decentralized Build Together Committee for approval.
- (e) That Council allocates 10 Erven to Municipal Employees and that these Erven be sold at an upset price of N\$129.00/m<sup>2</sup>.
- (f) That Council allocates 10 Erven to small scale Land Developers through a closed bid auction, which shall be concluded within 180 days from the Council resolution.
- (g) That Council allocates the remaining erven to the following categories and that they be sold on a Cost Limited Average Price Close Bid process as was conducted on the 7<sup>th</sup> and 14<sup>th</sup> September 2012, with an upset price of N\$129.00/m<sup>2</sup> for all erven:

- (i) *40 Erven to the Middle Low Income group (persons earning between N\$3 000.00 and N\$5 999.00 per month) to be sold at a maximum markup permissible of 25%.*
    - (ii) *40 Erven to the Upper Low Income group (persons earning between N\$6 000.00 and N\$8 999.00 per month) to be sold at a maximum markup permissible of 30%.*
    - (iii) *40 Erven to the Low Middle Income & Middle Income group (Persons earning between N\$9 000.00 and N\$11 999.00 per month) to be sold at a maximum markup permissible 35%.*
  - (h) That the deposit payable for the Cost Limited Average Price Close Bid be N\$500.00 per person registered.
  - (i) That the applicants who registered previously do not need to re-register.
  - (j) That the registration process for the Cost Limited Average Price Close Bid starts on 01 March 2013 and closes on 27 May 2013.
  - (k) That the date for the Auction be determined at the June 2013 Council meeting.
-

11.1.2 **MONDESA TAXI RANK - ERF 4353 MONDESA: EVALUATION OF THE PERFORMANCE OF MESSRS GINGER SPICE**  
(C/M 2013/02/28 - M 4353, N 8/15/9)

**Ordinary Management Committee Meeting of 14 February 2013,**  
Addendum 7.3 page 14 refers.

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

The Planning Forum on **09 October 2012** under item 4.9 resolved as follows:

*That the General Manager: Community Development Services investigates the performance of Messrs. Ginger Spice in terms of the lease agreement and report back to Planning Forum.*

Community Development Services Department undertook a thorough investigation of the operation of Messrs Ginger Spice at the taxi rank to determine whether the lessee is acting in accordance with the conditions of the lease agreement entered into between the Municipality and them. Through this process, the Community Development Services Department compared what is happening on the ground against what was intended and as such interpreted the reasons for any differences.

The Community Development Services Department found discrepancy in the following areas of operation:

- *Provision of security*
- *Cleanliness at the Taxi rank*
- *Payment of Municipal services*
- *Order and Safety*
- *Provision of administrative services*
- *Establishment of operating rules and procedures*
- *Illegal erection of permanent structures on the premises*

Details of findings are furnished below:

CLAUSE	CONDITION	FINDING	STATUS
4.5	<b>All charges in respect of the supply to the PROPERTY of electricity, water and other services shall be paid by the LESSEE regularly and in accordance with Municipal Regulations and tariffs from time to time in force.</b>	<i>The lessee is in arrears with N\$121 418.96 in respect of Municipal Services</i>	<i>In breach of contract.</i>
5.2.1	<i>Providing 24 hour security on the PROPERTY by ensuring that at least 2 trained security guards patrol and secure the PROPERTY during the day and at least 1 security guard patrols and secures the PROPERTY at</i>	<i>No security service is on site which has led to a disorderly and disorganized place.</i>	<i>In breach of contract.</i>

	<i>night</i>		
5.2.2	<b>Appoint sufficient cleaners to ensure that the <i>PROPERTY</i>, including, but not limited to, the paved surfaces and ablution blocks, is cleaned daily and maintained in a state of cleanliness at all times.</b>	Only one elderly person is currently working on site who cleans the Taxi rank on a random basis.	<i>In breach of contract.</i>
5.2.3	<b>Provide orderly and safe site for the parking of vehicles, embarking, disembarking of passengers, loading and unloading of goods.</b>	There is no order at the taxi rank due to lack of operating rules and non-existence of security guards.	<i>In breach of contract.</i>
5.2.5	<b>Provide administrative services as required ensuring the proper management of the <i>PROPERTY</i>.</b>	No administrative support exists at the taxi rank as Messrs. Ginger Spice closed their office on site.	<i>In breach of contract.</i>
5.2.6	<b>Provide a clear set of rules, guidelines and a pricelist for the use of the <i>PROPERTY</i> by taxis or buses.</b>	No consensus was reached between Messrs Ginger Spice and Taxi Operators on the set rules and guidelines.	<i>In breach of contract.</i>
6.1	<i>The LESSEE shall not be permitted to erect any buildings or permanent structures on the <i>PROPERTY</i>. The LESSEE may not start with or effect any alterations or excavations or ground works on the <i>PROPERTY</i> without the approval of the General Manager: Engineering Services of the LESSOR</i>	Various permanent and temporary structures have been erected without Lessor consent. Damages caused to property during the erection of illegal structures.	<i>In breach of contract.</i>

All contraventions raised above have been brought to the attention of Messrs Ginger Spice through discussions on various occasions and in writing (copies **attached**); however Messrs Ginger Spice failed to rectify these short comings up to date. On the other hand, Ginger Spice continues collecting rents from sub-leased kiosks, yet they failed to pay their Municipal services accounts.

Planning Forum on **15 January 2013** under item 4.9 resolved as follows:

- (a) *That the General Manager: Finance ensures that Messrs Ginger Spice pays all outstanding amounts in terms of rental fee and Municipal services.*
- (b) *That the General Manager: Finance ensures that the water supply to the car wash facility and kiosk is disconnected immediately in order to prevent further losses to Council.*
- (c) *That Messrs Ginger Spice be compelled to remove all unauthorized structures they have erected on the property and repair damages caused during the erection of such structures at own cost.*

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

**RECOMMENDED:**

- (a) That the lessee be informed that Council intends to terminate the Lease Agreement entered into between the Municipality of Swakopmund and Messrs Ginger Spice and that the lessee has 30 days to respond to the notice of termination.**
  - (b) That the Corporate Services and Human Resources Department attends to the leasing of the stalls and that the stalls be leased separately from the Taxi Rank.**
  - (c) That the current tenants of the kiosk be given first option to lease for the stalls they currently occupy.**
  - (d) That the General Manager: Finance ensures that Messrs Ginger Spice pays all outstanding amounts in terms of rental fee and Municipal services.**
  - (e) That the Engineering Services Department installs separate water meters to each kiosk and the car wash and that each tenant pays for their own consumption.**
  - (f) That Messrs Ginger Spice be compelled to remove all illegal structures within 30 days at their own cost and that they be held liable for damages that might have been caused by the illegal structures.**
  - (g) That Council removes the structures in (f) above in the event that Messrs Ginger Spice fails to remove them and that the cost incurred be recovered from Messrs Ginger Spice.**
  - (h) That Council approaches the Namibia Bus and Taxi Association to administer the area designated for Taxis and Busses on behalf of Council.**
-

11.1.3 **STEPS TO BE TAKEN WITH THE FORMALIZATION OF THE DRC**  
(C/M 2013/02/28 - H 5/4)

**Ordinary Management Committee Meeting of 14 February 2013,**  
Addendum 7.4 page 19 refers.

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

Following some initial discussions on the topic of formalizing the DRC, the Chief Executive Officer has compiled a discussion document on the steps to be followed to commence with the formalization of the DRC.

1. Establishment of Representative Committees:

- *DRC Residents,*
- *Backyard Squatters,*
- *DRC East and*
- *DRC West*

This process should be commenced with soonest as a number of discussions and meetings must be held to convey the ideas of Council, how it envisages the process of formalizing the DRC. For this to be achieved Council should hold public meetings with the various concerned groups to inform them of the purposed Committees.

These Committees should be established by the end of February 2013. Committees and the Community need to buy into the proposed solution for the development of the DRC and assist Council in the execution of all aspects of the project. Awareness must be raised early about the cost implication for residents to reside in a formal township, i.e. monthly basic fees and consumption cost.

Committees should preferably be small, i.e. about five members per group.

2. Registration of:

- *DRC Residents,*
- *Backyard Squatters,*
- *DRC East and*
- *DRC West*

All concerned residents need to be registered to ensure that those in need be considered only and that control can be exercised during the process of formalization. Registration should be done together and with the assistance of the various Committees that have been elected.

The registration of the various groups is earmarked to be done by Community Development Services during March/April 2013. Registration to capture income levels of residents.

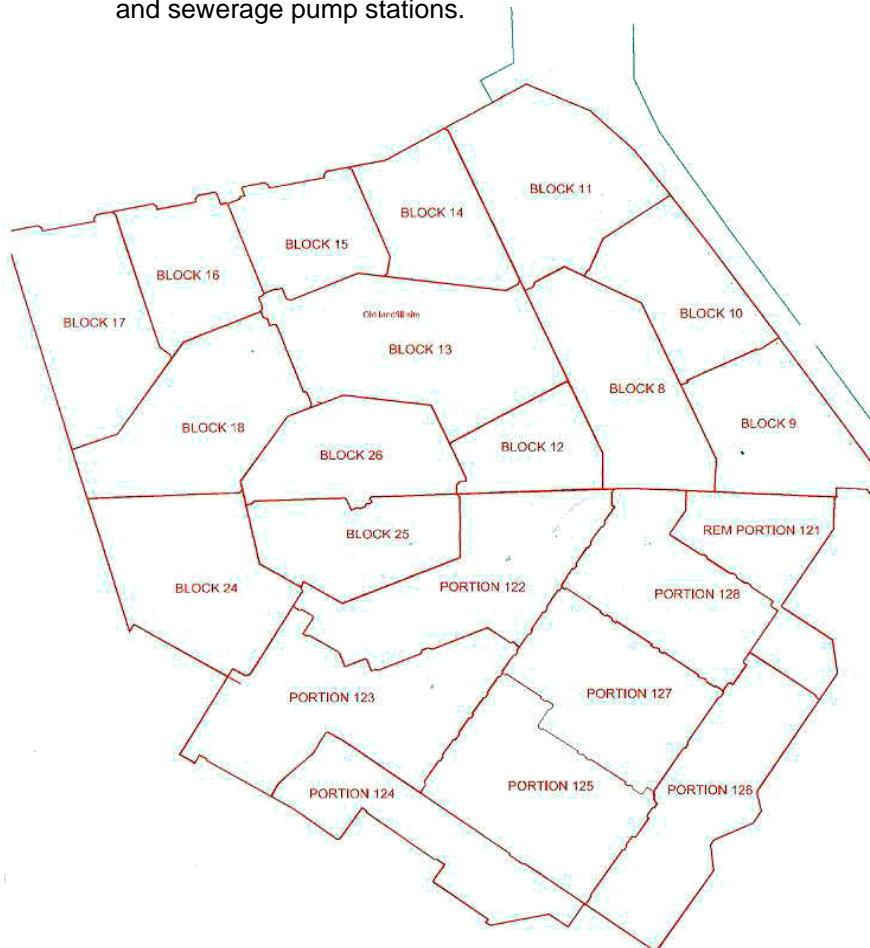
3. Survey:

- Block 8 (322 erven),
- Block 9 (286 erven),
- Block 10 (237 erven) and
- Block 11(364 erven)

Total: 1209 erven

This tender was awarded on the 25<sup>th</sup> of January.

Surveying of the above Blocks can done during February/March 2013 or as soon as possible thereafter, i.e. once agreement is reached with the concerned and affected groups where to move them. Illegal residents need to be moved away from the area surrounding the DRC as the area then needs to be surveyed and services must be installed, commencing with Bulk Services, i.e. main feeder lines for water supply and main sewerage pipelines and sewerage pump stations.



4. Install basic water provision on Blocks 8 to 11, i.e. pre-paid meter standpipes, on these Blocks. This must be commenced with and completed during March/April 2013.

5. Illegal Squatters to move to Blocks 8, 9, 10 and 11

The move is earmarked for April/May 2013. This goal can be achieved only if the Committees have been established and if agreement and consensus is reached on the way forward, i.e. the process of formalizing the DRC.

6. Survey

DRC (Portions 125, 127 and 128) 920 erven

- *Portion 121( 227 erven)*
- *Portion 122( 329 erven)*
- *Portion 123( 318 erven)*
- *Portion 124( 286 erven)*
- *Portion 126( 280 erven)*

*Total: 2360 erven*

The tender for the Survey of the DRC and 2<sup>ND</sup> PDA was awarded to C.G. Pieterse Professional Land Surveyors on 2 November 2012 for the amount of **N\$3 529 856.51 (VAT Included)**.

This survey can commence as soon as squatters vacate the area they currently occupy. Survey of the DRC can commence as of March 2013

7. Determine overflow from DRC to be moved to which erven, preferably to:-

- *Portion 121 ( 227 erven)*
- *Portion 126 ( 280 erven)*

*Total: 507 erven*

The current DRC layout is not acceptable to NAMPAB, although all erven are bigger than 300m<sup>2</sup>. The new layout thus requires that a number of residents must move to an area next to the DRC, preferably portion 121 and 126.

DRC residents could move to overflow erven in June/July 2013.

8. Blocks reserved for backyard squatters:-

- *Any erven left unallocated from*
- *Portion 121 to Portion 126*

Backyard squatters have been waiting patiently for erven and cannot be left out of this exercise, especially as they have not occupied land illegally, making the process of formalization much more difficult to solve.



9. Commence with installation of Bulk Services for Water Supply and Sewerage in July / August 2013.

The tender has been awarded to Consultants last year and the design has been completed for the Bulk Services and the internal services for the DRC and the surrounding area, referred to as the second PDA.

This can be made possible if Council negotiates with a civil contractor to execute the work for and on behalf of Council, instead of calling for tenders, thereby avoiding the lengthy and costly tender procedure.

Complete schedule of quantities end of February/March 2013

Negotiate price with contractors by end March/April 2013

Commence construction by end of May/June 2013

Funds for the installation of Bulk Services to be budgeted for in the 2013 / 2014 Financial Year.

Estimated Budget Amounts are as follows:

<i>Pump Station</i>	<i>N\$7,5 million</i>	<i>(incl. electricity supply)</i>
<i>Bulk Sewerage Phase 1</i>	<i>N\$7.5 million</i>	
<i>Bulk Water Supply Phase 1</i>	<i>N\$5.5 million</i>	
<b>TOTAL</b>	<b>N\$20,5 million</b>	

Council's Engineering Services Department is currently budgeting for these Services.

Alternatively, Council considers the proposal awaited from MPEACE for the installation of services and construction of housing units and then agrees on commencement dates.

10. Where possible commence with internal service (water and sewerage) on a labour-based method.

Funds for this purpose are being budgeted for. An amount of N\$ 10 million is earmarked in the budget.

Estimated Budget is as follows: →Portions 121 to 126: **N\$ 53 million**



11. Find housing/loan solution

Supplying erven to the residents in this area is not a solution, the real need is for a housing solution in accordance with the individuals' affordability levels. For this Council needs a partner to supply loans to the residents of the DRC.

Some options for Council are:

- (i) *Council considers the MPEACE proposal, still awaited.*
- (ii) *Council enters into an agreement with NHE to attend to the starter solution/housing needs. NHE would purchase the serviced erven at development cost from Council and NHE provides a housing solution in the form of a loan.*
- (iii) *Council applies for additional Built Together Loan funds for those who wish to construct their own starter solution and/or house. (A loan of N\$1 million provides 40 loans of N\$25 000.00 each).*
- (iv) *A combination of the above possible solutions.*
- (v) *Some future home owners may be in a position to finance their own houses, erven can then be sold to them directly.*

12. Commence with construction of housing solution.

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

**RECOMMENDED:**

- (a) **That Council arranges public meetings as soon as possible for the election of Committees representing the various interest groups and commences with discussions on the formalization of the DRC.**
- (b) **That the process of formalization be implemented step by step as set out below:**
  - 1. Establishment of Representative Committees:**
    - **DRC Residents,**
    - **Backyard Squatters,**
    - **DRC East and**
    - **DRC West**
  - 2. Registration of:**
    - **DRC Residents,**
    - **Backyard Squatters,**
    - **DRC East and**
    - **DRC West**
  - 3. Survey:**
    - **Block 8 (322 erven),**
    - **Block 9 (286 erven),**
    - **Block 10 (237 erven) and**
    - **Block 11 (364 erven)**

**Total: 1209 erven**

- 4. Install basic water provision on Blocks 8 to 11**
- 5. Illegal Squatters to move to Blocks 8, 9, 10 and 11**
- 6. Survey**

**DRC (Portions 125, 127 and 128) 920 erven**

- **Portion 121 (227 erven)**
- **Portion 122 (329 erven)**
- **Portion 123 (318 erven)**
- **Portion 124 (286 erven)**
- **Portion 126 (280 erven)**

**Total: 2360 erven**

- 7. Determine overflow from DRC to be moved to which erven, preferably to:-**

- **Portion 121 ( 227 erven)**
- **Portion 126 ( 280 erven)**

**Total: 507 erven**

- 8. Blocks reserved for backyard squatters:-**

- **Any erven left unallocated from**
- **Portion 121 to Portion 126**

- 9. Commence with installation of Bulk Services for Water Supply and Sewerage in July / August 2013.**
  - 10. Where possible commence with internal service (water and sewerage) on a labour-based method.**
  - 11. Find housing / loan solution**
  - 12. Commence with construction of housing solution.**
-

11.1.4 **FINANCING OF THE DEVELOPMENT OF THE DEMOCRATIC  
RESETTLEMENT COMMUNITY (DRC)**  
(C/M 2013/02/28 - H 5/4)

**Ordinary Management Committee Meeting of 14 February 2013,**  
Addendum 7.5 page 26 refers.

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

On **16 November 2012**, Council had an audience with a delegation, Messrs MPeace Developer Co (Pty) on **16 November 2012**.

During the discussion of this item, Mr A Grobler introduced his team which included representatives of Messrs MPeace Developer Co (Pty) Ltd and Messrs Lithon Project Consultants (Pty) Ltd. Mr A Grobler outlined the details of their application which is a joint venture initiative for the establishment of new residential suburbs in Swakopmund Northern Area and DRC / PDA 2 Area through a Special Project Vehicle (SPV) with the Municipal Council of Swakopmund. After various questions were raised and answered to the satisfaction of Management Committee, it was resolved:

*That this item be referred back and be resubmitted to Management Committee and that Messrs MPeace Developer Co (Pty) Ltd be informed to prepare a preliminary development proposal for consideration.*

**Attached**, the received proposal from Messrs MPeace Developer Co (Pty).

From the outset it must be stated that it is sad that since **16 November 2012** until the date of submission of this report no consultation took place with Council, as it was explained during the **16 November 2012** meeting that Council had already undertaken the Town Planning, completed the Statutory Processes, appointed Consulting Engineers for the design of Bulk and Internal services, both have been completed in the mean time, and appointed Surveyors to attend to all survey work.

During the said meeting it was stressed that a very basic house design should be submitted as part of the proposal which seems not to have been done.

Finally, the guarantee that sufficient finances are available or that a guaranteed financier is part of this project, is not yet clear.

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

**RECOMMENDED:**

- (a) That Council approaches the Line Ministry, The Governor of the Erongo Region, the Erongo Regional Council and the Constituency Councillor of Swakopmund to seek funds from the Government to expedite the installation of services.**
  - (b) That the proposal by Messrs MPeace Developers Co (Pty) not be accepted as this would not be beneficial to the residents who are waiting for Council to provide affordable services, whereas the proposal of Messrs MPeace Developers Co (Pty) is for the construction of houses in excess of what the residents of the DRC qualify for.**
  - (c) That an alternate site be offered to Messrs MPeace Developers Co (Pty) as part of a broader view of blocks that have been applied for by various property developers.**
-

11.1.5 **REQUEST FOR EXTENSION OF LEASE PERIOD FOR TEMPORARY  
BTS STATION AT THE PEBBLE BEACH AREA**

C/M 2013/02/28 - G 4/2/2/2)

**Ordinary Management Committee Meeting of 14 February 2013,**  
Addendum 7.6 page 62 refers.

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

**1. Introduction**

The two month lease period for the temporary mobile site of **Messrs MTC** lapsed on **31 January 2013**.

An application for the extension of the lease period of the temporary site for 5 months was received, dated **16 January 2013**.

**Messrs MTC** is awaiting the environmental clearance within 6 weeks, to build the permanent BTS site at Pebble Beach which Council approved on **30 August 2012**.

The construction of the permanent structure will be completed within 8 weeks from environmental clearance granted.

**2. Current Situation**

Council on **28 November 2012** approved **Messrs MTC's** application for a temporary site:

- (a) *That Council leases the site located in the Pebble Beach area to Messrs MTC for a two month period, commencing on 01 December 2012 and terminating on 31 January 2013; subject to the following standard conditions:*
  - (i) *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*
  - (ii) *That all costs be for the account of the lessee.*
  - (iii) *That Messrs MTC installs their own electrical meter so that any expense and cost generated be allocated to Messrs MTC.*
  - (iv) *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.*
  - (v) *That Council's intention to lease the area be advertised in terms of the Local Authorities Act, Act 23 of 1992, as amended.*
- (b) *That the temporary lease tariff be N\$19.02 / m<sup>2</sup> per month x 9m<sup>2</sup> = N\$172.80 + N\$25.92 (15% VAT) = N\$198.72.*
- (c) *That Messrs AGA Technical Services (Pty) Ltd provides Power of Attorney that they act on behalf of Messrs MTC.*

In support of their application, **Messrs MTC** emphasised in their letter of **24 October 2012** the utmost importance to erect the temporary Mobile BTS Station at the Pebble Beach Area, being:

- MTC has poor coverage in the Pebble Beach area and with the increase number of residents due to the festive season; customer frustration with poor service will be on the increase.
- The additional capacity provided by the mobile will improve services for the influx of the holiday makers.
- They need to provide excellent services to their customers.
- Residential expansions are in the increase in the area.

### 3. **Brief Background**

With reference to a letter received from Messrs **AGA Technical Services (Pty) Ltd** on behalf of **Messrs MTC** on **11 April 2012** requesting Council to construct a BTS Station at the Pebble Beach area, Council on **30 August 2012** passed the following resolution under item 11.1.9:

- (a) That the following sites not be considered due to private ownership:
  - (i) Sites Erf 66, Vogelstrand
  - (ii) Erf 127, Vogelstrand
- (b) That a Portion of a Public Open Space situated at Pebble Beach, Vogelstrand be leased to Messrs MTC.
- (c) That Messrs MTC adheres to the following requirements:
  - A maximum height of 25m
  - Should they insist that they wish to construct a 35 m tower on the portion of a public open space, a detailed letter motivating the additional height
  - 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 Messrs MTC installs their own electrical meter so that any expense and cost generated be allocated to Messrs MTC.
- (g) That a valuation be obtained from Council's appointed valuer and an additional valuer for determination of the lease rate.
- (h) 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.
- (i) That the Town Planner ensures that height of cell phone communication masts / self-supporting towers be regulated in the new Town Planning Scheme 35.

### 4. **Comments from Engineering Services**

For ease of reference the comments received from the Engineering Services Department is quoted (as per submission to Council of **28 November 2012**):



*The temporary site will not have a negative impact on the area. The Environmental Management Act of 2007 states that a clearance certificate can only be obtained for the construction of infrastructure for masts of any material or type and of any height, including those used for telecommunication and radio transmission.*

*The temporary BTS site will consist of an already existing mobile cellular communication base station; therefore no construction will take place. The mobile base station will be moved into a position and switched on to increase the cellular usage during the festive season in the area. At the end of the festive season, the mobile base station will be switched off, packed up and removed.*

## **5. Conclusion**

It is proposed that Council considers the extension of the lease period of the mobile BTS unit pending the issuing of the environmental clearance certificate and the completion of the permanent structure, for a period not exceeding 5 months, i.e. until 31 July 2013, subject to the existing conditions.

As the lease period is shorter than a year, it is not necessary to advertise the extension in terms of the requirements of the Local Authorities Act, Act 23 of 1992, as amended.

Once an environmental clearance certificate is issued, Council's intention to the lease the site for a period of 5 years as approved by Council on **30 August 2012**, will be published for possible objections.

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

### **RECOMMENDED:**

- (a) That the lease period with Messrs MTC for the temporary mobile BTS site located at Pebble Beach be extended with a period not exceeding 5 months, i.e. from 1 February until 31 July 2013, subject to the following standard conditions approved by Council on 28 November 2012:
    - (i) *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*
    - (ii) *That all costs be for the account of the lessee.*
    - (iii) *That Messrs MTC installs their own electrical meter so that any expense and cost generated be allocated to Messrs MTC.*
    - (iv) *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.*
  - (b) That the temporary lease tariff be  $\text{N\$}19.02/\text{m}^2$  per month  $\times 9\text{m}^2 = \text{N\$}172.80 + \text{N\$}25.92$  (15% VAT) = **N\$198.72.**
  - (c) That as soon as Messrs MTC provides the environmental clearance certificate for the site, Council's intention to lease the site for a five year period be advertised for possible objections as resolved by Council on 30 August 2012.
-

11.1.6 **NEW INDUSTRIAL AREA: PROGRESS ON INSTALLATION OF SERVICES AND PROPOSED AUCTION**

(C/M 2013/02/28 - G 4/1/3)

**Ordinary Management Committee Meeting of 14 February 2013,**  
Addendum 7.8 page 75 refers.

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

1. **INTRODUCTION**

1.1 Being inundated by enquiries to purchase industrial land, Council passed the following resolution on **25 October 2012**, under **item 11.1.2**:

- (a) *That Messrs Metje & Ziegler Group of Companies and all interested parties be informed of the anticipated auction in (b) below, whereby land will be sold prior to the completion of installation of services, but that occupation, payment and transfer will only be affected once the services are installed.*
- (b) *That Council considers, depending on the progress of the installation of services to the new industrial area as at the end of January 2013, to schedule a public auction during April 2013.*
- (c) *That a submission be tabled to the Management Committee meeting scheduled for February 2013 to consider (a) above.*

The submission tabled to Council on **25 October 2012** is attached as **Annexure "A"**.

1.2 In addition to the above, Council also approved the rezoning of some of the erven on the lay-out from "*General Business*" and "*Light Industrial*" to "*General Industrial*".

Council's resolution passed on **25 October 2012**, under **item 11.1.11**, quoted:

- (a) *That the rezoning Erven 4864 - 4874 Swakopmund from "General Business" to "General Industrial" and rezoning of Erven 4887 - 4901, Swakopmund from "Light Industrial" to "General Industrial" be approved.*
- (b) *That the Engineering Services Department attends to the rezoning of the above mentioned erven as soon as possible.*

Attached as:

**Annexure "B"** is a map indicating the new industrial area;  
**Annexure "C"** a list indicating the erf numbers, sizes and zonings; and  
**Annexure "D"** Council's standard conditions of sale for a commercial auction.

2. **CURRENT SITUATION**

With reference to point (b) of **item 11.1.2 - progress on the installation of services**- above, the Engineering Services Department confirmed as follows:

- *the project is 57% completed*

- all water and sewer services have been installed except fire hydrants which will be installed once sidewalks are completed
- currently busy with the construction of the road network which is at 34% completion
- schedule completion of civil works, end August 2013

Only once the figures from Erongo RED for the electrical network are available, it will be possible to calculate an upset price per square meter for the respective zonings.

With reference to point (b) of **item 11.1.11** above **progress on the rezoning** - the Town Planning Section confirmed that it is anticipated that the rezoning process can be finalized within 6 months and it is unlikely that it will be changed or turned down by the Honourable Minister of Regional and Local Government, Housing and Rural Development.

### 3. **CONDITIONS OF SALE**

Council receives numerous applications for industrial land for ventures that will not only provide jobs to locals, but also attract investments to the benefit of Swakopmund's economy.

Taking into consideration that Council would not like to lose these investors, and furthermore that planning a large construction project takes months to finalize, the following is proposed:

- *that, depending on the progress of the installation of services to the industrial area at the end of **January 2013**, Council considers to have a public auction as soon as an upset price per square meter is calculated, whereby the highest bidders will be allocated erven; but occupation, payment and transfer will only be effected once the services are completed.*
- *Council can recover the expense of the installation of services within a shorter period from the purchasers.*
- *The purchasers will have erf diagrams and certainty that an erf is allocated to them. This will enable them to proceed with the planning and design of their development, thereby saving time on approval of buildings plans and the subsequent commencement of construction.*

At the public auction of industrial erven held on **8 December 2005** Council's standard condition of selling one erf per entity was not applicable in cases where a purchaser purchased two adjacent erven for consolidation purposes and it proposed to waive the condition for the intended industrial auction as well.

Apart from the following 5 erven to be excluded from the auction, as well as Erf 4864 and 4869, Swakopmund (as per separate submission), 103 erven will be available for sale with zonings of *General Business, Light Industrial and General Industrial*.

<b>Erf No</b>	<b>Size</b>	<b>Zoning</b>	<b>Comments</b>
Erf 4799	4208	Light Industrial	A van der Walt Transport - exclude from Auction - Cnl Res of 25 Nov 10.
Erf 4828	10771	Light Industrial	COSDEF - Cnl Res 24 March 11.
Erf 4882	13640	Light Industrial	Exclude from auction for OB

			<i> Davids - Cnl Res of 25 Nov 10</i>
<i>Erf 4883</i>	<i>10082</i>	<i>Light Industrial</i>	<i>Exclude from auction for OB Davids - Cnl Res of 24 Nov 09</i>
<i>Erf 4886</i>	<i>4999</i>	<i>Light Industrial</i>	<i>Sold to RWJ McFarlane - Cnl Res of 24 Aug 04.</i>

<b>Erf No</b>	<b>Size</b>	<b>Zoning</b>	<b>Comments</b>
<i>Erf4864</i>	<i>7 517</i>	<i>Gen Industrial</i>	<i>SME Industrial Park</i>
<i>Erf 4865</i>	<i>6 000</i>	<i>Gen Industrial</i>	<i>SME Industrial Park</i>

It is anticipated that should Council decide to avail all erven at one auction, that the business community will be able to obtain industrial land at reasonable prices, if not at the upset price.

For interest sake, quoted below is the outcome of the last auction of industrial land held on **8 December 2005**:

<i>Erven available auctioned</i>	:	<i>66</i>
<i>Erven sold</i>	:	<i>42</i>
<i>Transactions cancelled</i>	:	<i>6</i>
<i>Upset price / square meter</i>	:	<i>N\$ 170.00</i>
<i>Average Price / square meter obtained</i>	:	<i>N\$179.00</i>
<i>Average price / erf</i>	:	<i>N\$734 755.00</i>
<i>Total proceeds</i>	:	<i>N\$30 859 725.00</i>

#### 4. **PROPOSAL**

The following is proposed:

- 4.1 That once the cost from Erongo RED for the electrical network are available, an upset price be calculated for the ① *General Business erven*, ② *Light Industrial* and ③ *General Industrial erven* respectively.

*In terms of Council's Property Policy the upset price be determined at not less than the cost for the installation of services plus 25%. The large size of most of these erven should be kept in mind which might result in an unreasonable high upset price.*

- 4.2 That it be confirmed that all the available erven, 103 will be offered for sale on auction and that should any erven remain unsold at the auction, these be sold in terms of Council's Property Policy, i.e.:

##### 1.3.4 **Unsold Erven**

- (i) *Should any erven remain unsold after the auction a second round will be held where such remaining erven will be sold to the highest bidder on the day and at the venue of the auction, irrespective of the status of the bidder, or whether the bidder has already purchase an erf during the first round.*
  - (ii) *The erven not sold as per point (i) above, be submitted to the Management Committee for consideration of the future sale thereof.*
- 4.3 That once upset prices are determined, Council considers a date to schedule the industrial auction, keeping in mind at least two months are required in order to advertise Council's intention to sell these erven in terms of the Local Authorities Act, to arrange the auction and allow ample time to the auctioneer to advertise the auction and for the Property Section to handle all possible enquiries and explain the conditions of sale.

- 4.4 That the prospective purchasers take note that the auction is scheduled prior to 100% completion of services, therefore occupation, payment and transfer will only be effected once a notice is delivered to the purchaser that the services are complete.

*It should be noted that 15% VAT is applicable on the sale of these erven, therefore Council will not be able to levy a deposit of the purchase price, but a refundable registration fee, which will be forfeited should the transaction be cancelled for whatever reason.*

*In order to avoid speculation, it is proposed that a higher refundable registration fee be required, i.e. N\$40 000.00.*

- 4.5 Except for the aforementioned change, Council's standard conditions of sale for commercial auctions be applicable.

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

**RECOMMENDED:**

- (a) That the previous resolution by Council to sell by auction be repealed and replaced to sell by closed bid.
  - (b) That once the cost for the electrical network is available from Erongo RED, an upset price be determined at a cost of not less than the cost for the installation of services plus 25% for the ① *General Business erven*, ② *Light Industrial* and ③ *General Industrial erven* respectively.
  - (c) That an additional amount of N\$100 000.00 be made available for the Environmental Impact Assessment.
  - (d) That the conditions be as follows:
    - (i) *That the bidder shall submit a bank approved guarantee within 30 days, which shall be valid for 90 days for the entire amount of their bid.*
    - (ii) *That transfer of the property can only take place once the services have been completed.*
    - (iii) *That 15% VAT is applicable on the sale of these erven.*
    - (iv) *That the erven to be rezoned be excluded from this process.*
    - (v) *That a refundable deposit of N\$5 000.00 be applicable.*
-

11.1.7 **FEEDBACK REPORT: ESTABLISHMENT, OPERATION AND FINANCING OF PPP ARRANGEMENT WITHIN THE SWAKOPMUND MUNICIPALITY**

(C/M 2013/02/28 - A 2/3/15)

**Ordinary Management Committee Meeting of 14 February 2013,**  
Addendum 7.9 page 87 refers.

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

**1. INTRODUCTION:**

Management Committee on **4 September 2012** resolved as follows:

- (a) *That the request of the PPP Groups for Council to consider extending their contract for an additional six (6) years or to appoint them on a permanent basis be noted.*
- (b) *That the General Manager: Community Development Services submits the history and background of the establishment of the PPP's at a Special Management Committee to be arranged.*
- (c) *That the General Manager: Finance investigates the viability of extending the contract, permanent employment and establishing business entities of the PPP Groups and report back to Management Committee taking into account the following:*
  - (i) *Legal implications*
  - (ii) *Financial implications*
  - (iii) *Recruitment policy*
  - (iv) *Regulations pertaining to business registrations in the DRC*
- (d) *That the PPP's be given feedback not later than December 2012.*

**2. BACKGROUND INFORMATION:**

The term Public Private Partnership refers to: *"a range of possible relationships between public and private actors for the cooperative provision of Municipal services. It therefore offers alternatives to full privatisation by combining the social responsibility, environment awareness and public accountability of the public sector, with the finance, technology, managerial efficiency and entrepreneurial spirit of the private sector".*

Some of the reasons why local authorities may enter into joint business venture:

- *To improve delivery of Municipal services*
- *To promote economic development*
- *To create employment opportunities for the town's residents*
- *To empower the unemployed by equipping them with the necessary skills*
- *To supplement the town's revenue or cut cost.*

The PPP initiative was launched by the UNDP with the aim of strengthening local government and private sector (including civil society groups) to develop requisite skills and capacities for crafting innovative partnership in order to improve delivery of municipal services. The programme was executed by the Ministry of Regional and Local

Government, Housing and Rural Development as part of the decentralisation process.

During **October 2002**, Public Private Partnership for Urban Environment Programme Coordination together with the Institutional Development Division under the Decentralisation Coordination Directorate organised a five (5) days basic training workshop in Grootfontein. Councillors, officials, civil society and private sector, country wide participated in this workshop.

Another workshop was held in Swakopmund where Councillors and officials of the Swakopmund Municipality were given training on the principles, nature and types of PPP initiatives.

The National Forum on Public Private Partnership for the Urban Environment was held in Otjiwarongo from **25 to 26 November 2003**; the Mayor and Public Relations Officer attended the Forum in order to gain more insight into PPP initiative. At this forum, the Guiding Principles and Policy Guidelines for PPP's were discussed, including presentations on private sector participations and the role of civil societies in PPP's.

Management Committee on **15 July 2003** resolved as follows:

- (a) *That the committee consisting of the Town Secretary, PRO, Safety- & Loss Control Officer, Community Services Manager, Deputy Town Health Officer and all available Councillors, be established and the first meeting be convened by the Community Services Manager to compile a guideline policy on -*
  - *How do we make the services available?*
  - *How do we consider the processing of applications?*
  - *How do we manage the process?*
- (b) *That the PRO obtains the policy guidelines in use by the Municipalities of Walvis Bay and Windhoek to be submitted to the aforementioned committee for consultation.*
- (c) *That the list be updated with the items submitted by the Community Services Manager before it is forwarded to the PPP's Scheme.*

The committee met on numerous occasions with the aim of formulating the PPP policy that would govern the implementation of the partnership initiative. The policy was approved by Council on **26 February 2004**.

**The policy makes provision for:**

- *A decision to explore entering into PPP projects*
- *Defined the various functions to be availed to the public (local community organisations) for PPP projects*
- *Necessary budgetary provisions to be made*
- *Councillors and officials to spearhead and manage the process*

**Implementation of the PPP initiative:**

It started off with public meetings where the community was informed about functions identified for the PPP projects and the date and method of application were also conveyed. The criteria were also explained to the public i.e. that preferential treatment will be given to Swakopmund residents where groups should have a good representation in terms of

gender balance and other considerations. Emphasis was placed on job creation for the people who are unemployed.

Application forms for projects were made available to the groups to complete in respect of functions outsourced. Upon receiving the forms the proposals were evaluated, preferred bidders were selected and the contracts signed with them.

**Contract:**

To test the waters the successful bidders were awarded one year contracts which were extended to three (3) years, delivery standards were also set. The idea was to empower community groups to become business entities through training in order for them to compete in the open market once the contracts come to an end.

Council became responsible for providing the necessary training, tools and equipments, as well as safety gears to ensure proper service delivery and monitor compliance with safety standards. In addition Council has been responsible for payment to the groups for service rendered.

The PPP groups were held accountable for tools and equipment under their care while Council provided the overall supervision over performances and activities of the PPP group concerned.

The first batch of PPP's contract came to an end on **30 June 2010**. The new intakes are on three years contract which will come to end on **30 June 2013**.

**Sites and responsibilities of the current PPP Groups:**

**Mole Beach:**

The group consist of three (3) members and they are responsible for keeping the Mole and the beach clean of seaweeds and to inform the Municipality when the skips are full.

**Mondesa Cemetery:**

The group is made up of six (6) members and they are in charge of the cleaning and upkeep of graveyard: planting, watering and trimming of plants and shrubs as well as digging of graves.

**Mondesa Play Park:**

This group comprises two (2) members they maintain the plants, grounds, recreational area including repairing of the irrigation system. They water, weed, trim and fertilize the lawns, shrubs, trees and flower beds. They are also responsible for monitoring kids' activities while visiting the park and respond to enquiries from the public.

**Sewerage Plant:**

The group consist of four (4) members who are in charge of milling manure, putting manure in bags, carting bags to a designated point with wheelbarrows and loading bags on trucks.



### **Street Sweepers:**

There are five (5) groups consisting of six (6) members each and are responsible for sweeping sand off the tarmac and depositing the sand into containers (skips, trucks or trailers)

### **3. FINANCE:**

The table below shows a breakdown of expenses to Council in respect of the nine (9) PPP groups of which the annual cost under the current financial year will amount to N\$891 000.00. The nine (9) PPP currently rendering services to the Swakopmund Municipality consist of 45 individuals.

<b>GROUP NAME</b>	<b>ANNUAL COST</b>
<i>Angel Group (4)</i>	<i>79 200.00</i>
<i>Let's Work Together (2)</i>	<i>39 600.00</i>
<i>Dankie Group (3)</i>	<i>59 400.00</i>
<i>Hanganeni Group (6)</i>	<i>118 800.00</i>
<i>DRC Cleaning (6)</i>	<i>118 800.00</i>
<i>Ehafo Group (6)</i>	<i>118 800.00</i>
<i>Pomwene Opawa (6)</i>	<i>118 800.00</i>
<i>Keetute Group (6)</i>	<i>118 800.00</i>
<i>Sunshine (6)</i>	<i>118 800.00</i>
	<b>891 000.00</b>

Based on a salary scale of A1 position of N\$103 890.00 per annum (total cost), Council would have to pay N\$4 675 050.00 per annum (N\$103 890.00 x 45) if all 45 individuals were to be appointed on a permanent basis.

### **4. IMPACT ON THE RECRUITMENT POLICY**

Regarding the Swakopmund Municipality's Recruitment Policy, Corporate Services and Human Resources Department advised that, should Council decide to create permanent positions, such positions will have to be advertised as prescribed in the policy.

However with the creation of permanent positions (fire fighter positions) in the Fire Brigade Section, Council took a deliberate resolution to the effect that voluntary firemen who meet the requirements be encouraged to apply for the newly created positions as reflected below:

- (a) *That the new structure and shift system for the Swakopmund Fire Brigade as per the report submitted by the Chief: Fire Brigade be approved as follows:*

<i>2010 / 2011 Financial Year</i>	<i>2011 / 2012 Financial Year</i>	<i>2012 / 2013 Financial Year</i>
<i>Deputy Fire Chief &amp; 4 x Firemen</i>	<i>5 x Firemen</i>	<i>5 x Firemen</i>

- (b) *That Job Descriptions be compiled and be graded by the Grading Committee and the result thereof together with the total financial implications be submitted to Council for consideration.*

- (c) *That provision be made for the positions on the 2010/2011 Operational Budget and the positions be filled in terms of Council's Recruitment Policy as from 01 July 2010.*
- (d) *That to compensate for the long hours, a 25% across the board exemption allowance is to be payable in addition to the salary. The advantage being that this amount could be annually budgeted for and that the immediate scenario of escalating overtime claims and standby allowance could be addressed and gradually fall away.*
- (e) *That the current voluntary compliment be reviewed after the appointment of the firemen.*
- (f) *That the Fire Chief and Deputy Fire Chief continue to do standby duties on a rotation system and that they assume associated incident command roles as needed.*
- (g) *That the current voluntary firemen that meets the requirements be encourage to apply for these newly created positions.*

On the basis of the above resolution, voluntary fire fighters who met the requirements were considered on the same basis as Council employees.

## 5. **REGISTRATION OF BUSINESSES**

The regulations guiding the registration of businesses in **Swakopmund** inter alia states that;

GN No 354, REGISTRATION OF BUSINESSES, of **November 2002**, inter alia states,

*3, (1) No person may engage in business within the area of the Local Authority unless a registration certificate has been issued by the Registration Officer in respect of such business.*

*Reg 15. (1) Stipulates any person who – Contravenes or fails to comply with any provisions of the Business Registration Regulations or any condition imposed in terms thereof or hereunder;*

*Shall be guilty of an offence and on conviction liable to a fine not exceeding N\$2000.00 or imprisonment for a period of not exceeding 6 months or both such fine and such imprisonment.*

In order to register any business or to issue a fitness certificate to such business, the applicant has to meet all the statutory requirements with the Town Planning Requirements in terms of the fixed premises i.e. zoning, consent use etc. Meet all Health requirements for the operation of the business.

Meet the minimum building standards for the operation of the business in terms of applicable National legislation and Council policies, and paying the required registration fees.

The situation in the DRC however is somewhat different in that the premises occupied by the residents, are not registered even which is a requirement for the registration of businesses.

Council however called for the compilation of minimum standards to accommodate the applicants from the DRC and at a Council meeting

held on **24 April 2008** under item 11.1.30 it was inter alia resolved as set out below:

- (a) *That the following minimum requirements for the operation of shebeens in the DRC informal settlement in Swakopmund be approved.*
- (i) *The floor of the premises shall be constructed of material with a smooth finish that can be properly cleaned (e.g. concrete floor with steel towelled topping).*
  - (ii) *Serving counters and seating arrangement for customers, appropriate to the premises and to the maximum number of customers which may be served at any time must be provided.*
  - (iii) *A Sketch of the premises concerned showing: the dimensions of each room on the premises must be submitted for approval.*
  - (iv) *All doors, windows, and counters, if applicable, including places of entry into the premises and streets or other places from which the premises may be entered must be indicated on the sketch.*
  - (v) *The Structure shall be constructed from material with a lower flammability quality. (i.e. Nutec Sheet, Gypsum Board or solid wood) and materials such as plastic, cardboard or carton structures will not be allowed and that the Health Services Department conduct an inspection prior to the approval of the applications.*
  - (v) *The minimum size of the premises to be used as a Shebeen shall be 6m<sup>2</sup> which area shall not be part of or be used as a dwelling or sleeping room.*
  - (vii) *An approved toilet facility must be available onsite for the use of customers visiting the Shebeen in addition to the ones currently provided by Council and which is shared by two families.*
  - (viii) *A receptacle/container with tight fitting lid for storage of clean water as well as a basin (bowl to wash your hands) must be provided on site.*
  - (ix) *The tenant of the Erf must be the operator of the Shebeen and proof of the same must be obtained from the General Manager: Community Development Services and must be submitted attached to the application form.*
  - (x) *The times of operation of the Shebeen must be displayed on the structure (Shebeen) i.e.:*
    - ◆ *On any day, excluding a Sunday from 10h00 to 24h00*
    - ◆ *On a Sunday, from 10h00 to 14h30 and from 18h00 to 24h00;*
- (b) *That all applicants apply for consent use as per Council's Home shop and Shebeen policy.*
- (c) *That all applications for Shebeens in DRC be submitted to the Management Committee for approval.*
- (d) *That a Letter of Consent for the approval of the operation of a Shebeen be issued to successful applicants.*
- (e) *That Council reserves the right to withdraw consent use if valid objections and or complaints are received against the operation of the Shebeen.*
- (f) *That an annual registration fee of N\$138.00 plus VAT be payable with every application and as approved by Council from time to time.*
- (g) *That the General Manager: Health Services provides a comparative analysis of the situation between Windhoek and Swakopmund.*

At a meeting held on **14 July 2011**, under item 7.5, Management Committee discussed proposed amendments to the Swakopmund

Shebeen and Home Policy and the following submission was table to Council for approval.

*"Recently there was a concern raised regarding the number of Shebeens being approved within Swakopmund. There is also a concern that the misuse of alcohol leads to poor family relation, poverty and mainly women and child abuse. Engineering Services Department in collaboration with the Health Services Department investigated the number of Shebeens approved and registered within the town. Based on the information received from the Health Services Department it was concluded that there are 71 Shebeens and Bars in Mondesa of which 70 are registered and 1 is not registered. In DRC there are 57 Shebeens with 15 registered and 42 not registered (See **attached** Management Committee Addendum of **12 May 2010**."*

With the above in mind the following is a recommendation that will positively respond to this situation:

*That no shebeen application will be considered if it falls within a distance of 150m from another approved and registered shebeen, Institutional Building and Place of Instruction.*

Council on **28 July 2011** under item 11.1.2 resolved as follows:

- (a) *That the revised Swakopmund Shebeen and Home Shop Policy be approved.*
- (b) *That the Engineering- and Health Services Departments enforce the rules and regulations as stipulated by the policy.*
- (c) *That all Shebeens and Bars which are not registered be closed down by 30 September 2011.*

It can be concluded that although Management Committee discussed enforcing a moratorium on the registration of shebeens and home shops in the DRC, no such resolution was recorded and that only the amended Shebeen and Home shop policy was approved. So in actual fact, applications for businesses in the DRC should still be considered by Council.

## **HOW DOES THIS IMPACT ON THE PPP STRATEGY**

Experience has shown that apart from one PPP group, Ebony Cleaning Services, who performed Public Toilet Cleaning services, no other PPP groups performing services on behalf of the Municipality of Swakopmund were officially registered with the Health Services Department as a business.

Discussions about the effectiveness of the PPP Strategy have indicated that it will be to Councils benefit to rather appoint private groups sourced from the Swakopmund Community, to render services to Council as a private entity. These private groups will have to operate as a registered company in order to qualify as a service provider.

If however the aim is to source for unemployed qualifying groups as service providers, the registration requirements will have to be adapted/abandoned, as a lot of the proposed groups will not have the capacity to register as a formal business.

It is thus suggested that the appointment criteria makes provision or to cater for the groups that will fall in to the above category or Council should consider

exempting groups with similar challenges from the official business registration requirements.

## **6. LEGAL IMPLICATIONS**

Comments in this regard are still awaited.

## **7. CONCLUSION**

Recently PPP groups have requested for their contracts to be extended, if they cannot be appointed on a permanent basis. The matter was submitted to the Management Committee of 15 November 2012 where after the following was resolved:

*That this item be referred back for further investigation and be resubmitted to Management Committee with the original aims and objectives of the PPP.*

As indicated earlier on, the PPP concept was or is used as a vehicle to address the growing demand for Municipal services. The government with the assistance of the UNDP embraced the PPP for Urban Environment Programme. This programme was aimed at building capacity at the regional and local authority levels in order to create favourable conditions for the mutually beneficial relationships among actors in public, private and civil society.

The overall goals and objectives of the PPP interventions were:

- *Speedy delivery of services*
- *Create employment and enhance local economic activities: PPP ventures were expected to empower unemployed local residents including women who form companies or organizations operating on sound business principles.*
- *Enhance entrepreneurial opportunities to benefit the low income stratum of community: Council envisaged that implementation of properly designed partnership contracts will help PPP groups graduate into fully fledged business entity able to compete in the open market when their contracts come to an end.*
- *Reduce cost for services e.g. reduction of unaccounted for services (water, electricity, debt accumulation, etc.)*
- *Maximize revenue - satisfied customer would be willing to pay for services rendered.*

### **Input and assistance from Council:**

In an effort to groom the PPP groups the following were extended to them:

- *Training in various areas of operation (Human Resources Management, Entrepreneurship, Finance and Safety training)*
- *Provision of tools, equipments as well as safety gears*
- *Supervision and the setting of performance standards*

In spite of the above efforts, the outcome looks quite different e.g.:

- *None of the PPP groups could manage to graduate into a business entity upon the conclusion of contract.*
- *Individuals within the various groups rather see themselves as contract workers and not as contractors, this explaining their request to be appointed on a permanent basis.*

- *It would appear that the performance of most PPP groups are not satisfactory.*

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

**RECOMMENDED:**

- (a) That PPPs be encouraged to register and obtain a certificate of approval from the Health Services Department and that the General Manager: Health Services provides Council with the current and previous PPP groups to identify how many companies are registered.
  - (b) That Council provides scopes for the various services that the “small contractors” need to execute.
  - (c) That Council provides compulsory training to the PPP groups regarding the tender regulations and on how to complete the tender documents.
  - (d) That the “small contractors” be provided with performance contracts and that quarterly reviews be conducted by a Performance Review Committee consisting of the following members:
    - (i) *The Mayor / Deputy Mayor*
    - (ii) *One member of the Management Committee*
    - (iii) *One ordinary member of Council*
    - (iv) *Chief Executive Officer*
    - (v) *Economic Development Officer*
    - (vi) *One Union representative (Non Voting)*
    - (vii) *The contracts Administrator (Non Voting)*
    - (viii) *The members of (i) to (iv) shall have one alternative and a quorum shall be 3 (three) voting members being present.*
-

11.1.8 **DETERMINATION OF PURCHASE PRICE FOR ERF 2771, SWAKOPMUND**

(C/M 2013/02/28 - E 2771)

**Ordinary Management Committee Meeting of 14 February 2013, Addendum 7.11 page 102 refers.**

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

**1. INTRODUCTION**

With reference to a letter dated **23 October 2012** received from Messrs NamPower (Pty) Ltd, Council passed the following resolution on **28 November 2012**:

- (a) *That point (a) (a) (ii) of Council resolution of 28 September 2012, item 11.1.4 be repealed and replaced with the following:*  
*That consent be granted to Messrs NamPower (Pty) Ltd to construct a separate 11kV Switchgear Room to accommodate Erongo Red's outgoing feeders on Erf 2771, Swakopmund while ministerial approval for the sale of the erf is awaited.*
- (b) *That Council sells Erf 2771, Swakopmund to Messrs NamPower (Pty) Ltd at a market related price.*
- (c) *That Messrs NamPower (Pty) Ltd provides Council with a letter of exemption from the Ministry of Environmental and Tourism i.e. Environmental Clearance Certificate(s) for existing infrastructure / activities which were constructed before the Environmental Management Act, Act 7 of 2007, implemented.*

Prior to the above decision, Council on **27 September 2012**, among other passed the following decision:

- (a) *That the sale of Erf 2771, Swakopmund to Messrs NamPower (Pty) Ltd be approved, subject to the following conditions:*
  - (a) **IN PRINCIPLE APPROVAL BY COUNCIL**
    - (i) *That the applicant takes note that no rights will accrue to him / her unless all the conditions are complied with in full and all the relevant authorities have given the necessary permission, if applicable.*
    - (ii) *That the probable market valuation assuming the applicable zoning be obtained from Council's appointed municipal valuer and an additional valuer, for consideration and approval by Council.*

Submission tabled to Council of **28 November 2012** is attached as **Annexure "A"**.

**2. MARKET VALUATION**

Requests were submitted to Messrs The Trust & Estate Co (Pty) Ltd and Messrs Nasikama Property Valuation & Consultancy CC dated **28 September 2012** and **4 December 2012**.

Subsequent to various enquiries, a market valuation was received from Messrs The Trust & Estate Co (Pty) Ltd indicating the value at N\$300.00/m<sup>2</sup>, i.e. **N\$3 320 000.00** for Erf 2771, Swakopmund (**Annexure "B"**).

At the closing date for submissions to the Management Committee, no valuation was received from Messrs Nasikama Property Valuation & Consultancy CC.

Only the land belongs to Council, the 2010 municipal valuation of the property is as follows:

- *land* = **N\$1 108 000.00**
- *improvements* = **N\$1 336 000.00**

The sale of Erf 2771, Swakopmund to Messrs NamPower (Pty) Ltd is subject to the conditions resolved by Council on **27 September** and **28 November 2012**.

### 3. DISCUSSION

Seeing that no valuation was received from Messrs Nasikama Property Valuation & Consultancy, no comparison can be made to determine a purchase price other than what Messrs The Trust & Estate Co (Pty) Ltd calculated.

It is therefore proposed to sell Erf 2771, Swakopmund at either

- (i) *The market valuation of N\$ 3 320 000.00; or*
- (ii) *The Municipal valuation of N\$ 1 108 000.00.*

As per **Annexure “C”**, Messrs NamPower (Pty) Ltd accepted Council's conditions in writing on **10 January 2013**.

### 4. APPLICATION BY ERONGO RED

An application was received from Messrs Erongo Red dated **27 December 2012**, attached as **Annexure “D”**, requesting Council to consider the lease or sale of a portion of Erf 2771, Swakopmund to Messrs Erongo Red.

It is also mentioned in their letter that they had discussions with Messrs NamPower (Pty) Ltd and appointed consulting engineers to start with the design of the switching station they intend to build on the portion.

Due to the lengthy process of subdividing land, which will further delay the sale of Erf 2771, Swakopmund to Messrs NamPower (Pty) Ltd, it is proposed that Messrs Erongo Red be informed to further negotiate with Messrs NamPower (Pty) Ltd in this regard, and provide Council with an agreement or any other conclusion reached between the parties following their negotiations.



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

**RECOMMENDED:**

**That point (b) of Council's resolution of 28 November 2012 and point (c) of Council's resolution of 27 September 2012 be repealed and replace with the following:**

- (a) That Council donates Erf 2771, Swakopmund to Messrs NamPower (Pty) Ltd and that they be responsible for the transfer cost.**
  - (b) That Messrs NamPower (Pty) Ltd indicates which portion of Erf 2771, Swakopmund, measuring 11 083m<sup>2</sup> can be donated to Messrs Erongo RED, who needs ±1 400m<sup>2</sup>.**
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11.1.9 **EXTENTION: SALE FOR SINGLE RESIDENTIAL ERVEN: PUBLIC AUCTION OF 3 AUGUST 2012**

(C/M 2013/02/28 - G 3/3/2/15, G 3/9/7)

**Ordinary Management Committee Meeting of 14 February 2013,**  
Addendum 7.12 page 111 refers.

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

**1. INTRODUCTION**

Council on **28 November 2012** passed the following resolution:

- (a) *That Council extends the due date for payment of the purchase price until 17 January 2013 to all purchasers who have signed the Deed of Sale.*
- (b) *That those purchasers who failed to return the signed Deeds of Sale 02 November 2012 be informed that the transaction is cancelled and their deposit is forfeited.*
- (c) *That the levying of interest on transactions where the purchasers have returned signed deeds of sale be suspended until 17 January 2013.*

The purchasers who returned their signed Deeds of Sale on / before **02 November 2012** were informed of points (a) and (c) above as per letter dated **05 December 2012** (example of letters attached as **Annexure "A"**).

Purchasers who failed to return the signed Deed of Sale were informed of point (b) above, as per letter dated **04 December 2012** (example of letters attached as **Annexure "B"**).

Apart from the above official letters, the purchasers were constantly e-mailed and telephoned repeatedly by the property section, PA to the General Manager: Corporate Services and the Conveyancer, since **3 August 2012**, to comply with the conditions of sale.

**2. BACKGROUND**

Council sold 120 single residential erven on **03 August 2012** at a public auction. The due date for payment of the purchase price or providing a guarantee was **Friday, 02 November 2012**.

With reference to the conditions of sale, it was stated that should the full purchase price not reflect on Council's bank account on / before Friday, **02 November 2012** (cash at 15:00 at the Cashiers / electronic at 23:59), the transaction will be cancelled, without the need for Council to place the purchaser on terms.

It was suggested that Council should extend the payment date due to the delay in having the general plan registered.

The table below is a summary of the difference as recorded on the two respective due dates.

	02 Nov 12	17 Jan 13
<i>Number of Purchasers paid in full</i>	<b>49</b>	<b>59</b>
<i>Number of Purchasers paid a portion of the purchase price</i>	<b>3</b>	<b>1</b>
<i>Purchasers signed deeds of sale but not paid</i>	<b>38</b>	<b>28</b>
<i>Number of confirmed cancellations</i>	<b>30</b>	<b>32</b>
<b>TOTAL</b>	<b>120</b>	<b>120</b>

**20** purchasers were informed of Council's resolution passed on **28 November 2012** per registered post that their transactions are cancelled as no signed deeds were in place on **2 November 2012**.

**10** purchasers confirmed their intentions to cancel in writing.

### 3. **DISCUSSION**

#### 3.1 **Cancellation**

With reference to the payment and cancellation of transactions of erven sold at the public auction, the conditions of sale reads as follows:

*"Should the full purchase price not reflect on Council's bank account on / before Friday, **02 November 2012**(cash at 15:00 at the Cashiers / electronic at 23:59), the transaction will be cancelled, without the need for the Municipal Council to place the purchaser on terms.*

*Should the sale be cancelled for whatever reason by the purchaser, all moneys paid to the Municipal Council of Swakopmund shall be forfeited and the sale of the erf be cancelled and offered for sale in terms of Council's Property Policy".*

The transactions for the sale of erven for purchasers who failed to make payment before / on the extended due date as approved by Council, being **17 January 2013**, must be cancelled in terms of conditions of sale.

Purchasers who voluntarily cancelled their transactions and those that failed to settle the full purchase price before the due date have forfeited the N\$ 5 000.00 deposit paid to Council, as stipulated in the conditions of sale.

The total sum earned by Council for 60 cancellations is the amount of **N\$ 300 000.00** due to forfeited deposits; and after the 0.5% commission paid to the auctioneer is deducted (**N\$ 160 242.50**) the amount of **N\$ 139 757.50** remains.

(i) **Wasted Costs Incurred by Conveyancer**

It was confirmed with Messrs Kinghorn Associates that the wasted costs incurred for the preparation of the transfer documents, various consultations and numerous telephone calls to the purchasers and financial institutions, amount to N\$350.00 per transactions at average, i.e N\$21 000.00.

Taking into consideration that Council on **27 September 2012** passed the following resolution, it can be assumed that the next auction might be the sale of these cancelled erven which will be allocated to Messrs Conradie & Damaseb Attorneys to attend to:

*(b) That instructions to transfer property resulting from an auction be rotated, i.e. irrespective of the geographical area, the two legal practitioners be given turns to attend to the transfers.*

It is therefore proposed that Messrs Kinghorn Associates provides Council with an invoice for the wasted costs incurred for the cancelled transactions, which amount be paid to Messrs Kinghorn Associates from the forfeited deposits.

In terms of Council's Property Policy approved on **31 January 2013**, the erven cancelled must be submitted to the Management Committee for consideration of the future method of sale thereof.

3.2 **Requests for further extension**

The following requests were received from purchasers to be accommodated even after the extended due date:

3.2.1 **Erf 5289, S**

The purchase price for Erf 5289, Swakopmund is N\$455 000.00 of which the purchaser paid the N\$5 000.00 deposit and N\$350 000.00 on **02 November 2012**. A balance of N\$100 000.00 is outstanding.

The conditions of sale does not make provision for the payment of the purchase price in installments. It is therefore proposed that the purchaser pays interest (10.75%) on the outstanding N\$100 000.00 from 3 August 2012 until date of settlement of the outstanding amount.

3.2.2 **Erf 5304, Swk, Erf 5343, Swk and Erf 5330, Swk**

Further to that, the above three purchasers plead that Council will make an exception for them to submit their guarantees that they only managed to obtain after the extended due date.

Should Council grant a further extension to these three purchasers it will amount to unfair and unequal treatment of

those purchasers whose transactions were cancelled in terms of the conditions of sale.

### 3.2.3 **Erf 5317, Swk**

Similar to the above, the purchaser of Erf 5317, Swakopmund provided a bank guarantee in the amount of N\$318 500.00 to the conveyancer for partial payment of the purchase price in the amount of N\$455 000.00.

As per the reconciliation received from our Finance Department, no further payment was made.

### 3.3 **Future Sale of Erven**

Various enquiries have been received from public members interested in acquiring the erven in Extension 15, as to when the erven cancelled (sold at an auction) will be made available for sale.

The number of erven that have been cancelled amounts to sixty one (61), depending on Council's resolution regarding Erf 5289, Swakopmund and including those three transactions whereby the purchasers will only be able to provide bank guarantees after the extended due date. A list of all erven cancelled with upset prices and purchase prices is attached as **Annexure "C"**.

Further to above, Council owns two (2) "*General Residential*" erven situated at Block 7, Extension 15. With regard to these erven, Council on **28 June 2012**, among others, passed the following resolution:

*(b) That the General Residential erven be sold on a date to be determined.*

The cost of installation of services to Extension 15 amounts to N\$ 167.00 / m<sup>2</sup> which amount does not include 6% cost escalation. The upset price for the single residential was approved at N\$ 222.00 / m<sup>2</sup>.

In terms of Council's approved Property Policy for commercial auctions, the upset price is determined by Council, but not less than the cost for the installation of services plus 25%; which amounts to **N\$208.75 / m<sup>2</sup>**, being lower than the average price per m<sup>2</sup> obtained at the auction for the *single residential* erven i.e. **N\$ 746.00 / m<sup>2</sup>**.

### 3.4 **Determination of Upset Prices**

The 120 erven were sold at an upset price of **N\$ 222 / m<sup>2</sup>** but due to high demand for property, the prices escalated to **N\$ 746.00 / m<sup>2</sup>** resulting in some of the purchasers not being able to secure funds for them to make payments for their erven.

In the past it has been Council's practice to sell cancelled properties on auction at the purchase prices obtained at the auction.

It will also not be fair to those purchasers that paid market related prices for their erven in the same extension, if the new auction results in much lower prices.

The lowest purchase price from the cancelled erven was **N\$ 420 000.00** for a 600m<sup>2</sup> erf (**N\$ 700 / m<sup>2</sup>**) and the highest was **N\$ 700 000.00** for an 881m<sup>2</sup> erf (**N\$ 795 / m<sup>2</sup>**).

Also for interest sake, the prices are listed as per **Annexure "C"**, which are in some cases less and some higher than the bid price.

Furthermore, the recent average purchase price obtained by a private developer in the vicinity amounts to **N\$ 759 / m<sup>2</sup>**.

#### **4. Conclusion**

- 4.1 It is proposed that the sale **Erf 5304, Swk, Erf 5343, S and Erf 5330, Swk** to the purchasers who did not make payments for the erven on the due date being **17 January 2013**, neither secured the purchase price by formal bank guarantee, be cancelled.
- 4.2 That Council approves the levying of 10.75% interest as per the conditions of sale for 3 August 2012 until settlement, on the outstanding balance of **N\$100 000.00** for the payment of **Erf 5289, Swk**.
- 4.3 That Council approves the sale of sixty one "*Single Residential*" erven and two "*General Residential*" erven to be sold on public auction on Friday, **17 May 2013**.
- 4.4 That Messrs Kinghorn Associates provides Council with an invoice for the wasted costs incurred for the cancelled transactions, which amount be paid to Messrs Kinghorn Associates from the forfeited deposits.

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

#### **RECOMMENDED:**

- (a) That the deadline for all successful bidders, who participated in the Public Auction held on 3 August 2012, and those who did not comply with the terms and conditions of the auction be extended to 30 March 2013.
  - (b) That any erven not sold by 30 March 2013 be sold by closed bid at the price obtained at the auction.
  - (c) That Council approves the upset price for the two general residential erven, being Erven 5159 (10 425m<sup>2</sup>) and 5160 (11 413m<sup>2</sup>), Swakopmund at **N\$210.00/m<sup>2</sup>**.
-

11.1.10 1. **CANCELLATION OF SALE OF BLOCK 2 TO ROSSING URANIUM LIMITED**

2. **ERVEN REMAINING AT EXTENSION 3**

(C/M 2013/02/28 - G 3/9/2)

**Ordinary Management Committee Meeting of 14 February 2013, Addendum 7.13 page 120 refers.**

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

1. **Introduction**

Council approved the sale of Block 2 to Messrs Rössing Uranium Limited on **24 February 2011**:

(c) *That the exchange of Block 9 for Block 2 be accepted and Blocks 20 and / or 21 (blocks forming part of the structure plan approved by Council on 28 October 2010), at a nominal purchase price of N\$10.00 per block on condition that Messrs Rössing Uranium Ltd provides lay-outs and the services at their cost and Council receives 50% of the serviced erven of the Block.*

A deed of sale was compiled by Messrs Kinghorn Associates, but could not be concluded as the general plan was outstanding. The erven that will remain in Council's ownership could accordingly not be identified.

It was confirmed with Messrs Rössing Uranium Ltd that they have not yet commenced with the installation of services as they were considering the financial viability of servicing all the erven and return 50% to Council. A meeting in this regard was held on Monday, **4 February 2013** in the office of the Chief Executive Officer. Messrs Rössing Uranium Ltd submitted the attached letter dated **4 February 2013**, stating that they are no longer in a position to continue with the development of Block 2.

2. **Current Situation**

The Surveyor-General approved the general plan (GP 167) for Extension 3 (consisting of Blocks 1 and 2 and 26 erven belonging to Council) on **30 November 2012**, and Council is attending to the opening of a townships register and the registration of the general plan in order to be able to transfer the subdivided erven. Block two comprises of 94 single residential erven and 1 institutional erf.

3. **Additional Erven of Extension 3**

The following erven are not allocated to either Tutungeni and also did not form part of the transaction now cancelled by Messrs Rössing Uranium Limited:





	Erf Number	Size
1	695	686
2	696	600
3	697	600
4	698	600
5	699	600
6	700	600
7	701	600
8	702	600
9	703	600
10	704	600
11	705	758
12	706	1 618
13	707	899
14	708	800

	Erf Number	Size
15	709	800
16	710	747
17	711	1 057
18	712	800
19	713	800
20	714	800
21	715	1 116
22	716	1 350
23	717	1 255
24	718	1 337
25	1239	1 811 institutional
26	1241	944 POS

4. **Staff Erven**

From the above, Council has 118 single residential in Extension 3, Tamariskia which are not serviced.

Council decides on an annual basis on the allotment of erven to staff members and it is proposed to reserve 15 of the 118 single residential erven in Extension 3, Tamariskia for municipal staff members.

5. **Cost of Statutory Disciplines**

It should be noted that Tutungeni Properties (Pty) Ltd attended to the statutory disciplines, i.e. townships establishment and the compilation of a general plan for Extension 3 (comprising Blocks 1 and 2 and the additional erven).

Messrs Rössing Uranium Ltd was responsible for the payment for the *pro rata* cost to Messrs Tutungeni Properties (Pty) Ltd, which will now be payable by Council.

6. **Proposal**

It is proposed that the Management Committee selects 15 erven to be reserved for municipal staff members.

In conclusion it is proposed that the Engineering Services Department budgets for the servicing of the erven belonging to Council in Extension 3, Tamariskia.

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

**RECOMMENDED:**

- (a) That Council takes note of the cancellation of the transaction of Block 2 of Extension 3, Tamariskia to Messrs Rössing Uranium Limited.**
  - (b) That Council confirms the reservation of 15 single residential erven of Block 2 of Extension 3, Tamariskia for Municipal staff members.**
  - (c) That Council considers the method of sale of the residential erven (closed bid / public auction) and the method of allocation of the staff erven (years of service / random allocation), once the installation of services to the said erven nears completion.**
  - (d) That the Engineering Services Department budgets for the servicing of the erven of Extension 3, Tamariskia (excluding Block 1) in the 2013/2014 capital budget.**
  - (e) That Council takes note of the *pro rata* payment to be made to Messrs Tutungeni Properties (Pty) Ltd for the statutory disciplines for the establishment of a township, i.e. Extension 3, Tamariskia; which amount will be included in the calculation of the upset price of the erven.**
-

11.1.11 **INVITATION FOR LEASING LIGHT INDUSTRIAL INCUBATION SITE**

(C/M 2013/02/28 - H 5/7)

**Ordinary Management Committee Meeting of 14 February 2013,**  
Addendum 7.14 page 123 refers.

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

**1. Introduction**

With reference to the three sites available at the brick making area being site E, F & H situated at the Remainder of Portion 5 of Swakopmund Town and Townlands No.41 and adjacent to the railway, Council on **28 November 2012** under item 11.1.35 resolved as follows:

- (a) *That the "Invitation for Lease Proposals" (on file) document be approved with reference to the proposed activities, improvements to be erected and provision of services.*
- (b) *That the site cancelled by Ms L M Xaweb be included in the invitation for lease proposal documents in line with the Council resolution passed on 29 March 2012.*
- (c) *That the notice for the invitation for lease proposal be posted to the various applicants on file who expressed their interest to obtain a site at the area.*
- (d) *That the applicants take note of the available services and that any additional services will be installed at their cost.*

In line with the above resolution, a notice was published in Namib Times and Namibian newspapers inviting Small, Micro and Medium Enterprises to submit their lease proposals on / before **4 January 2013**. Previous applicants were also informed to submit their proposals.

The invitation of proposals was subject to the Council's standard lease conditions and interest parties were required to attach the following documents together with their complete proposals:

- (a) *Copy of registration certificate / trade license;*
- (b) *Certificate of Good Standing from the Social Security Commission*
- (c) *Affirmative Action Certificate from the Ministry of Labour*
- (d) *VAT Certificate from the Inland Revenue Office (annual turnover estimated to exceed N\$ 200 000.00)*
- (e) *A detailed business plan*
- (f) *Copy of ID and Municipal Services account*

Each site measures 1 000m<sup>2</sup> and is to be lease at N\$ 0.26/m<sup>2</sup> for a period of 5 (five) years.

**2. Application Received**

On the closing date being **04 January 2013** at a close of 12:00, only one application was received, being from Messrs PIHM Investments CC represented by Mr Immanuel Shikongo (**Annexure "A"**).

Messrs PIHM Investments CC intends to sell domestic gas for cooking to the Mondesa and DRC community from the lease

portion. The proposed activity is in line with the light industrial use. Messrs PIHM Investments CC submitted the required documents except the Affirmative Action Certificate which is not required as the entity employs less than 25 people, being a SME.

Messrs PIHM Investments CC has not indicated which site they prefer to lease, but they intend to fence the proposed leased area with steel mesh boundary to ensure the safety of tanks and containers.

3. **Enquiry from Messrs PIHM Investments CC**

In addition to the lease proposal submitted, Messrs PIHM Investments CC also attached a letter (**Annexure “B”**) requesting Council to avail serviced land located centrally in Swakopmund and Walvis Bay in order to distribute gas efficiently.

In this regard it is proposed to inform Messrs PIHM Investments CC of Council intended auction of industrial erven.

4. **Additional Requirements**

4.1 **Safety Requirements**

It was confirmed with the Chief Fire Brigade that, depending on the nature of the gas distribution operation, various safety requirements have to be adhered to.

4.2 **Environmental Management Act**

The business venture proposed by Messrs PIHM Investments CC is listed as an activity that may not be undertaken without an environmental clearance as per the Environmental Management Act 7 of 2007:

**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**

**HAZARDOUS SUBSTANCE TREATMENT, HANDLING AND STORAGE**

9.1 ...

9.2 ...

9.3 ...

9.4 *The storage and handling of dangerous goods, including petrol, diesel, liquid petroleum gas or paraffin, in containers with a combined capacity of more than 30 cubic meters at any one location.*

9.5 *Construction of filling stations or any other facility for the underground and aboveground storage of dangerous goods, including petrol, diesel, liquid, petroleum, gas or paraffin.*

The Environmental Management Act, Act 7 of 2007 was promulgated in the Government Gazette on 6 February 2012. It is the responsibility of the lessee to comply with the Act; the act is your responsibility.

5. **Proposal**

Taking into consideration that Messrs PIHM Investments CC meets all the requirements and their proposed business venture is in line with the use of a light industrial area, it is proposed that their application be approved.

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

**RECOMMENDED:**

- (a) That the lease proposal of Messrs PIHM Investments CC to lease a site at the Light Industrial Incubation Area measuring 1 000m<sup>2</sup> x N\$0.26 m<sup>2</sup> = N\$260.00 per month plus 15% VAT to sell domestic gas for cooking, be approved subject to the standard lease conditions.
  - (b) That the lease period be 5 years.
  - (c) That Site E be allocated to Messrs PIHM Investments CC.
  - (d) That the two sites remaining be leased to Small, Micro and Medium Enterprises on a first-come-first-served basis.
  - (e) That Messrs PIHM Investments CC be informed that the lease of the area will be subject to the adherence to the safety regulations applicable to the distribution of domestic gas.
  - (f) That Messrs PIHM Investments CC be informed to submit an Environmental Compliance Certificate for the operation of their proposed business venture.
  - (g) That Messrs PIHM Investments CC be informed of the intended auction of industrial erven.
-

11.1.12 **DEVELOPMENT PROPOSALS FOR GENERAL RESIDENTIAL ERVEN AT THE PDA MONDESA**

(C/M 2013/02/28 - H 5/7, M 3289, 3290, 3291)

**Ordinary Management Committee Meeting of 14 February 2013, Addendum 7.15 page 141 refers.**

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

**1. Introduction**

Council on **26 July 2012**, under item 11.1.11 passed the following resolution:

- (a) *That the offer to sell Erven 3289, 3290 & 3291, Mondesa to Messrs Dr Theo Ben Gurirab Private Hostel be revoked.*
- (b) *That development proposals be invited from the public on the sale of the three (3) "General Residential" erven.*

The purpose of this submission to for Council to consider whether to:

- 1.1 proceed with its decision to call for development proposals; or
- 1.2 rather invite closed bids for the purchase of these three erven.

**The reason being that** "General Residential 2" erven does not allow the wide range of options to develop as would "General Business" erven. Thus limiting the criteria Council can use to select purchasers.

Notwithstanding the above, the draft development proposal is attached as **Annexure "A"**.

**2. Property Description**

Erven 3289, 3290 and 3291, Mondesa are situated at the Progressive Development Area and are zoned "General Residential 2" in terms of the Swakopmund Town Planning Amendment Scheme No 12.

<b><i>Purposes for which land may be used</i></b>	<b><i>Purposes for which land may be used and buildings may be erected and used with the special consent of the council only</i></b>
<i>Dwelling House/s, Blocks of Flats, Townhouses</i>	<i>Residential Buildings, Place of Public Worship, Bed and Breakfast, Pensions, Resident Occupation. Residential Guest House.</i>

Erf numbers and sizes:

<b><i>Erf Numbers</i></b>	<b><i>Erf Sizes m<sup>2</sup></i></b>
<i>Erf 3289, M</i>	<i>4 362</i>
<i>Erf 3290, M</i>	<i>4 529</i>
<i>Erf 3291, M</i>	<i>4 504</i>

3. **Proposed Purchase Price**

Council on **27 October 2011** offered the erven to Messrs Dr Theo-Ben Gurirab Private Hostel at a purchase price of **N\$159.50 per m<sup>2</sup>** for the purpose of erecting a private hostel.

(a) *That Erven 3289, 3292 and 3291, Mondesa measuring 13 395m<sup>2</sup> be sold to Messrs Dr Theo-Ben Gurirab Private Hostel being a private company at the purchase price of N\$2 136 502.50 (N\$159.50/m<sup>2</sup>) + 15% VAT (if any), being the market related price subject to the conditions approved by Council on 30 June 2011 item 11.1.5.*

The above purchase price was approved based on the market valuations obtained from Messrs The Trust & Estate Co (Pty) Ltd and Messrs Nasikama Property Valuation & Consult (**Annexure “C”**) assuming a zoning as *“Institutional”*:

- The Trust & Estate Co (Pty) Ltd = N\$ 149.00/m<sup>2</sup>
- Nasikama Property Valuation & Consult = N\$ 170.00/m<sup>2</sup>

**Valuations calculated per square metre:**

	<b>Erven sizes m<sup>2</sup></b>	<b>The Trust &amp; Estate Co's Valuations</b>	<b>Nasikama Property Valuation &amp; Consult's Valuations</b>
Erf 3289, M	4 362	N\$ 649 938.00	N\$ 741 540.00
Erf 3290, M	4 529	N\$ 674 821.00	N\$ 769 930.00
Erf 3291, M	4 504	N\$ 671 096.00	N\$ 765 680.00

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

<b>Average Purchase Price for the three erven in total</b>	<b>Highest Purchase Price for the three erven in total</b>	<b>Lowest Purchase Price for the three erven in total</b>
N\$2,136,502.50 ↓ <b>N\$159.50/m<sup>2</sup></b>	N\$2,277,150.00 ↓ <b>N\$170.00/m<sup>2</sup></b>	N\$1,995,855.00 ↓ <b>N\$149.00/m<sup>2</sup></b>

4. **Method and Conditions of Sale**

4.1 Invitation of Development Proposals: Conditions attached as **Annexure “A”**.

4.2 The sale of these erven by closed bid will be subject to Council's standard conditions of sale contained in the approved amended Property Policy (**Annexure “B”**), subject to such special conditions as Council might determine: such as:

- (i) *Awarding the bid not to the highest bidder, but to the bid closest to the average of the bids received;*
- (ii) *That local residents of Mondesa be considered for which proof a municipal services account must be submitted upon registration; and*
- (iii) *Ownership of property in Mondesa.*

5. **Proposal**

It is proposed that Council's decision to sell Erven 3289, 3290 and 3291, Mondesa by inviting development proposal be amended to make use of the closed bid procedure.

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

**RECOMMENDED:**

- (a) That Erven 3289, 3290 and 3291, Mondesa be sold by requesting for development proposals from the public at an upset price of N\$159.50/m<sup>2</sup>.
  - (b) The development proposals be subject to Council's standard conditions of sale contained in the approved amended Property Policy (Annexure "B" on file), subject to such special conditions as Council might determine: i.e.:
    - (i) *Awarding the bid not to the highest bidder, but to the bid closest to the average of the bids received;*
    - (ii) *That local residents of Mondesa be considered for which proof of a Municipal services account must be submitted upon registration; and*
    - (iii) *Proof of ownership of property in Mondesa.*
-



11.1.13 **CONSENT TO OPERATE A RESIDENT OCCUPATION (BUYING AND SELLING OF EMPTY BOTTLES) FROM ERF 760, MONDESA**  
(C/M 2013/02/28 - M 760)

Ordinary Management Committee Meeting of 14 February 2013, Addendum 7.16 page 151 refers.

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

**Application** was received from Mr J Bamm for consent to operate a resident occupation (buying and selling of empty bottles) from Erf 760 Mondesa.

The Erf is located along Mondelani Street in Mondesa. It measures  $\pm 570$  m<sup>2</sup> in extent and is owned by Mr J Bamm. The Erf is zoned “*Single Residential*”. It is the intention of the owner to use erf 760 Mondesa to operate a “resident occupation” for the purpose of buying and selling of empty bottles.

The proposed use is better suited for a “*Business*” or “*Industrial*” zoned erf. A “*Resident Occupation*” also does not make provision for buying and selling from the property.

According to the requirements for a “*Resident Occupation*” ***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***”.

In this case the application cannot be supported as the applicant will not manufacture the product on the premises but rather buy and sell from the property. It should also be noted that the applicant indicated to the Officials dealing with the application that it must be submitted to Council so that he can take the Municipality to Court if the application is turned down.

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.*

Surrounding property owners were asked for their comments with regard to the consent to operate a resident occupation (buying and selling of empty bottles) from the said property. To date no objection was received from the surrounding properties. Furthermore the handling of glass bottles is potentially noisy and broken glass is a hazard for people, pets and tyres. This trade therefore creates a nuisance for the neighbourhood.

It should be noted that the application previously served before Management Committee on **11 October 2012** and it was resolved to as follows:

*That Mr J Bamm be advised to apply for a "Home Shop" for the purpose of buying and selling of empty bottles from Erf 760, Mondesa.*

It is the opinion that the consent use (Home Shop) proposed for the intentions of the applicant is not well suited. A home shop is for the purpose of selling necessities such as bread, milk, sweets, airtime, some vegetables, fruits, etc. but the buying, storing and selling of empty bottles is seen as a higher form of trading which can create problems. If this type of use is allowed to operate under a home shop then we should allow people to buy and sell fish, wood, meat, building supplies, etc. from the premises which is not preferred. This use will be better suited for an industrial or business property.

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

**RECOMMENDED:**

**That Mr J Bamm be informed that he can apply to lease a site at the Light Industrial Incubation Area measuring 1 000m<sup>2</sup> x N\$0.26 m<sup>2</sup> = N\$260.00 per month plus 15% VAT for the purpose of buying and selling of empty bottles, subject to the standard lease conditions.**

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11.1.14 **PROPOSALS FOR THE DEVELOPMENT OF NORTHERN BEACHFRONT**

(C/M 2013/02/28 - N 7/2/8)

**Ordinary Management Committee Meeting of 14 February 2013, Addendum 7.17 page 160 refers.**

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

**BACKGROUND:**

Management Committee on **17 January 2013**, under item 7.1 resolved the following:

*That this item be referred back that the Aesthetics Committee considers the final design proposal before it is submitted to Council for consideration and approval.*

The design proposal for the Development of Northern Beachfront was submitted to Council's Aesthetics Committee for evaluation and the evaluation passed.

**Attached**, the approved Aesthetical plans for the Development of the Northern Beach Front.

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

**RECOMMENDED:**

**That the final design proposal for the Development of the Northern Beach be approved.**

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11.1.15 **DEPOSIT REFUND WITHOUT ORIGINAL RECEIPT**

(C/M 2013/02/28 - I 1/12)

**Ordinary Management Committee Meeting of 14 February 2013,**  
Addendum 7.18 page 172 refers.

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

**Attached** letter was received from Ms R W Plaatjie who made use of the Swakopmund Town Hall during **July 2012** and in the process lost her original deposit receipt.

Management Committee on **17 February 2007**, resolved:

*That in future refunds only be honoured upon proof of original receipt.*

It is against the above that the deposit refund for Ms R W Plaatjie could not be processed by the Finance Department. This has become an issue as the client visited our offices a couple of times to request her deposit refund although she is not in possession of the relevant original receipt thereof.

The copies of the application to lease the hall as well as proof of payment of N\$940.00 are **attached** for ease of reference.

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

**RECOMMENDED:**

**That Ms R W Plaatjie be refunded the amount of N\$940.00 being the deposit amount paid for using the Swakopmund Town Hall on 07 July 2012.**

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11.1.16 **REQUEST BY THE CAT PROTECTION SOCIETY SWAKOPMUND FOR FUNDING**

(C/M 2013/02/28 - F 7)

**Ordinary Management Committee Meeting of 14 February 2013, Addendum 7.19 page 175 refers.**

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

Feral cats are descendants of domestic cats, which have returned to the wild. They are distinguished from stray cats, which are pet cats that have been lost or abandoned, while feral cats are born in the wild. Feral cats that are born and live outdoors without any human contact or care, were shown to be adoptable and can be tamed by humans, provided they are removed from a wild environment before truly feral behaviors are established.

The feral cats were brought to Swakopmund from Cape Town Harbor by ship in 1897, and were released into the environment for the purpose of providing vermin control activities. Since then they have learned to live outdoors in environments involving little human contact. However, these feral cats are not completely wild because they still depend on people for their source of food as they cannot survive by hunting only.

The Cat Protection Society in Swakopmund has been managing feral cat colonies successfully since 2004. The main activity of this society is to control and monitor the cats based on the latest scientific research.

About 150 feral cats have been spayed / neutered in order to control the population and it is an ongoing program. Apart from the sterilization program, the Cat Protection Society visits each feral colony once a day to give water and food. The Cat Protection Society is managed by volunteers trained to enable them to execute the above mentioned activities.

At a planning forum meeting held on **10 July 2012** under item 4.11 it was resolved as follows:

- (a) *This matter is referred back for the Health Services Department to obtain confirmation of minutes showing their activity in Swakopmund.*
- (b) *That the organization be assisted in kind, on submission of invoices.*

The Cat Protection Society collectively spent about N\$6 600.00 per month for administering care to the cats and has spent about N\$60 000.00 for sterilization of the cats during the previous years. The Cat Protection Society has approached various organizations for donations; to date only few have responded.

The Cat Protection Society of Swakopmund is a registered Welfare Organization with the following members serving on the committee:

- Ms Inger Preiss - Chairlady
- Ms Sharlene Bergh - Vice Chairlady
- Ms Liane Heuser - Public Relations & acting Secretary
- Ms Minda Coetzee - Secretary

**Attached (Annexure A)** is a letter received from the Cat Protection Society requesting funding from Council in order to maintain the health and welfare of the feral cats of Swakopmund. Also attached are reports and proof of membership for volunteers of the Cat Protection Society of Swakopmund.

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

**RECOMMENDED:**

- (a) That Council carry the cost up to a maximum of N\$30 000.00 for sterilized stray cats upon submission of proof of invoices by the Cat Protection Society of Swakopmund.**
  - (b) That the General Manager: Health Services makes provision in the Operational Budget for the payment of the maintenance of the health and welfare of the feral cats of Swakopmund under the Animal Control Vote 103510207500.**
-

11.1.17 **ADDITIONAL FUNDS: ROAD COMPACTORS**

(C/M 2013/02/28 - D 2/1)

**Ordinary Management Committee Meeting of 14 February 2013,**  
Addendum 8.2 page 10 refers.

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

The funds on the following two votes under the Road Compactors on the Operational Budget 2012/13 were depleted:

**Fuel, Road Compactors Vote 306510208500:**

Provision to the amount of N\$75 000.00 was made on the Operational Budget 2012/13 for fuel for the Road Rollers.

The price of fuel was increased several times during the period **July 2012** to **December 2012**. During **November** and **December** both Road Maintenance teams worked over weekends and during the week work continued up to 18h30 each day. This was done in order to cope with high workload. During this time the airport runways and the small holdings roads were also rehabilitated. The Road Compactors were also used for the construction of the circle and interlocked roads.

The drastic increase in the utilization of the Road Rollers, together with the increase of fuel, depleted the budgeted amount. The Road Rollers are urgently needed to continue with maintenance and construction tasks. An additional amount of N\$85,000.00 is urgently needed.

**Machine Maintenance, Road Compactors Vote 30-65-1-04-311-00:**

Provision to the amount of N\$ 90,000.00 was made on the Operational Budget 2012/13. These funds have been depleted, due to the following reason.

- *The Bomag Road compactor N 5629 S, was derusted and resprayed by Messrs Auto Perfect after quotations were obtained. This was still in the 2011/12 Financial Year. Provision was made on the budget for this. Messrs Auto Perfect took very long to complete this work. The order, which was made out in the 2011/12 Financial Year had been cancelled by the time the Road compactor had been completed to our satisfaction. A new order had to be issued and vote 30-65-1-04-311-00 was used. No big breakdowns etc. were foreseen at this point in time.*
- *However a number of repairs and breakdowns occurred. The increase in the utilization of the Road Compactors also played a role.*

Breakdowns occurred after the funds were depleted in the beginning of **December 2012**. A tyre was damaged and need to be replaced, there is currently no spare tyre available and time is wasted if a puncture occurs. Such a tyre will cost ± N\$7 500.00.

The hydraulic pump of the Bitelli N8266S Road Compactor broke and needs to be repaired. Quotations were already obtained and the only quote received was from Messrs Namibian Lubrication Services to the total amount of N\$41 612.17.

An additional amount of N\$130 000.00 is urgently needed to keep the Road Compactors operational till the end of this financial year.

The Chief Executive Officer, in consultation with the General Manager: Finance, obtained permission from the Chairperson of Management Committee that the needed additional funds may be transferred from the Surplus Fund as follows:

- *An additional amount of N\$85 000.00 to Vote 30-65-1-02-085-00 (Road Compactors: Fuel)*
- *An additional amount of N\$130 000.00 to Vote 30-65-1-04-311-00 (Road Compactors: Maintenance and Repairs)*

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

**RECOMMENDED:**

**That the action taken by the General Manager: Finance, on the instruction of the Chief Executive Officer after obtaining approval from the Chairperson of the Management Committee, to transfer the required funds to the total amount of N\$215 000.00 from the Surplus Fund to Votes 306510208500 and 306510431100, be condoned.**

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11.1.18 **IMPROVEMENT OF THE UNDEVELOPED PARKING AREA AT THE INTERSECTION OF SHEARWATER AND SANDPIPER STREET**

(C/M 2013/02/28 - VS 35)

**Ordinary Management Committee Meeting of 14 February 2013, Addendum 8.3 page 12 refers.**

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

**1. Introduction:**

An application was received from Capricorn Estate Agency, who is the managing agent for the Vogelsicht development on Erf 35 VS, for permission to plant vegetation and trees on the undeveloped parking area at the intersection of Shearwater and Sandpiper Street adjacent to Erf 35, Vogelsicht.

Ms D Nel wrote per email: *"I have received a request from the owners of Vogelsicht to place small plants/trees in pots on the parking area (sand lot) of Vogelsicht building. Would this be permitted by the Municipality? I look forward to hearing from you."*

**2. Discussion:**

The parking to which reference is made, forms part of the adjacent streets and is not a separate Erf.

It is standard practice to plant decorative plants and trees in streets for shading and beautification. In light of this the application is supported.

Engineering Services does not have enough human resources to develop and maintain this parking area. If local residents take ownership of the beautification it must be welcomed.

There is no purified effluent available currently. Fresh water must be used for irrigation. In order to prevent abuse there must be control. The applicant will only be accountable if the water is to his or her account or in this case to the account of the adjacent body corporate. Should in future the purified effluent network be extended to this part of town, making irrigation water available can be re-considered.

It must also clearly be spelled out that the parking area is open to the general public and the applicant has no authority or right to limit its legitimate use in any way. The amount of available parking may not be reduced significantly (max. by 10%). The applicant and or the Vogelsicht Body Corporate will ensure that this beautified parking area does not deteriorate into a place for partying. No disturbance may be caused by the playing of music and no other nuisance may be caused to the neighbourhood. Since the vegetation may collect wind-blown and other litter the parking area must be kept neat and clean by the applicant.

There are no services in the area of the parking area which can be affected. However, the applicant must submit a planting plan to the Acting General Manager: Engineering Services for approval and

contact the various service sections, Telecom and Erongo RED prior to digging planting holes.

**3. Financial:**

Since the provision of plants, the irrigation water and maintenance will be to the account of the body corporate or applicant there are no cost implications to Council.

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

**RECOMMENDED:**

- (a) That permission be granted to the applicant for the planting of decorative vegetation and trees on the undeveloped parking area at the intersection of Shearwater and Sandpiper Street adjacent to Erf 35, Vogelsicht, subject to the following:
- (i) *The provision of plants, the irrigation water and maintenance will be done by and to the account of the body corporate or applicant.*
  - (ii) *The parking area is open to the general public and the applicant has no authority or right to limit its legitimate use in any way.*
  - (iii) *The amount of available parking may not be reduced significantly (max. by 10%).*
  - (iv) *The applicant and or the Vogelsicht Body Corporate will ensure that this beautified parking area does not deteriorate into a place for partying. No disturbance may be caused by the playing of music and no other nuisance may be caused to the neighbourhood.*
  - (v) *The parking area must be kept neat and clean by the applicant.*
  - (vi) *The applicant must submit a planting plan to the Acting General Manager: Engineering Services for approval and contact the various the service sections, Telecom and Erongo RED prior to digging planting holes.*
- (b) That, should Council receive any complaints or the applicant disregards any of the above conditions, Council reserves the right to repeal this permission without compensation.
- (c) That the Engineering Services Department assists the applicant with the planting of trees for beautification purposes.
- (d) That Council enters into an agreement with Messrs Vogelsicht Body Corporate for the venture.
- (e) That a “*Public Parking*” sign be placed prominently on site.
-

11.1.19 **APPLICATION TO PURCHASE SERVICED ERVEN ON THE REMAINDER OF ERF 138, MONDESA**

(C/M 2013/02/28 - M 138)

**Ordinary Management Committee Meeting of 14 February 2013, Addendum 8.7 page 26 refers.**

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

**1. Introduction**

An application dated **02 November 2012** was received from **Messrs Namibia Chamber of Commerce and Industry (NCCI)** on behalf of their Mondesa based registered members requesting Council to give them preference to purchase business erven of the subdivision of Erf 138, Mondesa (**Annexure "A"**).

They indicated that most Small and Medium Enterprises based in Mondesa experience difficulties in conducting business as they do not have premises to operate from in the center of Mondesa. They instead operate from their homes which is not ideal.

The installation of services resorting under Council to the Remainder of Erf 138, Mondesa is completed, however Erongo RED has not yet commenced with the installation of the electrical services. It is anticipated to be completed towards the middle of **2013** whereafter closed bids for the sale of the business erven will be invited.

**2. Brief Background**

With reference to business erven created by the subdivision of the Remainder of Erf 138, Mondesa (**Annexure "B"**), the Management Committee on **14 May 2009** passed the following resolution:

*That the business erven being created by the subdivision of the Remainder of Erf 138, Mondesa be alienated by way of closed bids after the finalization of the subdivision and the servicing thereof to determine the upset price.*

Following the above, various applications were received from members of the public to purchase business erven at the Remainder of Erf 138, Mondesa, all applicants were informed of the above mentioned Management Committee decision passed on **14 May 2009**.

**3. Zoning**

The subdivided portions will be zoned "*General Business*", except for Portion K which is zoned "*Institutional*".

Taken from Town Planning Amendment Scheme No. 12, **TABLE B:**

	ZONE	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
D	General Business	Shops, Office Buildings, Parking Garages, Licensed Hotels, Blocks of Flats, Residential Buildings	Service Stations, Service Industry, Launderettes, Dry-cleanettes, Place of Assembly, Place of Amusement, Institutional Buildings, Drive-in Cafés, Funeral Parlours and Chapels, Warehouses, Liquor Stores, Bed and Breakfast, Pensions.

#### 4. **Discussions**

Council's decision to create business erven on the Remainder of Erf 138, Mondesa was intended to afford the Mondesa based Small and Medium Enterprises (SMEs) an opportunity to have premises of their own to operate their businesses.

There is however no guarantee that Mondesa based SMEs will be the highest bidders, since the closed bid will be open to all interested parties. This will surely attract the established business entrepreneurs leaving the targeted group with less chance to benefit.

**Namibia Chamber of Commerce and Industry (NCCI)** contributes significantly to the country's economic growth by organizing and supporting the business community. Although their members deserve consideration from Council as an important stakeholder in the improvement of local business knowledge and development, the Management Committee on **19 May 2011** passed the following resolution:

*(c) That in future no preferential treatment should be given to applicants regardless of their social status in the community.*

In addition to the above, Council's Property Policy does not make provision for preferential treatment for the sale of business land.

By granting preferential treatment to the NCCI members to have the first option to purchase the newly created business erven, the local business community of Mondesa who are not members of the **NCCI** will be disadvantaged.

#### 5. **Conclusion**

It is proposed that in addition to Council's standard conditions for closed bids, the following special conditions can be added:

- *that the bidder may not own any other business erven; and*
- *that the bidder must be registered as an SME at the Ministry of Trade and Industry.*

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

##### **RECOMMENDED:**

- (a) That Messrs Namibia Chamber of Commerce and Industry be informed that Council considered their application, but cannot support preferential treatment to an exclusive group as such condition is not in line with Council's Property Policy and does not promote fair and equal opportunities to the community.**
  - (b) That closer to the date of the completion of the electrical services to the business erven created by the subdivision of the Remainder of Erf 138, Mondesa; a submission be tabled to Council for the approval of the conditions applicable to the closed bid approved by the Management Committee on 14 May 2009.**
-

11.1.20 **REQUEST FOR LAND FOR AN INDUSTRIAL PARK FOR SMALL AND MEDIUM ENTERPRISES**

(C/M 2013/02/28 - G 4/1/3)

**Ordinary Management Committee Meeting of 14 February 2013, Addendum 8.8 page 30 refers.**

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

**Background**

The Community Development Services Department is inundated with requests from small and medium enterprises in the industrial sector for space where they can operate their businesses.

**Current Situation**

The lack of a Municipal Industrial Park and the high cost for privately managed workshops make it difficult for small and medium enterprises (SMEs) in the industrial sector to operate and expand their operations. As a result of the lack of space in the town, people are found operating industrial businesses at houses in Mondesa and elsewhere, which is a big hazard for other residents and also, is in contravention with Council's Health Regulations. Residential zoning does not allow industrial related businesses to operate from home due to hazards and pollution.

The LED strategic plan makes provision for industrial development in order to provide business space for SMEs in the industrial sector and as such create a dynamic, competitive, and growing SME sector.

In order to provide an alternative for these SMEs so that they can operate their businesses and improve their living standards by creating employment for themselves and others, it is essential that Council makes land available for this purpose.

Council is currently busy servicing the new industrial area (map **attached**) which will be completed in August 2013.

We therefore request that Council reserves 2 erven for the construction of an Industrial park in order to cater for the needs of the SMEs in the industrial sector.

Planning Forum on **15 January 2013** under item 4.10 recommended as follows:

- (a) *That Council provides two erven (to be identified) at the newly developed industrial area for the construction of an SME Industrial park*
- (b) *That provision be made in the next financial year (2013 - 2014) for the construction of the industrial park.*

In the meantime, contact was made with the Namibia Development Corporation to obtain insight on their operational standards when it comes to the financing and construction of industrial parks in local authority areas.

The process involved was explained as follows:

A submission is to be made to the office of the Governor for the request to be included in their Regional Capital Projects budget. The request is then submitted to Cabinet for approval. After approval, Namibia Development Corporation is requested to implement the project. Council will then donate land to Namibia Development Corporation to build and manage the industrial park.

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

**RECOMMENDED:**

- (a) That Erven 4864 and 4865, Swakopmund at the newly developed industrial area be reserved for the construction of an SME Industrial park.**
  - (b) That provision be made in the next Financial Year (2013/ 2014) for the construction of the industrial park on Erf 4865, Swakopmund.**
  - (c) That the office of the Mayor approaches the office of the Erongo Regional Governor with the request to take up the financing of the construction of an SME industrial park with the relevant authorities on Erf 4864, Swakopmund via the Namibia Development Corporation.**
-

11.1.21 **SALE OF 100 ERVEN IN PDA AREA MONDESA:  
REQUEST FOR PERMISSION FOR UPPER LOW AND MIDDLE LOW  
INCOME PURCHASERS TO RESIDE ON THE ERVEN THEY BOUGHT  
FROM COUNCIL**

(C/M 2013/02/28 - H 4/6/8)

**Ordinary Management Committee Meeting of 14 February 2013,**  
Addendum 8.9 page 33 refers.

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

**1. PURPOSE OF SUBMISSION**

Since the Close Bid procedure on 07 and 14 September 2012, the Property Section has received numerous verbal complaints from the respective purchasers of the upper low and middle low income groups explaining how they struggle to pay both their loan instalments including availability services and their rent where they currently reside.

**2. BRIEF BACKGROUND**

Council on **29 March 2012**, item 1.11.1 approved the sale of 100 erven in the PDA, Mondesa as per following income categories:

- |   |                                     |                                |
|---|-------------------------------------|--------------------------------|
| ① | 70 erven to Middle Low Income Group | ( N\$ 3 000.00 - N\$ 5 999.00) |
| ② | 30 erven to Upper Low Income Group  | (N\$ 6 000.00 - N\$ 9 000.00)  |

A map indicating the location of these erven is attached as **Annexure "A"**.

With reference to the conditions of sale, it was approved that the purchase price less the N\$500.00 registration fee is payable in 24 equal monthly instalments at an interest rate same as the Build Together Loan repayment rate depending on the loan amount.

Subsequent to the above resolution, closed bids were held on the following dates:

- |   |                         |   |                   |
|---|-------------------------|---|-------------------|
| ① | Upper Low Income Group  | - | 07 September 2012 |
| ② | Middle Low Income Group | - | 14 September 2012 |

Ministerial approval to proceed with the sale transactions was granted on **15 October 2012**, letter attached as **Annexure "B"**. The Finance Department was informed to levy rates and taxes including loan instalments.

Several public meetings were held to inform the prospective purchasers, amongst other, that no temporary dwellings are allowed on the erven. On date of the auction it was mentioned that approval will be sought to allow them to construct temporary dwellings whilst paying off the loan amount.

**3. CURRENT SITUATION**

These low income purchasers complain that they cannot survive by paying off the loan instalment and their rent as they have other obligations as well. Seeing that it is middle low and upper low income groups it can be expected that such will happen and complaints be received.

The result is the accumulation of bad debt for the purchaser that will leave Council with no other option, but to take legal steps which can result in

attachment of properties and thereby defeat Council's intention to provide land to the low income group.

Below is a summary indicating the percentage of purchasers who paid in full.

<b>Income Category</b>	<b>Number of erven allocated per income category</b>	<b>Number of purchasers paid in full</b>	<b>Percentage</b>
<i>Upper Low Income Group</i>	<b>30</b>	<b>5</b>	<b>17%</b>
<i>Middle Low Income Group</i>	<b>70</b>	<b>12</b>	<b>17.14%</b>

#### 4. **TERMS & CONDITIONS**

Messrs Conradie & Damaseb Attorneys was requested to amend Council's standard deed of sale, to make provision for the purchasers to reside on these erven whilst paying the purchase price in 24 instalments.

The amended Deed of Sale is attached as **Annexure "C"**. Once approved by Council the 83 purchasers paying the purchase price in instalments will be requested to sign the deed of sale.

The following clauses of the deed of sale can be pointed out:

With reference to **taking possession of the property**, clause 4 of the Deed of Sale stipulates the following:

*The PURCHASER is from date of sale entitled, as well as obliged, to take possession of the ERF and from the said date accepts the sole risk of the destruction of or damages to the said ERF as well as the obligation to pay to the SELLER all rates and taxes, sanitary fees, water charges and any other fees to which the SELLER is entitled to in accordance with statutory regulations as if the ERF was transferred into the PURCHASER's name on date of sale.*

The date of sale for both groups is **15 October 2012**, being the date on which the Honourable Minister approved the sales.

With reference to the **occupation** of the erven clause 5 was added to the Deed of Sale and is quoted:

*The purchaser may take occupation from date of sale and the Purchaser may erect a temporary dwelling on the property. The temporary dwelling may not exceed 4 metres x 4 metres x 2 metres. Such temporary dwelling must be removed after the sixty day period within which the main building must be erected, as specified in paragraph 5 of annexure "A".*

**Comment [H1]:** The Council can prescribe precisely what sort of material may be used and how the dwelling must look like.

Furthermore with reference of the **transfer** of the property clause 6.1 is quoted:

*Transfer of the ERF into the name of the PURCHASER shall be given and taken as soon as possible after the PURCHASER has fulfilled his/her obligations under this agreement and when requested to do so, but the SELLER is not compelled to, nor does the SELLER guarantee to give transfer immediately after the PURCHASER has fulfilled all his/her obligations hereunder, but shall only be obliged to give transfer thereof within a reasonable period.*

For ease of reference the **special conditions** as per clauses 9.4, 9.5 and 9.6 are quoted:

9.4 *The purpose of the sale of the ERF to the PURCHASER is to construct a house;*



- 9.5 In order to avoid speculation, a **five year restriction on alienation** from date of transfer of the ERF to the PURCHASER, will be registered against the Title Deed of the ERF in favour to the Municipal Council of Swakopmund, namely:

*"The owner, his/her heirs or successors-in-title may not sell the aforesaid property for a period of 5 (five) years from date of first registration, except after offering it for sale in writing to the Municipal Council of Swakopmund at the same price the Purchaser bought the property from the Municipal Council of Swakopmund and the Municipal Council of Swakopmund to accept or reject such offer within 21 (Twenty-One) days of receipt of the Purchaser's written offer made in terms hereof.*

*Further, if the purchaser makes use of the "Installment Option", as per Annexure "B" annexed hereto, then a pre-emptive right in favour of the Municipality will be registered against the property, namely:*

*"The Transferee (Purchaser) shall not alienate and/or lease and/or cede the property or any portion thereof without the written consent of the Transferor (Seller). Should the Transferee wish to alienate and/or lease and/or cede the property or any portion thereof, then the Transferee must address a written request to the CEO of the Transferor, who must reply to such request within 31 days."*

Also quoted below is clause 12 in terms of the **termination and cancellation** of the Deed of Sale:

*If the Purchaser commits a breach of any term or condition of this Deed of Sale the Seller shall give the Purchaser 7 days, notice in writing in prepaid registered mail to the address as chosen on page one hereof to rectify such breach within 7 days from date of such notice. Should the Purchaser fail to rectify such breach within the stipulated 7 days, the Seller shall have the right to either:*

- (a) *Cancel the Sale by registered letter to the Purchaser, whereupon the Purchaser shall forfeit any and all amounts paid to the Seller as per clause 12.3 herein below.*

or

- (b) *Claim immediately payment of the Purchase Price and fulfilment of all terms and conditions of this Deed of Sale.*

## 5. **CONCLUSION**

To avoid accumulation of bad debt and to accommodate these two groups; it is proposed that Council approves the Deed of Sale attached as Annexure "C" with special reference to *clause 5*, allowing the purchasers to take possession and to occupy the erven whilst paying off the loan instalment including Municipal services. Also to allow them to construct temporary dwellings as it is financially very difficult for them to pay both their loan instalments including Municipal services and other obligations.

The following conditions are applicable:

- *To commence with building of permanent dwelling once the purchase price is paid off within 24 months and upon finalisation of the transfer of the erf from Council into the purchasers name.*
- *A building must be erected and completed within 60 months from date of sale (i.e. 15 October 2017)*
- *To remove the temporary dwellings within sixty days after completion of the building.*

**Comment [H2]:** This part can also read "at a price to be agreed upon between the Transferor and Transferee or "at the price as per Municipal Valuation", which ever clause suits the parties.

6. **FOR INFORMATION**

The highest instalment and availability services plus transfer cost calculated are listed below:

<b><i>Income Category</i></b>	<b><i>Highest Instalment</i></b>	<b><i>Availability Services</i></b>	<b><i>Transfer Costs</i></b>
<i>Upper Low Income Group</i>	<i>N\$ 1 363.88</i>	<i>N\$ 204.20</i>	<i>N\$ 94.00/month for 24 months</i>
<i>Middle Low Income Group</i>	<i>N\$ 1017.75</i>	<i>N\$ 192.94</i>	<i>N\$ 82.00/month for 24 months</i>

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

**RECOMMENDED:**

- (a) That the Deed of Sale for the upper low and middle low income purchasers of erven in the Progressive Development Area, be approved thereby allowing them to take occupation of the erven and construct temporary dwellings, whilst paying off their instalments including Municipal services.
  - (b) That the Engineering Services Department after the completion certificate is issued, conduct inspections in terms of clause 5 of the Deed of Sale to ensure that the temporary dwelling is removed.
-

11.1.22 **REZONING OF ERF 23, VOGELSTRAND, FROM “SINGLE RESIDENTIAL” WITH A DENSITY OF 1:900 TO “GENERAL RESIDENTIAL 2” WITH A DENSITY OF 1:300**  
(C/M 2013/02/28 - VS 23)

Ordinary Management Committee Meeting of 14 February 2013,  
Addendum 8.10 page 55 refers.

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

**Application** was received from Messrs Winplan Town & Regional Planning Consultants on behalf of their client, Messrs BV Investments Three Hundred and Sixty Four cc, for the rezoning of Erf 23, Vogelstrand from “*Single Residential*” with a density of 1:900 to “*General Residential 2*” with a density of 1:300.

Erf 23 is located in a cul-de-sac (Gannet Street) of Plover Street and neighboured by the Atlantic Villa Boutique Guesthouse. The Erf measures 1218m<sup>2</sup> in extent and is zoned “*Single Residential*” with a density of 1:900. The Erf currently accommodates a dwelling house which is used as a guesthouse.

This area of Swakopmund already consists of many “*General Residential 2*” erven and due to the small scale of the guesthouse no major changes in the day-to-day activities will occur as a result of the intended development. The rezoning of Erf 23 will not have any negative impact on the current and future character of the area.

The intended rezoning was advertised in the Namibian and Republikein on 4<sup>th</sup> and 11<sup>th</sup> of **December 2012**. Letters were also sent to the owners of the surrounding properties by means of registered mail to inform them of the owner's intentions. The closing date for objections was on **07 January 2013** and to date no objections were received.

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

**RECOMMENDED:**

- (a) That the rezoning of Erf 23, Vogelstrand from “*Single Residential*” with a density of 1:900 to “*General Residential 2*” with a density of 1:300 be approved.
  - (b) That the approved rezoning of Erf 23, Vogelstrand, be included in the next Amendment Scheme for final approval by the Ministry of Regional and Local Government, Housing and Rural Development.
-

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

(C/M 2013/02/28 - E 4545, M 957, M 1581, M 936)

**Ordinary Management Committee Meeting of 14 February 2013,**  
Addendum 8.11 page 73 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 4545, Swakopmund (11 A Dr Eugene Müller Street) - Mr J J Wiese t/a Messrs Stone Evolution & Equipment Hire - Administrative Office  
(Notice No. 57/2012-12-27)
- Erf 957, Mondesa (Ext. 3) - Mr V Hamalwa t/a Messrs Tate Namadi Building Construction - Administrative Office (Building Construction)  
(Notice No. 57/2012-12-27)
- Erf 1581, Mondesa (Masilo Street) - Mr T Newaya t/a Messrs Shekupe Trading Enterprises CC - Administrative Office  
(Notice No. 57/2012-12-27)
- Erf 936, Mondesa – Unit 1 (Mandume Ya Ndemufayo Street) - Mr T Aipanda t/a Messrs Nepat Trading CC - Administrative Office (Real Estate, Transport, Mining & Earthworks)  
(Notice No. 57/2012-12-27)

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 “General Residential 2” and according to the Swakopmund Town Planning Scheme, with special consent from 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	Single Residential	Yellow fill	Dwelling house	Place of Public Worship, Place of Instruction, Resident Occupation, Residential Guest House
C	General Residential 2	Red hatch	Dwelling house/s, Blocks of Flats, Townhouses	Residential Buildings, Place of Public Worship, Bed and Breakfast, Pensions, Resident Occupation, Residential Guesthouse

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;

- (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 (**Notice No. 57/2012-12-27**) 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 4545, Swakopmund (11 A Dr Eugene Müller Street) - Mr J J Wiese t/a Messrs Stone Evolution & Equipment Hire - Administrative Office (Notice No. 57/2012-12-27)*
  - *Erf 957, Mondesa (Ext. 3) - Mr V Hamalwa t/a Messrs Tate Namadi Building Construction - Administrative Office (Building Construction) (Notice No. 57/2012-12-27)*
  - *Erf 1581, Mondesa (Masilo Street) - Mr T Newaya t/a Messrs Shekupe Trading Enterprises CC - Administrative Office (Notice No. 57/2012-12-27)*
  - *Erf 936, Mondesa - Unit 1 (Mandume Ya Ndemufayo Street) - Mr T Aipanda t/a Messrs Nepat Trading CC - Administrative Office (Real Estate, Transport, Mining & Earthworks) (Notice No. 57/2012-12-27)*
- (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 sales from the premises are allowed.*
  - *That no storage of equipment to be done on site.*
  - *That no on street parking will be tolerated.*

11.1.24 **APPLICATION FOR PERMISSION TO OPERATE A HOME SHOP**

(C/M 2013/02/28 - M 2862)

**Ordinary Management Committee Meeting of 14 February 2013,**  
Addendum 8.12 page 123 refers.

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

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

- *Erf 2862, Mondesa - Ms A Mwadinange t/a Messrs Green House T. Enterprise - Home Shop (Notice No. 57/2012-12-27)*

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

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

**8.21 HOME BASED GENERAL DEALERS**

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

The intended use was advertised as per Clause 6 (**Notice No. 57/2012-12-27**) and no objections were received.

The Health Services Department inspected the premises and the report dated **22 November 2012** is **attached**.

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

**RECOMMENDED:**

**(a) That the following application to operate a Home Shop be approved:**

- *Erf 2862, Mondesa - Ms A Mwadinange t/a Messrs Green House T. Enterprise - Home Shop (Notice No. 57/2012-12-27)*

**(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 any valid complaints.*
  - *That they must operate within the Town planning Scheme Regulations, Health Regulations and Shebeen & Home Shop policy.*
  - *That no alcohol will be sold.*
  - *That the consent is not transferable should the property be sold.*
-

11.1.25 **APPLICATION FOR PERMISSION FOR THE CONSTRUCTION AND USE OF A GYMNASTICS TRAINING HALL**

(C/M 2013/02/28 - E 912)

**Ordinary Management Committee Meeting of 14 February 2013, Addendum 8.13 page 136 refers.**

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

**Attached** application was received from Messrs Britt Nova Stauch Architect on behalf of their client, Messrs Dongina Risser Gymnastics Foundation for permission to construct a training hall to accommodate their gymnastic activities on Erf 912, Swakopmund.

The erf is situated in Nathaniël Maxuili Street and is owned by the Swakopmund Football Club. Erf 912 is zoned “*Undetermined*” and according to the Swakopmund Town Planning Amendment Scheme Council may permit any other use on an undetermined erf.

Insert from the Town Planning Amendment Scheme No.12:

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

	<b>ZONE</b>	<b>MAP REFERENCE</b>	<b>PURPOSES FOR WHICH LAND MAY BE USED</b>	<b>PURPOSES FOR WHICH LAND MAY BE USED AND BUILDINGS MAY BE ERECTED AND USED WITH THE SPECIAL CONSENT OF THE COUNCIL ONLY</b>
I	<i>Undetermined</i>	<i>Yellow Brown fill</i>		<i>Any other use which the Council may permit</i>

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 Amendment Scheme (**Notice No. 57/2012-12-27**) and no objections were received.

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

**RECOMMENDED:**

- (a) That the application of Messrs Dongina Risser Gymnastics Foundation for consent for the construction and use of a gymnastics training hall on Erf 912, Swakopmund be approved.**
- (b) That they submit building plans at the Building Inspectorate for final approval.**
- (c) That they register with the Health Services Department and the standard Health Regulations will apply.**
- (d) 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.*

11.1.26 **APPLICATION FOR PERMISSION TO OPERATE A RESIDENT OCCUPATION (ADMINISTRATIVE OFFICE, CATERING AND EVENT MANAGEMENT)**

(C/M 2013/02/28 - E 1957)

Ordinary Management Committee Meeting of 14 February 2013, Addendum 8.14 page 145 refers.

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

**Attached** application was received for the registration of an administrative office, catering and event management in terms of the Swakopmund Town Planning Scheme:

- Erf 1957, Swakopmund (43 Ugab Street) - Ms A Kapapilo & N V Mbangula t/a Messrs Eepandu Investments - Administrative Office (Property development, geological consultation, general trade), Catering and event management

The property is zoned "Single Residential" and according to the Swakopmund Town Planning Scheme, with special consent from Council a resident occupation may be allowed.

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

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

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 (**Notice No. 57/2012-12-27**) 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 resident occupation be approved:**
- *Erf 1957, Swakopmund (43 Ugab Street) - Ms A Kapapilo & NV Mbangula t/a Messrs Eepandu Investments - Administrative Office (Property development, geological consultation, general trade), Catering and event management*
- (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.*
  - *That no sales will be done from the premises.*
  - *That only one third of the total floor area of the dwelling is allowed to be used for the resident occupation.*
-

11.1.27 **APPLICATION FOR PERMISSION TO OPERATE A PLACE OF INSTRUCTION - DAY CARE**

(C/M 2013/02/28 - T 358)

**Ordinary Management Committee Meeting of 14 February 2013, Addendum 8.15 page 156 refers.**

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

**Attached** application was received for the registration of a place of instruction in terms of the Swakopmund Town Planning Scheme Regulations:

- Erf 358, Tamariskia (65 Franziska van Neel Street) - Ms CC van Rooi t/a Messrs Dolphin A.B.C. Day Care  
(Notice No. 57/2012-12-27)

The owner of the above-mentioned erf has requested Council for permission to operate a day care on the property. The property is zoned "Single Residential" and according to the Town Planning Scheme Regulations, with special consent from Council a place of instruction may be allowed.

Insert from the Town Planning Amendment Scheme No.12:

**"PLACE OF INSTRUCTION"** means a school, crèche, college, technical institute, academic lecture hall, or other educational centre, and includes a hostel appertaining thereto, a monastery, convent, public library, art gallery, museum, gymnasium, but does not include a building used or intended to be used wholly or principally as a certified reformatory or industrial school, or as a school for mentally defective children.

**Single Residential - TABLE A2: Provision of Parking**

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

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 Amendment Scheme (Notice No. 57/2012-12-27) 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 Day Care be approved:**
    - *Erf 358, Tamariskia (65 Franziska van Neel Street) - Ms C C van Rooi t/a Messrs Dolphin A.B.C. Day Care*
  - (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 on street parking will be tolerated.*
-

11.1.28 **APPLICATION FOR PERMISSION TO OPERATE A LAUNDRY AND DRY CLEANING COLLECTION SERVICE**

(C/M 2013/02/28 - T 784)

**Ordinary Management Committee Meeting of 14 February 2013, Addendum 8.16 page 167 refers.**

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

**Attached** application was received for the registration of a Laundry and Dry Cleaning Collection Service in terms of the Town Planning Scheme Regulations:

- *Erf 784, Tamariskia (Vrede Rede Street) - Ms S Humphries t/a Messrs Sarah's Laundry and Dry Cleaning Services*

The applicant is leasing a shop on the abovementioned erf and has requested Council for permission to operate a laundry and dry cleaning collection service from the premises. The property is zoned "*General Business*" and according to the Town Planning Scheme with special consent from Council a laundry or dry cleanette may be allowed.

Insert from the Town Planning Amendment Scheme No.12: **TABLE B**

	1	2	3	4
	<b>ZONE</b>	<b>MAP REFERENCE</b>	<b>PURPOSES FOR WHICH LAND MAY BE USED</b>	<b>PURPOSES FOR WHICH LAND MAY BE USED AND BUILDINGS MAY BE ERECTED AND USED WITH THE CONSENT OF THE COUNCIL ONLY</b>
D	<i>General Business</i>	<i>Blue fill</i>	<i>Shops, Office Buildings, Parking Garages, Licensed Hotels, Blocks of Flats, Residential Buildings</i>	<i>Service Stations, Service Industry, Launderettes, Dry-cleanettes, Place of Assembly, Place of Amusement, Institutional Buildings, Drive-in Cafés, Funeral Palours and Chapels, Warehouses, Liquor Stores, Bed and Breakfast, Pensions.</i>

Adjacent neighbours were contacted and no objections were received. The proposed consent use was also advertised as per Clause 6 of the Town Planning Scheme Regulations (**Notice No. 57/2012-12-27**) 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 laundry, dry cleaning and collection service be approved:
- *Erf 784, Tamariskia (Vrede Rede Street) – Ms S Humphries t/a Sarah's Laundry and Dry Cleaning Services*
- (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.*

11.1.29 **APPLICATION FOR CONSENT FOR THE RELAXATION OF BUILDING LINE ON ERF 5134, EXTENSION 15, SWAKOPMUND**

(C/M 2013/02/28 - E 5134)

**Ordinary Management Committee Meeting of 14 February 2013, Addendum 8.17 page 175 refers.**

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

**Attached** application was received from Mr C Bornman for a proposed building line relaxation on Erf 5134, Swakopmund.

The applicant is requesting Council's permission for consent to relax the rear building line from 3m to 0m. The applicant requested the owners of the neighbouring properties to give consent to relax the building line to which one neighbour objected.

The erf is zoned "*Single Residential*" and has a building line restriction of 3m. 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/A /2.4 for convenience.

2.4 *Building Lines*

- (a) *No building, permanent structure or portion thereof, except for boundary walls and fences, may be erected on the site within:*
  - (i) *5 metres from any street boundary;*
  - (ii) *3 metres from any rear boundary;*
  - (iii) *3 metres from any side boundary; and*
  - (iv) *5 metres in the case of a garage from any street boundary or half the height of the building, whichever is greater.*
- (e) *The Council may relax these requirements if it is satisfied that no interference with the amenities of the neighbourhood, existing or as contemplated by the Scheme, will result.*

The affected surrounding neighbours were contacted to which one neighbour objected.

**Objections raised by Mrs Lynette Gaedke, owner of Erf 5132**

**Point 1: Security**

**Discussion on Point 1:**

We cannot see how the proposed increase of height on that particular area of the boundary wall will create security issues. The increase in boundary wall height will in fact increase security since criminals will not be able to jump over the wall due to the height. The objection can thus not be supported.

**Point 2: Fire Risk Increase**

**Discussion on Point 2:**

With every building plan submitted where a building is to be built on the boundary line, a fire wall must be constructed to avoid possible fire risks to neighbouring properties. These fire walls are constructed in such a way to avoid the spreading of fires to neighbouring properties. Concern noted but not supported.

**Point 3: Unsightly**

**Discussion on Point 3:**

The garage that is to be constructed will be located at the rear end of Erf 5134. Therefore the portion of the boundary wall that will affect is located at the South Western corner of the Erf 5132. Of the 43 meter long boundary wall, only 10.8 meters will be lifted to 3.4 meters and not the entire boundary wall. It cannot be seen how this part of the boundary wall that is to be lifted will be unsightly since it will be located on the lateral boundary at the back of the South Western corner. No sights or views will be affected either. Objection not supported.

**Point 4: Privacy**

**Discussion on Point 4:**

No privacy issues will be affected. No windows will be constructed on the boundary wall. In fact, it will create more secure privacy on this part of Erf 5132 due to the proposed height increase of the boundary wall. Objection not supported.

**Conclusion**

According to the Swakopmund Town Planning Amendment Scheme, all owners of erven have the right to apply for consent for relaxation of building lines to better optimise their Erf. After properly scrutinising the proposed building line relaxation it was found that the intentions of the applicant will not have the negative effect as indicated by the objector.

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

**RECOMMENDED:**

- (a) That the application for relaxation of Lateral Building Line from 3m to 0m on Erf 5134, Extension 15, Swakopmund be approved.
  - (b) That Ms L Gaedke be informed of her 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.
-

11.1.30 **APPLICATION FOR THE RELAXATION OF BUILDING HEIGHT ON ERF 134, (UNIT 4) MILE 4**

(C/M 2013/02/28 - M4 E 134)

**Ordinary Management Committee Meeting of 14 February 2013,**  
Addendum 8.18 page 187 refers.

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

**Attached** application was received from Messrs KB Designs Architect & Associates on behalf of their client Mr J Meuwesen for a proposed height relaxation on Erf 134, Unit 4 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 Unit 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, 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. 57/2012-12-27**) 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 (Unit 4) Mile 4, Swakopmund be approved.**

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

(C/M 2013/02/28 - L 2)

Ordinary Management Committee Meeting of 14 February 2013, Addendum 8.19 page 208 refers.

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

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

**Vehicles:**

<b>Fleet No.</b>	<b>Reg. No.</b>	<b>Make</b>	<b>Model</b>
WS0044	N 1134 S	Ford Courier 1600 G/Vehicle	1990
SI0039	N 2452 S	Mazda B1800 G/Vehicle	1992
WA0062	N 10152 S	Toyota Stallion 2.4D	1999
LP0112	N 5432 S	Nissan 1600 Pick Up	1996
PG	N 1585 S	Ford 5000 Tractor	1971
PG	N 1586 S	Ford 5000 Tractor	1971
TR0025	N 10575 S	M/Benz Tipper Truck	1998
TR0023	N 6128 S	M/Benz Tipper Truck	1998

**Materials/Equipment:**

<b>Description</b>
1 x Battery Charger - No 233
1 x V/Wagen Gold Engine: No: AGY 032095
1 x W/Wagen Gold Engine: No: AGY 032084
1 x Ford Courier Gearbox
Various old tools and spanners
1 x Hydraulic gearbox jack - No 266
1 x Compressor - No 242
1 x Electrical Welder - No 248
1 x Welding screen - No 288
1 x Weed Cutter - PG 0073
1 x 3 Mtr extension ladder
1 x Hp C 8174A - A3 colour printer - Serial No: TH 4BNI40BY
1 x Cannon scanner -A4 - Serial No: KBHA 38883
1 x Cannon scanner - A4 - Serial No: KDKG 24899
1 x Cannon scanner - A4 - Serial No: KDKD 28513
1 x Minolta photo copy machine - Di2510F - Serial No: 21735817
1 x Canon Scanner - A4 - Serial No: KDBC81677
1 x Rexel shredder - Serial No: V1203101070442
1 x Panasonic fax machine - KX-F1010SA - Serial No: 7LBFA001155
1 x Rexel A4 lamination machine - Serial No: LV250HS
1 x KSB pump - Serial No: 2MO3-766033/1
1 x KSB pump - stator ,volute, rotor - Serial No: 2-MO3-766033/2
2 x Pulsometer pumps
2 x Pump stand & volute
1 x 45lw electric motor stator
1 x Flygt 3127 pump - Serial No: 9180487
3 x Normaflow end suction pump
1 x ABS pump - Serial No: 04116018734
1 x Drainage pump KSB - Serial No: 64200-431/1
1 x Drainage pmp - Serial No: 64200-431/2



1 x Drainage pump Grundfos - Serial No: 96010980
1 x Drainage pump Grundfos - Serial No: 96010981
1 x Drainage pump Grundfos - Serial No: 9601098
3 x Drainage pump SEOCA
1 x Drainage pump -Lucky Pro (plastic)
1 x Automatic grease pump
1 x Honda plate vibrator - SI053
Electric Motors: 3 x Electric motors with stand 3 x Electric motors
Scrap: 6 x Gate valves 3 x Manhole frames 2 x Bio filter centre unit

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

**RECOMMENDED:**

- (a) That the following old and redundant vehicles, equipment and materials be written off and sold at the next public auction.

**Vehicles:**

<i>Fleet No.</i>	<i>Reg. No.</i>	<i>Make</i>	<i>Model</i>
WS0044	N 1134 S	Ford Courier 1600 G/Vehicle	1990
SI0039	N 2452 S	Mazda B1800 G/Vehicle	1992
WA0062	N 10152 S	Toyota Stallion 2.4D	1999
LP0112	N 5432 S	Nissan 1600 Pick Up	1996
PG	N 1585 S	Ford 5000 Tractor	1971
PG	N 1586 S	Ford 5000 Tractor	1971
TR0025	N 10575 S	M/Benz Tipper Truck	1998
TR0023	N 6128 S	M/Benz Tipper Truck	1998

**Materials/Equipment:**

<i>Description</i>
1 x Battery Charger - No 233
1 x V/Wagen Gold Engine: No: AGY 032095
1 x W/Wagen Gold Engine: No: AGY 032084
1 x Ford Courier Gearbox
Various old tools and spanners
1 x Hydraulic gearbox jack - No 266
1 x Compressor - No 242
1 x Electrical Welder - No 248
1 x Welding screen - No 288
1 x Weed Cutter - PG 0073
1 x 3 Mtr extension ladder
1 x Hp C 8174A - A3 colour printer - Serial No: TH 4BNI40BY
1 x Cannon scanner -A4 - Serial No: KBHA 38883
1 x Cannon scanner - A4 - Serial No: KDKG 24899
1 x Cannon scanner - A4 - Serial No: KDKD 28513
1 x Minolta photo copy machine - Di2510F - Serial No: 21735817
1 x Canon Scanner - A4 - Serial No: KDBC81677
1 x Rexel shredder - Serial No: V1203101070442
1 x Panasonic fax machine - KX-F1010SA - Serial No: 7LBFA001155
1 x Rexel A4 lamination machine - Serial No: LV250HS
1 x KSB pump - Serial No: 2MO3-766033/1
1 x KSB pump - stator ,volute, rotor - Serial No: 2-MO3-766033/2
2 x Pulsometer pumps
2 x Pump stand & volute
1 x 45lw electric motor stator

1 x Flygt 3127 pump - Serial No: 9180487	
3 x Norma flow end suction pump	
1 x ABS pump - Serial No: 04116018734	
1 x Drainage pump KSB - Serial No: 64200-431/1	
1 x Drainage pmp - Serial No: 64200-431/2	
1 x Drainage pump Grundfos - Serial No: 96010980	
1 x Drainage pump Grundfos - Serial No: 96010981	
1 x Drainage pump Grundfos - Serial No: 9601098	
3 x Drainage pump SEOCA	
1 x Drainage pump -Lucky Pro (plastic)	
1 x Automatic grease pump	
1 x Honda plate vibrator - SI053	
Electric Motors: 3 x Electric motors with stand	
3 x Electric motors	
Scrap:	6 x Gate valves
	3 x Manhole frames
	2 x Bio filter centre unit

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

11.1.32 **WRITING OFF OF OLD AND REDUNDANT OFFICE FURNITURE AND EQUIPMENT - TRAFFIC SERVICES**

(C/M 2013/02/28 - L 2)

**Ordinary Management Committee Meeting of 14 February 2013, Addendum 8.20 page 211 refers.**

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

The following old and redundant office furniture and equipment at the Traffic Section needs to be written off:

<b>No</b>	<b>DESCRIPTION</b>	<b>QUANTITY</b>
1	6 X Drawer Steel Table	1
2	6 X Drawer Wooden Tables	2
3	Brown Leather Chair	1
4	Black Plastic Chair	1
5	Defy Microwave	1

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

**RECOMMENDED:**

- (a) That the following old and redundant furniture and equipment in the Traffic Section be written off and be sold at the next public auction:

<b>No</b>	<b>DESCRIPTION</b>	<b>QUANTITY</b>
1	6 X Drawer Steel Table	1
2	6 X Drawer Wooden Tables	2
3	Brown Leather Chair	1
4	Black Plastic Chair	1
5	Defy Microwave	1

- (b) That the Chairperson of the Management Committee and the Chief Executive Officer determines the upset prices.

11.1.33 **REDUNDANT ITEMS: COMMUNITY DEVELOPMENT SERVICES DEPARTMENT**

(C/M 2013/02/28 - L 2)

**Ordinary Management Committee Meeting of 14 February 2013, Addendum 8.21 page 212 refers.**

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

The following items from Community Development Services Department have become redundant and therefore need to be written off:

No	DESCRIPTION	QUANTITY
1	Metal tables	32
2	Wooden tables	8
3	Plastic chairs	103
4	Wooden chairs	6
5	Opel Corsa N 4406 S, 1997 model	1
6	Office chairs	10
7	Office tables	2
8	Office cupboards	1
9	Reception Desk	1

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

**RECOMMENDED:**

- (a) That the following redundant items from Community Development Services Department be written off:

No	DESCRIPTION	QUANTITY
1	Metal tables	32
2	Wooden tables	8
3	Plastic chairs	103
4	Wooden chairs	6
5	Opel Corsa N 4406 S, 1997 model	1
6	Office chairs	10
7	Office tables	2
8	Office cupboards	1
9	Reception Desk	1

- (b) That the Chairperson of the Management Committee and the Chief Executive Officer determine the upset prices for the redundant items.

11.1.34 **SALE OF REDUNDANT VEHICLES OF THE FIRE BRIGADE BY PUBLIC AUCTION**

(C/M 2013/02/28 - L 2)

**Ordinary Management Committee Meeting of 14 February 2013, Addendum 8.22 page 213 refers.**

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

The following vehicles have become redundant and therefore need to be written off:

<i>Fleet No.</i>	<i>Reg No</i>	<i>Make</i>	<i>Model</i>
<i>FB 0088</i>	<i>N 1405 S</i>	<i>Wrangler Jeep</i>	<i>1969</i>
<i>FB 0089</i>	<i>N 1447 S</i>	<i>Ford F 750</i>	<i>1975</i>
<i>FB 0090</i>	<i>N 4654 S</i>	<i>Bedford</i>	<i>1970</i>

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

**RECOMMENDED:**

- (a) That the following redundant items from Community Development Services Department be written off:

<i>Fleet No.</i>	<i>Reg No.</i>	<i>Make</i>	<i>Model</i>
<i>FB 0088</i>	<i>N 1405 S</i>	<i>Wrangler Jeep</i>	<i>1969</i>
<i>FB 0089</i>	<i>N 1447 S</i>	<i>Ford F 750</i>	<i>1975</i>
<i>FB 0090</i>	<i>N 4654 S</i>	<i>Bedford</i>	<i>1970</i>

- (b) That the Chairperson of the Management Committee and the Chief Executive Officer determine the upset prices for the redundant items.

11.1.35 **WRITING OFF: OLD AND REDUNDANT EQUIPMENT - CORPORATE SERVICES AND HUMAN RESOURCES DEPARTMENT**

(C/M 2013/02/28 - L 2)

**Ordinary Management Committee Meeting of 14 February 2013,**  
Addendum 8.23 page 214 refers.

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

The following old and redundant equipment in the Corporate Services and Human Resources Department needs to be written off:

<b>No</b>	<b>Description</b>	<b>Quantity</b>	<b>Office</b>
1.	Fan	1	Human Resources
2.	Samsung fax machine	1	Human Resources
3.	Hewlett desk jet 1220 printer	1	Human Resources
4.	Date stamps	3	Properties
5.	Carpet protector	1	Properties
6.	High back chairs	2	Properties
7.	Numbering stamp	1	Production room
8.	Heavy duty stapler	1	Production room
9.	High back chair	1	Production room
10.	Card reader	1	Production room
11.	Book shelve	1	Production room
12.	2 door cabinet	1	Production room
13.	Notice boards	3	Production room
14.	Paper trays	3	Production room
15.	Microphones	17	Council Chambers
16.	Round table	1	Council Chambers
17.	Dust bin	1	Council Chambers
18.	Dishwashing tray	1	Council Chambers
19.	Serving trays	3	Council Chambers
20.	Sound boxes	2	Council Chambers
21.	Amplifier with electronic wires	1	Council Chambers
22.	Heavy duty punch	1	Archives
23.	Date stamp	1	Archives

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

**RECOMMENDED:**

- (a) That the following old and redundant equipment in the Corporate Services and Human Resources Department be written off and be sold at the next public auction:

No	Description	Quantity
1.	Fan	1
2.	Samsung fax machine	1
3.	Hewlett desk jet 1220 printer	1
4.	Date stamps	4
5.	Carpet protector	1
6.	High back chairs	4
7.	Numbering stamp	1
8.	Heavy duty stapler	1
9.	High back chair	4
10.	Card reader	1
11.	Book shelve	1
12.	2 door cabinet	1
13.	Notice boards	3
14.	Paper trays	3
15.	Microphones	17
16.	Round table	1
17.	Dust bin	1
18.	Dishwashing tray	1
19.	Serving trays	3
20.	Sound boxes	2
21.	Amplifier with electronic wires	1
22.	Heavy duty punch	1

- (b) That the Chairperson of Management Committee, Chief Executive Officer and the General Manager: Finance determines the upset prices for the above.
-

11.1.36 **REQUEST FOR SPONSORSHIP: 8<sup>TH</sup> MATHEMATICS CONGRESS**  
(C/M 2013/02/28 - D 5)

**Ordinary Management Committee Meeting of 14 February 2013,**  
Addendum 9.3 page 14 refers.

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

**Attached** letter was received from Messrs Orison Education Services CC requesting financial assistance towards the general cost of the 8th Annual mathematics congress scheduled for **12 - 15 May 2013** in Swakopmund.

Council previously supported the initiative through a donation. Last year Council provided funding to the amount of N\$20 000.00 towards the general cost of the Congress and they are once again appealing for a donation towards the 8<sup>th</sup> Congress.

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

**RECOMMENDED:**

(a) That an amount of N\$6 000.00 be donated towards the 8<sup>th</sup> Mathematics Congress to benefit education in the Erongo Region.

(b) That the funds be defrayed from the Publicity Vote: 100510212700 where N\$16 000.00 available.

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11.1.37 **POSITION OF EMPLOYEE WELLNESS OFFICER IN THE SWAKOPMUND MUNICIPALITY**

(C/M 2013/02/28 - B 1 /1/6)

**Ordinary Management Committee Meeting of 14 February 2013, Addendum 9.4 page 24 refers.**

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

Workplace wellness is an organized program to assist and support employees in establishing healthier lifestyles. The program can include increased employee awareness on health topics and scheduling behavior change programs, as well as establishing company policies that support health-related objectives.

Workplace wellness is about taking care of employees, establishing a positive work environment, and paying attention to the factors that keep employees healthy and happy at work. A good workplace wellness program has an impact on employees' mental, physical, emotional, social, and spiritual well-being. Workplace wellness initiatives provide economic benefits to the organization by reducing absenteeism, reducing on-the-job injuries and workers' compensation costs, and reducing disability-management costs.

In view of continuous wellness challenges within the Municipality, Council approved the appointment of an Employee Wellness Officer on its staff establishment to be incorporated on the organogram of the Health Services Department. An Employee Wellness Officer position was advertised and filled. A social worker was appointed to fill the position, thereafter the appointed officer resigned from this position in July 2012.

The Health Services Department plans to fill the vacancy by appointing an Occupational Health Nurse to perform wellness functions in the workplace. An Occupational Health Nurse has a wide scope of practice which includes primary health care, health promotion, disease prevention, counseling, health education, diagnosis and treatment of acute and chronic illnesses in a variety of settings such as office, in-patient, critical care, long-term care, home care, day care, etc.

An occupational health facility needs to be established and the facility must be equipped to deal with and handle basic medical trauma situations. This facility then has to be approved by the Ministry of Health and Social Services registration in terms of the private health facilities Act 36 of 1994.

**THE FOLLOWING ARE THE REQUIREMENTS FOR AN OCCUPATIONAL HEALTH CLINIC OF A NURSE IN ACCORDANCE WITH THE PRIVATE HEALTH FACILITIES ACT.**

<p><b><u>Office</u></b>  <i>A desk and a chair</i>  <i>A patient chair</i>  <i>A lockable filling cabinet</i>  <i>Book shelves</i>  <i>A notice board</i>  <b><u>A waiting and reception room of a occupational health clinic</u></b>  <i>Patient chairs</i>  <i>Tables for literature</i>  <b><u>Treatment room of a occupational health nurse</u></b>  <i>An examining couch and steps</i>  <i>Separate lockable storage space for medicines and related substances</i>  <i>Washable working surface and cupboards</i>  <b><u>Bedding</u></b>  <i>Pillows</i>  <i>Sheets</i>  <i>Blankets</i>  <i>Plastic sheets</i>  <i>Linen protectors</i>  <b><u>General equipment</u></b>  <i>Dust bins</i>  <i>Disposable towel racks</i>  <i>Soap dispenser</i>  <i>Scrub brushes</i></p>	<p><b><u>Equipment and apparatus</u></b>  <b><u>Medical equipment:</u></b>  <i>Dressing trolley</i>  <i>Stainless steel instrument tray</i>  <i>A cheatle holder, where applicable</i>    <b><u>Apparatus and instruments</u></b>  <i>Two cheatles</i>  <i>Two artery forceps</i>  <i>Two dissectors</i>  <i>Two stitch scissors</i>  <i>Four gallipots</i>  <i>Four bowls solution</i>  <i>Four receivers</i>  <i>10 dressing packs</i>  <b><u>Diagnostic equipment</u></b>  <i>Diagnostic set</i>  <i>A boumanometer and stethoscope</i>  <i>An aural syringe</i>  <i>A patella hammer</i>  <i>A scale</i>  <i>A height measure meter</i>  <i>A pen light torch</i>  <i>Eye charts</i>  <i>Thermometers</i>  <i>Urine collecting jars</i></p>
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Based on above, it is evident that his facility will be costly and that it will be advisable to budget for it in two phases i.e. 2013/14 and 2014/15.

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

**RECOMMENDED:**

- (a) That the appointment of an Occupational Health Nurse to perform wellness functions in the Municipality be approved.
  - (b) That the General Manager: Health Services makes budgetary provision on the Capital Budget for the Occupational Health Facility to the amount of N\$500 000.00 on 2013/14 and 2014/2015 respectively.
-

11.1.38 **CREATION OF FOUR (4) NEW POSITIONS FOR THE CEMETERY SECTION**

(C/M 2013/02/28 - B 1/1/12)

**Ordinary Management Committee Meeting of 14 February 2013, Addendum 9.5 page 29 refers.**

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

**Introduction:**

The Cemetery section has been serving the Swakopmund community by providing this essential service. The section is responsible for the upkeep and maintenance of the three cemeteries within the town's jurisdiction (Mondesa, Tamariskia and Swakopmund Cemeteries) including the digging of graves to facilitate burials.

With the growing of the town, the prospect of employment opportunities has attracted many people from other parts of the country to Swakopmund. As such, the population of Swakopmund has drastically increased; according to the 2011 census, the Swakopmund population has increased by 45% from 25 000 in 2001 to 45 000 in 2011.

**Current Situation:**

As a result of the above development, the demand for Municipal services (including cemeteries services) has increased significantly which has placed a burden on the operation of this section. In this respect, the six (6) staff members plus a PPP group assigned to the cemeteries have to dig graves almost on a daily basis and also maintain the more than 7 000 marked graves and  $\pm$  4 000 unmarked graves (unmarked refers to graves of victims of the war of resistance). In addition, the newly commissioned section at Mondesa Cemetery - consisting of 3 000 graves also need to be maintained.

The current staff complement for the cemeteries is summarized hereunder:

- 1 x Cemetery Administrator
- 1 x Assistant cemetery Administrator
- 5 x General Workers - assigned to the Town Cemetery
- 1 x General worker - responsible for Tamariskia Cemetery
- Public Private Partnership group - assigned to the Mondesa Cemetery

The above staff members are charged with the responsibility of digging graves, planting of succulents, shrubs and trees, watering, weeding, pruning and maintaining the cemetery grounds covering the total area of 378 814m<sup>2</sup>.

**Request:**

In order for the Cemetery Section to effectively and efficiently perform its duties of keeping the cemeteries at acceptable standard; there is a need to appoint four (4) additional General Workers to be deployed to the various cemeteries as indicated below.

- 2 General Workers to be assigned to the eastern park of the Town Cemetery – (this area consists of about 4 000 unmarked graves dedicated to the victims of the war of resistance). The area is not receiving sufficient attention at the moment, due to the shortage of staff which constantly causes discontent among certain members of the community.
- 1 General Worker to be assigned to the new section of the Mondesa Cemetery which was recently commissioned. The staff member will be responsible for the planting, watering and upkeep of this area.
- 1 General Worker to be assigned to the Tamariskia cemetery to complement the other member currently maintaining the cemetery area all by himself.

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

**RECOMMENDED:**

- (a) That the creation of four (4) new General Worker positions in the Cemetery Section be approved.
  - (b) That budgetary provision be made in the 2013/ 2014 Operational Budget.
-

11.1.39 **REQUEST FOR ADDITIONAL TRAFFIC OFFICERS**

(C/M 2013/02/28 - B 1/1/9)

**Ordinary Management Committee Meeting of 14 February 2013,**  
Addendum 9.6 page 31 refers.

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

**Introduction and brief background**

It is a well-known fact that Swakopmund is one of the most popular tourist destinations in Namibia. Being a tourist attraction flanked by other coastal towns Walvis Bay and Henties Bay, Swakopmund also serves as the gateway to these towns.

Apart from this, it is of vital importance to note that the mining sector is still experiencing a significance increase in activities which in turn requires human resources to function. The mining industry is considered to be the biggest attraction in Erongo Region contributing to human influx in Swakopmund, because of employment opportunities.

Swakopmund currently has around **45 000** inhabitants and this figure is expected to grow much bigger within the next five (5) years. There is a vast escalation in property development all over Mondesa, Tamariskia, Ocean View, Vineta and so forth.

Furthermore, there are around **20 000** registered vehicles which, needless to say, will also increase. The vehicles coming from other towns and owned by those employed by companies directly associated with the mining industry are not even included yet. In light of the above stated, the population in Erongo Region is set to surpass the last census (2011).

**Statistics**

Traffic Section in conjunction with our counterparts, the Namibian Police and other stakeholders ensure that traffic law enforcement is surely reckoned with. During **1 January 2012 to 14 January 2013**, **113** drunken driving cases have been reported of which **77** were as a result of the direct involvement of the Traffic Section.

With the escalating road crashes of which most is believed to be as a result of human behaviour, the Traffic Services has a vital role to play in contributing to the reduction of such crashes, their resultant injuries and fatalities.

**Current situation**

**Manpower:**

The Traffic Services has a staff compliment of two (2) Senior Traffic Officers and eight (8) Traffic Officers headed by the Manager, Traffic Services.

**Fleet:**

The Section has a fleet of ten (10) vehicles used in the daily duties by the officers.

**Other aspects:**

These are other duties which influence the daily activities of the Traffic Services:

- *The escort of the Very-very Important Persons (VVIP) like His Excellency the President and/or Honourable Ministers and other dignitaries which is sometimes set*

out for days;

- Ambulance escorts;
- Funeral escorts as well as processions;
- During festive or peak seasons and school holidays the traffic flow/influx is doubled if not tripled.

When these functions are dealt with at the same time, alternative plans have to be put in place to find a workable solution. A new formula under design by the CSIR's Roads and Transport Technology Division seeks to establish correlations between productivity, offences and collisions (POC). A 'stable' local traffic department would be one in which these three factors are in equilibrium.

One measure that has been used for some time to assess traffic officer staffing levels has been a ratio of officers per thousand residents. For a number of years "two per thousand" was used as its benchmark for minimum staffing.

Although the two-per-thousand ratio is convenient and provides dependable increases in staffing as the population rises, it does not appear to be based on an objective assessment of policing needs. Officers per thousand ratios are also frequently used to compare departments to each other, but they have little value because they do not provide insight into how officers are used.

One city or town may have very different traffic related problems from the other. Consequently, approaches to determining the appropriate size of a given city's or town's traffic department should be based on an assessment of that agency and the work it needs to perform in its community.

### **Findings**

In view of the above, this office found that:

- The appointment of more Traffic Officers has become a necessity. This will most definitely ensure effective and efficient service delivery to all inhabitants of Swakopmund and enhance our response time. Response times, like other factors, have major impacts on manpower requirements.
- In order to live up to the demand of the community and taking into consideration the growth of the town, the current officers have become insufficient in comparison to the workload and the areas that need to be covered for effective and efficient law enforcement.

### **Financial implications:**

<b>SALARY PACKAGE &amp; BENEFITS</b>	<b>AMOUNT</b>
Annual Salary	N\$ 165 173.00
13 <sup>th</sup> cheque	N\$ 13 764.00
20% Housing Rental Allowance/40% Subsidy	N\$ 33 034.00/N\$ 71 685.12
21.7% Pension	N\$ 35 842.00
Transport Allowances	N\$ 4 800.00
<b>Total</b>	<b>N\$ 252 614.00 / N\$291 264.14</b>

- Additional equipment per officer as follows:

<b>ITEM</b>	<b>COST</b>
Patrol car	N\$ 250 000.00
Portable Radio	N\$ 7 000.00
Fire-arm	N\$ 6 000.00
Uniforms	N\$ 8 000.00
Other	N\$ 2 000.00
<b>Total</b>	<b>N\$ 273 000.00</b>

- The cost to Council will be:

<i>POSITION</i>	<i>NO</i>	<i>GRADE</i>	<i>MINIMUM SALARY</i>	<i>ADDITIONAL EQUIPMENT</i>	<i>TOTAL</i>
<i>Traffic Officer</i>	4	C2	<i>N\$252 614.00</i>	<i>N\$273 000.00</i>	<i>N\$2 222 456.00 / N\$2 257 056.40</i>

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

**RECOMMENDED:**

- (a) That the positions of four (4) additional Traffic Officers be approved.
  - (b) That budgetary provision be made in the 2013 / 2014 Operational Budget.
-

11.1.40 **REQUEST FOR THE CREATION OF AN ADDITIONAL CLERICAL POSITION:**  
**ADMINISTRATION & PROPERTIES SECTION**  
(C/M 2013/02/28 - B 1/1/3)

Ordinary Management Committee Meeting of 14 February 2013, Addendum 9.7 page 33 refers.

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

With the current rapid expansion of Swakopmund and the large number of new developments that are being approved by Council, the number of water meters that have to be read on a monthly basis have increased substantially over the last few years. The number of meter books that have to be captured manually for the purpose of billing customers for Municipal services have consequently also increased.

Currently only two employees (Accountant: Administration & Property and Debtors Clerk) are tasked with the duty of capturing the water reading data as collected by the meter readers for the entire town. This creates the situation where the Accountant for this section has to assist with the clerical work of data capturing and hence cannot properly attend to her supervisory functions with regards to the accuracy of the readings captured.

The table below depicts the number of water meters that has had to be read since 2005, the annual percentage increase of the number of new water meters and the concurrent staff complement of data capturers that have to accomplish this task.

YEAR	NUMBER OF WATER METERS	PERCENTAGE INCREASE	NUMBER OF STAFF RESPONSIBLE FOR CAPTURING OF READINGS
2005/2006	8612		2
2006/2007	9100	6	2
2007/2008	9676	6	2
2008/2009	10083	4	2
2009/2010	10360	3	2
2010/2011	10914	5	2
2011/2012	11200	3	2
2012/2013	11800	5	2

From the above table it is evident that the meter book data that has to be captured has increased with an average of 5% (rounded off) per annum since 2005 whilst the quantity of staff responsible for this function has remained the same.

The above stated statistics has obliged the General Manager: Finance to conclude that the need exists for the creation of one additional clerical position within the above sub section for the year ending **June 2014**.

It is proposed that the necessary budgetary provisions be made in the 2013/2014 Operational Budget and the staff appointment be effected from **01 July 2013**.

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

**RECOMMENDED:**

- (a) That one new position for a Clerical Assistant - Properties be approved.
- (b) That budgetary provision be made in the 2013 / 2014 Operational Budget and that the position be filled according to Council's Recruitment Policy from 1 July 2013.



11.1.41 **REQUEST TO CREATE NEW POSITION - ENGINEERING DEPARTMENT - ADMINISTRATIVE OFFICER**

(C/M 2013/02/28 - B 1/1/4)

**Ordinary Management Committee Meeting of 14 February 2013,**  
Addendum 9.8 page 34 refers.

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

Various attempts to secure additional office administration staff were turned down in the past. However the workload is increasing and this hampers proper service delivery at the primary points of contact with the general public. In addition, based on the findings of the recent internal audit report the building Control Counter was instructed to open concurrent with the cashier hours.

There are three important admin support centres in the Department: Engineering Services at the Municipal Head Office dealing with members of the public and general communication:

- *Firstly it is the Personal Officer (PA) to the General Manager;*
- *Secondly it is the reception at the Building Inspectorate and*
- *Thirdly the admin Officer at the town planning section.*

When any of the three incumbents take leave or are otherwise absent from their post it creates a vacuum. Lately temporary staffs were employed to assist during prolonged periods of absence. However, this requires constant training, which doesn't lessen the burden of the current staff. Due to the confidentiality of the work temporary staff members cannot be allowed to handle all duties.

In the second instant the Building Inspectors do "counter duties" as relief work. However, these results in some admin work still falling behind and at the current rate of development in town the Building inspectors are needed for inspections and control. Town Planning is sitting in the same situation with having only one Officer who is focussing on general enquiries and secretarial duties. In her absence valuable time of more senior staff is taken up.

Once there is at least one additional Administrative Officer who can be rotated between these tree posts a level of continuation will be retained. Since the PA to the General Manager: Engineering Services is the most senior position in the administrative field the additional Admin Officer should report to the PA, who shall second him or her to the other two sections for training and as demand requires.

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

**RECOMMENDED:**

- (a) That an additional position of Administrative Officer be created to share the workload in the Engineering Department.
  - (b) That the existing Job Description for the current Administrative Officer be adjusted to include the rotating function and if need be, be referred to the Job Grading Committee for grading.
  - (c) That this position report to the Personal Assistant to the General Manager: Engineering Services, but shall also assist part-time and as and when needed in the Building Inspectorate and Town Planning Sections.
  - (d) That budgetary provision be made in the 2013/ 2014 Operational Budget.
-

11.1.42 **WATER WORKS SECTION: ADDITIONAL STAFF REQUIREMENT**

(C/M 2013/02/28 - B 1/1/4)

**Ordinary Management Committee Meeting of 14 February 2013,**  
Addendum 9.9 page 35 refers.

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

The Municipal water network has expanded significantly during the past few years and at the same time the infrastructure is ageing, which results in more pipe bursts and leakages.

The consumer connections increased from 6,957 in the year 2000 to 11,719 in **November 2012**. The DRC Pre-Paid Water system was installed last year and this system needs a lot of maintenance and repair work to keep it functioning satisfactorily.

The water network at the smallholdings has significantly increased in the past few years and a large number of pipe leaks occur due to the high pressure and pressure fluctuations in the network.

The Water Works Section is furthermore not only doing maintenance and repair work but has also completed several Capital Projects in the past and is currently busy with one. Below is a list of some of the major Capital Projects that were done departmentally with the help of contract workers and SME's in the past few years:

- *Replacement of 350mm AC pipe with a 315mm uPVC pipe from the reservoir to Mondesa. The total cost of this project was ± N\$1 million and was done with contract workers under supervision of the Waterworks Section.*
- *Replacement of all house connections and water meters in Anton Lubowski Street.*
- *Installation of a 90mm semi purified pipe line for the palm trees in Sam Nujoma Avenue.*
- *Complete replacement of the 150mm AC pipe in Flamingo Street with a 160mm uPVC pipe.*
- *Relocation of the water main line in Emerald Street from the middle of the street into the pavement.*
- *Complete replacement of the semi purified network at the Bungalows.*
- *Complete replacement of the 75mm AC water main line in Augustinus Garoeb street with a 90mm uPVC pipe.*
- *Relocation of the midblock water pipes in Mondesa. This project has started a year ago and will continue.*

The staff complement of the Water Works Section remained unchanged for the past 14 years, except for the addition of the two Water Works Officials last year, who are mainly responsible for the disconnections and reconnections of consumers.

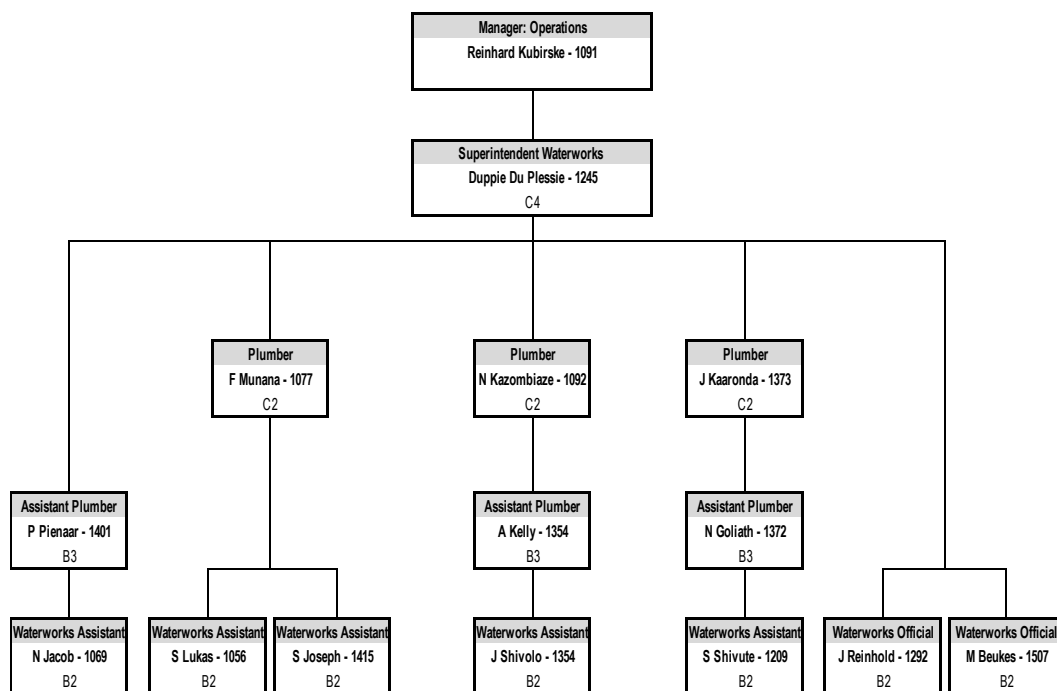
The Water Works Section presently consists of four teams. Each team consists of a Plumber, Assistant Plumber and a Waterworks Assistant. The Superintendent: Waterworks is currently part of the one team, but his team is often working without him, because of the increase in administration duties he has to perform.

An enormous workload is placed on the staff members and the overtime worked is constantly on the increase. This causes a significant degree of fatigue and unhappiness amongst the staff members of this section.

The high workload furthermore does not allow enough time for preventative maintenance on the reticulation network, which results in the deterioration of the water network and a possible increase in the water losses.

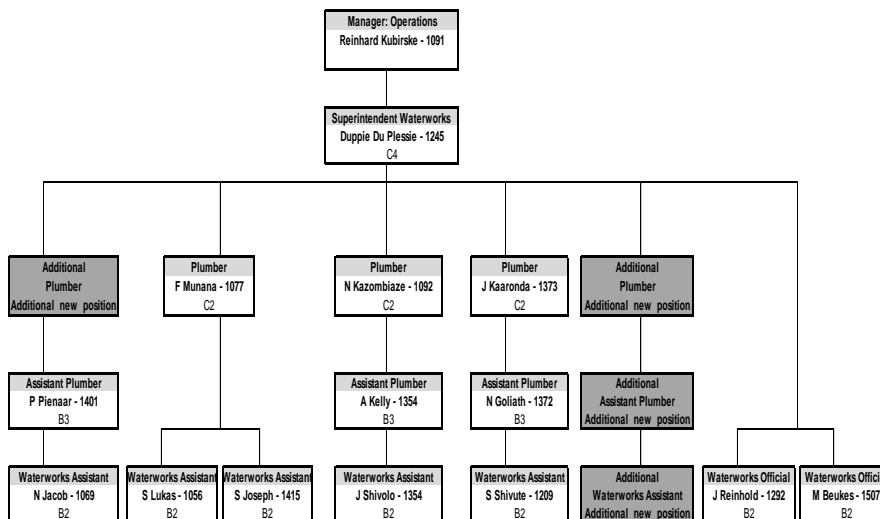
The current organogram of the sections is as follows:

**ENGINEERING SERVICES DEPARTMENT – WATER WORKS SECTION**  
**(CURRENTLY)**



The Water Works Section definitely needs additional staff and the following organogram indicates the proposed new positions needed in this section.

**ENGINEERING SERVICES DEPARTMENT - WATER WORKS SECTION  
(PROPOSED)**



One team consisting of a Plumber, Assistant Plumber and a Water Works Assistant is urgently needed in order to cope with the high workload. An additional Plumber is needed to take over the team of the Superintendent Water Works. This will ensure that this team can function efficiently and that a qualified Plumber is always present when work is done. The Superintendent can then spend more time on supervision, control, management and administrative duties.

Failure to create these much needed additional positions will severely impair the timely service delivery and will thus increase network losses and complaints from the public.

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

**RECOMMENDED:**

**(a) That the creation of an additional Water Works Team, consisting of the following three positions, be approved:**

- 1) *Plumber, similar position currently graded as C2.*
- 2) *Assistant Plumber, similar position currently graded as B3.*
- 3) *Waterworks Assistant, similar position currently graded as B2*

**(b) That the creation of an additional Plumber (C2), to take over the Water Works Team which is currently under the direct supervision of the Superintendent Water Works, be approved.**

**(c) That budgetary provision be made in the Operational Budget 2013/2014 for the appointment of:**

- 1) *Two Plumbers, grade C2.*
- 2) *One Assistant Plumber, grade B3.*
- 3) *One Waterworks Assistant, grade B2.*

**(d) That the organogram of the Water Works Section be changed accordingly.**

11.1.43 **ADDITIONAL STAFF: SEWERAGE WORKS**

(C/M 2013/02/28 - B 1/1/4)

**Ordinary Management Committee Meeting of 14 February 2013,**  
Addendum 9.10 page 38 refers.

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

During the past ten years the town of Swakopmund had grown to such an extent that Council approved the construction of a new waste water purification plant. More and more block developments were done during the years and new structures are rising by the day. Blockages in the sewer network are increasing drastically, especially in the older parts of town and in Mondesa.

The additional and new developments in town, together with the increase in blockages and other related problems, place enormous pressure on the staff members of the Sewerage Works. Members have to work long hours and the overtime rises constantly. A new Jetvac truck was purchased in 2012 in order to assist the Sewerage Works staff with the clearing of blockages and to clean sewer lines, on a routine and scheduled basis, from sand and other deposits that settled during the years.

The new Jetvac truck cannot be utilized to its full potential because of the shortage of staff. One Operator and three assistants are needed to permanently man this truck in order to use this truck to its full potential. Currently, staff members who have other duties to perform are used to operate this truck. Contract workers are also sometimes used to assist.

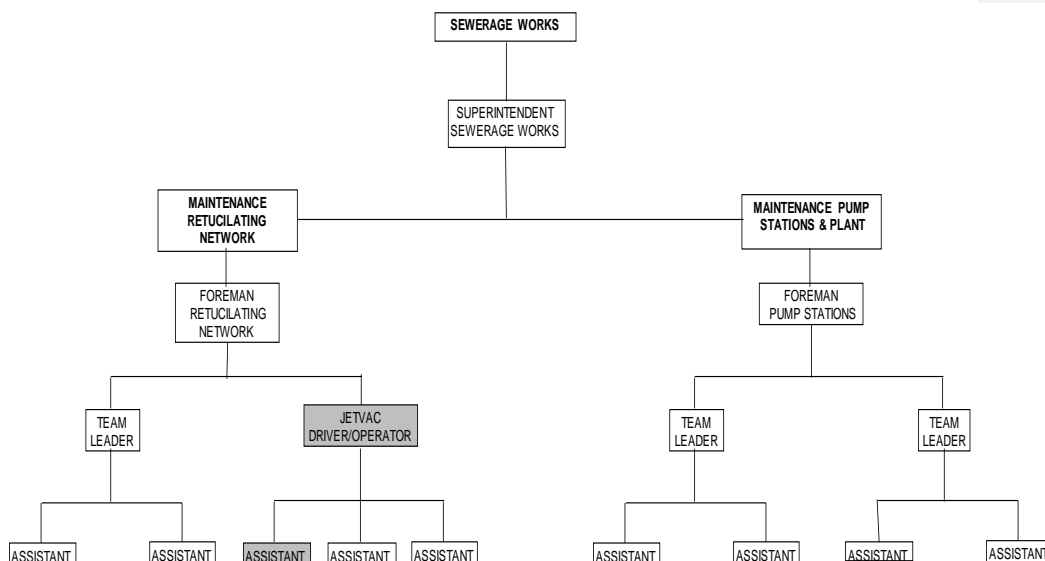
During the festive season additional staff had to be called out to help to operate the truck. During the past festive season, staff members who were off duty had to be called out to assist to man the truck, in order to make up two teams to deliver a faster and better service to the public.

The following additional staff is urgently needed to operate and to fully utilize the Jetvac truck to assist in the clearing of blockages and to clean the sewage network to reduce and to prevent blockages.

- (a) *One Jetvac Truck Driver/Operator to take full responsibility to drive and to operate the truck. The grade of this position could be a B2, based on similar positions in the organization.*
- (b) *One Assistant to assist the Operator/Driver and co-workers during cleaning operations, blockages and other cleaning operations. The operation of this truck is a physical job. It is not easy to handle the suction and pressure cleaner hose during cleaning operations. The grade of this position could be a B1, based on similar positions in the organization.*

In fact, (3) three assistants are needed, but the intention is to make use of two contract workers for one year and then apply for another two permanent assistant positions in the 2014/2015 Financial Year.

The current organogram with the required additional positions are as follows.



Failure to create these much needed additional positions will prevent the proper and full utilization of the new Jetvac Truck which was purchased last year to the amount of ±N\$2 million. The network blockages will definitely increase if routine cleaning operations of the network are not done.

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

**RECOMMENDED:**

- (a) That the creation of one new position of JETVAC Truck Driver /Operator and one new position of Sewerage Assistant for the Sewerage Works be approved.
- (b) That budgetary provision be made in the 2013 / 2014 Operational Budget.
- (c) That the structure of the Sewerage Works Section be changed accordingly.

11.1.44 **NEW POSITION: PROJECT CO-ORDINATOR / CLERK OF WORKS FOR THE WORKS SECTION**

(C/M 2013/02/28 - B 1/1/4)

**Ordinary Management Committee Meeting of 14 February 2013, Addendum 9.11 page 40 refers.**

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

The Manager: Operations is overloaded with routine administrative duties preventing him from attending to essential management tasks related to the critical services and road infrastructure.

The Works Section has furthermore started about two years ago with larger construction and maintenance projects such as the construction of paved interlocked roads and the re-sealing of existing bituminous roads. Projects of this nature were previously given out on tender to larger construction companies. The Works Section is now completing this with the help of numerous small contractors, thereby saving funds for Council and ensuring that our local community is involved in these projects and given an opportunity to earn some money. A lot of additional planning, administration, control and supervision are thus created. No additional permanent staff was employed for this purpose.

The Works Section requires a person with strong administrative, but also technical skills to assist with the co-ordination and supervision of projects, compilation of tenders and quotations, procurement and budget control.

The main duties of the proposed Project Co-ordinator / Clerk of Works would be to oversee purchases, ensuring that orders are speedily forwarded to suppliers, material and supplies are received and issued to the respective teams and small contractors. This person will furthermore oversee stock control and perform visits to the various construction sites to undertake inspections, both for the correct use of material and quality control, as recommended by the recently conducted internal audit.

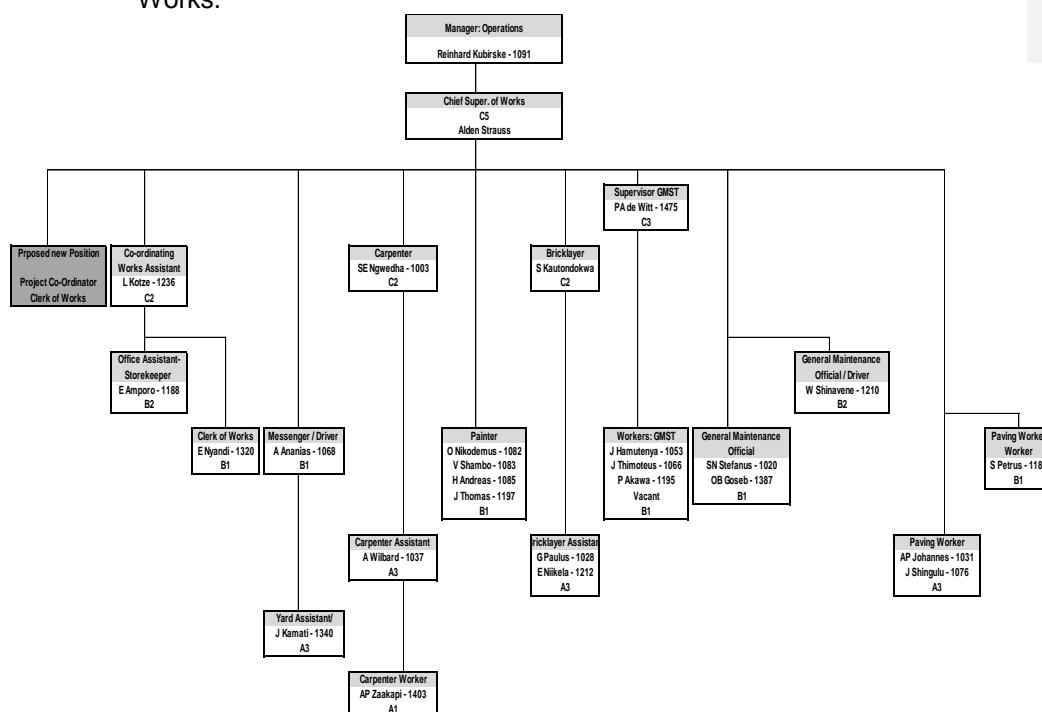
The position of the Senior Mechanic Services, a C-Band position, is currently "*frozen*" for the past few years and has not been abolished yet. It has been proven that the operations can continue without the filling of this position. This resulted in a considerable saving. It is proposed to sacrifice this position in order to create the proposed new position.

Without additional administrative and technical support the Manager: Operations will not be able to dedicate enough time to higher level infrastructure management, supervision and control. He needs to analyze consumption and delivery statistics to determine where costs can be saved, resources more efficiently allocated and the service delivery level improved.

The Manager: Operations has been voluntarily working for a couple of years a very high amount of extra hours, trying to cope with the demand.

With time this stress level and long working hours has become unmanageable and a health risk.

The estimated grading level of the proposed position should be in the C Band, mid to upper level. The following organogram illustrates the position of the proposed new position of the Project Co-ordinator/Clerk of Works.



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

**RECOMMENDED:**

- That the creation of the position of Project Coordinator / Clerk of Works be approved in order to reduce the administrative burden of the Manager: Operations.
- That the “frozen” and vacant position Senior Mechanic Engineering Services be sacrificed and done away with, but that the budgeted funds be made available to finance the proposed new position Project Coordinator / Clerk of Works.
- That the new job description for the Project Coordinator / Clerk of Works be compiled and referred to the Grading Committee for grading.



11.1.45 **GENERALISATION OF THE ENGINEERING TECHNICIAN IN THE  
ENGINEERING SERVICES DEPARTMENT**

(C/M 2013/02/28 - B 1/1/4)

**Ordinary Management Committee Meeting of 14 February 2013,  
Addendum 9.12 page 42 refers.**

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

There are three positions in the Engineering Services Department, which are very similar in nature, being the following:

- *Technician: Architecture and Special Projects*
- *Technician: Roads and Special Projects*
- *Technician: Water, Sewer and Special Projects*

The position of the Technician: Architecture and Special Projects is currently vacant.

**INTRODUCTION**

The incumbents typically studied at the Polytechnic of Namibia and achieved a B-Tech Water Engineering or B-Tech Urban Engineering degree or a similar degree at a tertiary institution in South Africa.

In order to be registered as Incorporate Engineers with the Engineering Council of Namibia some have registered as Incorporate Engineer in Training (Civil). These incumbents need to work on various engineering projects, record their experience and compile a report. The report needs to be signed off by a professional engineer or at least an incorporate engineer, who serves as mentor or referee. If there is no suitable mentor in-house, the trainee needs to find a suitable mentor / referee outside the organisation. An experience report must reflect relevant projects and the applicant's involvement or level of responsibility and cover a minimum period of three years. If the documented and certified experience is found to be varied and comprehensive enough, the Engineering Council will register the applicant as Incorporate Engineer.

Originally the above positions were created for Technicians, who were already registered as Engineering Technicians with the Engineering Council. The incumbents therefore could specialise in a specific field of engineering or in architecture.

However, for technicians and engineers in training variety is essential to get a wide scope of experience in different civil engineering fields.

**GENERALISING THE JOB DESCRIPTIONS**

In order to offer the incumbents a growth path, it is proposed to drop the discipline specific wording from the job descriptions by removing the specialist designations and making them "*Technicians: Engineering Services*", or simply "*Technicians*".

The proposal under discussion offers the incumbent(s) an opportunity to diversify, by taking up various projects, solving a variety of engineering tasks and thus widening their scope of experience.

One of the incumbents may at times even assist the Manager: Operations with overseeing construction and maintenance projects, co-manage the wastewater treatment works or assist with planning, investigations and maintenance on the various networks and pump stations.

The Manager: Planning may direct these human resources where they are needed most. If there are primarily road projects on a capital budget, more than one technician / trainee engineer can work on these projects. At other times they all can work on water related projects. As a group they function as a multi-disciplinary design office or "*Engineering Team*".

They may also be attached to consulting engineering firms that are employed to design or supervise complex Municipal projects. The latter has already been adopted as a condition when employing consulting engineers.

Often the technicians are out in the field to survey or supervise projects. They cannot attend to the many queries from the public. If they are multi-disciplined they should take turns so that at least one of them is available to respond to enquiries at the office.

### **IMPLEMENTATION**

Changes to a job description can only be made in mutual agreement with the incumbents and the respective union. However, the proposed adjustment is not really a change in the scope of work, but a generalisation of tasks. It is proposed to try this concept for the vacant position of the Technician Architecture and Special Projects. If it achieves its objective this concept will be applied once vacancies open up for the discipline specific technician positions.

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

##### **RECOMMENDED:**

- (a) That Council supports the generalisation of the Engineering Technician: Architecture and Special Projects to that of Engineering Technician: Engineering Services.
  - (b) That, should vacancies arise for the discipline, these specific technician positions also be converted to the generalised position of Engineering Technician: Engineering Services.
  - (c) That the Manager: Human Resources and the General Manager: Engineering Services enter into negotiations with the current incumbents and Union representatives to see, whether they would accept the amendment of their job description to reflect the general positions.
  - (d) That the job description (on file) for the position "*Engineering Technician: Engineering Services*" be accept and graded and then advertised as soon as possible.
-

11.1.46 **UPDATED TRAINING POLICY**  
(C/M 2013/02/28 - B 1/8)

**Ordinary Management Committee Meeting of 14 February 2013,**  
Addendum 9.14 page 52 refers.

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

A need has been identified to review all HR policies to ensure an efficient and effective human resource management system that is responsive to the needs of Council and complying with the country's laws and regulations related to human resources.

The following updates were discussed amongst the Human Resources staff members, with the input of the General Manager: Corporate Services & HR:

Current policy	Proposed changes
<p>1.2 must The Induction training programme include the following:</p> <ul style="list-style-type: none"> <li>• The vision and mission of the Council.</li> <li>• The physical organizational environment, including the various General Managers and their roles in the organization.</li> <li>• The Disciplinary Code and the Grievance programme.</li> <li>• The Performance Management Policy/System.</li> <li>• The Training &amp; Development policy of Council.</li> <li>• Conditions of Service and the reward system</li> <li>• Recruitment and Selection policies.</li> <li>• Safety Policy</li> <li>• Vehicle policies</li> <li>• Alcohol and Drug abuse policy</li> <li>• HIV/AIDS policy</li> </ul>	<p>1.2 The Induction training programme must include the following:</p> <ul style="list-style-type: none"> <li>• The vision and mission of the Council.</li> <li>• The physical organizational environment, including the various General Managers and their roles in the organization.</li> <li>• The Disciplinary Code and the Grievance programme.</li> <li>• The Performance Management Policy/System.</li> <li>• The Training &amp; Development policy of Council.</li> <li>• Conditions of Service and the reward system</li> <li>• Recruitment and Selection policies.</li> <li>• <b>SHEQ ( Safety Health Environment Quality) Policy</b></li> <li>• <b>Fleet Management Policy</b></li> <li>• <del>Safety Policy</del></li> <li>• <del>Vehicle policies</del></li> <li>• Alcohol and Drug abuse policy</li> <li>• HIV/AIDS policy</li> </ul>
<p>3. Minimum requirements per band</p> <p>Band B: Grade 12 Band C: Grade 12 plus a national tertiary qualification</p>	<p>Band B: Grade 12/ <b>2 years diploma course</b> Band C: <b>Grade 12 plus 3 years diploma/ degree</b></p>
<p>6.b(iii). Study aid</p> <p>Maximum repayment period is 24 months</p>	<p>Maximum repayment period increased to <b>36 months</b></p>
<p>6.b(v)</p> <p>the study aid will only be for courses offered by recognized Universities, Technicons and/or Correspondence</p>	<p>(Courses must lead to a qualification and fully accredited by Namibia Qualification Authority or fully</p>

Colleges. (Courses must lead to a qualification)	evaluated by Namibia Qualification Authority).
6.c Refunding will not take place should a staff member consider furthering his/her studies in a field different to his current position he/she be assisted by means of a repayable loan over a period not exceeding 24 (twenty four) months	6.c Refunding will not take place should a staff member consider furthering his/her studies in a field that is <b>not related to the functional fields in the Swakopmund Municipality</b> . Assistance in the afore-described instance will only be rendered by means of a repayable loan over a period not exceeding 36 (thirty six) months.
9.2.1 Management Committee shall consider all requests for attendance of relevant Training & Development courses and delegations of staff members from Paterson post grade C1 to E3.  <b>9.3 Senior Management Team</b> The Senior Management Team shall consider all requests for training and development interventions and delegations within the Republic of Namibia from Paterson A1 to B5.	9.2.1 <del>Management Committee</del> <b>The Planning Forum</b> shall consider all requests for attendance of relevant Training & Development courses and delegations of <b>all</b> staff members <del>from Paterson post grade C1 to E3</del> .  <del>9.3 Senior Management Team</del> <del>The Senior Management Team shall consider all requests for training and development interventions and delegations within the Republic of Namibia from Paterson A1 to B5.</del>
Driver's License assistance:  10(b) The cost to a maximum of N\$ 1 500,00 per person will be defrayed from the training vote of the relevant department.	The cost to <del>a maximum of N\$ 1 500,00 per person</del> <b>a service provider</b> will be defrayed from the training vote of the relevant department.
Institutions acknowledged by Council	Include: (xi) Institute of Bankers (xii) <b>Namibia Institute of Public Administration and Management.</b>

For ease of reference **attached** a copy of the proposed updated Training Policy.

**Attached** proof that this matter was submitted to the Chairperson of the Shop stewards Committee on **29 May 2012**, to provide input. No feedback was received from the Shop stewards even though reminders were sent to them on **12 September 2012**, and again on **16 October 2012**.

Planning Forum on **13 November 2012** the recommended as follows:

*That Management Committee considers the proposed updated Training Policy.*

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

**RECOMMENDED:**

**That Council considers the proposed updated Training Policy.**

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11.1.47 **MUNICIPALITY OF SWAKOPMUND ORGANISATIONAL VALUES**

(C/M 2013/02/28 - B 1/1)

**Ordinary Management Committee Meeting of 14 February 2013, Addendum 9.16 page 109 refers.**

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

Organizational values define the acceptable standards which govern the behaviour of individuals within the organization. Without such values, individuals will pursue behaviours that are in line with their own individual value systems, which may lead to behaviours that the organization doesn't wish to encourage.

Articulated values of an organization can provide a framework for the collective leadership of an organization to encourage common norms of behaviour which will support the achievement of the organization's goals and mission.

**Attached** is the proposed organisational core values for the Municipality of Swakopmund which was a combined effort between the Personal Assistants, Human Resources staff members, whereafter it was submitted to the Planning Forum to delete or add to the proposed Organisational Core Values.

**Attached** is proof that this matter was submitted to the Chairperson of the Shop Stewards Committee on **12 July 2012**, to provide input. No feedback was received from the Shop Stewards even though reminders were sent to them on **12 September 2012** and again on **16 October 2012**.

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

**RECOMMENDED:**

- (a) That Council accepts the proposed Organisational Core Values of the Municipality of Swakopmund.**
  - (b) That the Shop Stewards be informed that it is not conducive to delay the process of updating and implement policies that are to the benefit of the staff members as well as the community.**
  - (c) That Information Sessions be presented to all staff members to ensure that they understand and act according to this value system.**
-

11.1.48 **COUNCIL'S REPRESENTATIVES ON VARIOUS COMMITTEES AND BODIES - 2013**

(C/M 2013/02/28 - A 2/3/1/4)

**Ordinary Management Committee Meeting of 14 February 2013, Addendum 9.17 page 113 refers.**

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

1. Council from time to time approves the establishment of various committees / bodies to assist Council in the execution of its social responsibilities. The existence and the members appointed to serve on these committees / bodies should be reviewed on an annual basis to ensure that Council's interests are better served.
2. The elections of office bearers also necessitate the revision of these committees / bodies.
3. It appears that some of the committees are dormant hence their existence should be reviewed.
4. **Attached** is a list of Council's representatives on various committees / bodies for consideration.

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

**RECOMMENDED:**

**That the list of Council's representatives (on file) on various committees / bodies for 2013 be approved, subject to amendments.**

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11.1.49 **ERONGO RED : BORROWING POWERS OF DIRECTORS**

(C/M 2013/02/28 - A 4/3/1/16)

**Ordinary Management Committee Meeting of 14 February 2013,**  
Addendum 10.1 page 01 refers.

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

**Attached** enclosure was submitted to the Special Shareholders meeting to be held on **20 February 2013**.

In terms of the current articles of association, clause 57, the Board of Directors may only borrow 50% of 12,5 million the latter being the share capital issued by the Shareholders.

This will enable the Board of Directors to take up a loan for the Bulk Upgrade for Walvis Bay.

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

**RESOLVED: (For Condonation By Council)**

**That Council does not consider removing Claus 57 of the Memorandum and Articles of Association of Erongo Regional Electricity Distributor Company (Pty) Ltd and to confirm that Clause 3.3.2 of the Shareholders Agreement be used as reference with the Borrowing Powers of Directors.**

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11.1.50 **MESSRS TEARS OF HOPE'S APPLICATION FOR AN ERF TO ESTABLISH AN ORPHANAGE**

(C/M 2013/02/28 - M 1790)

**Special Management Committee Meeting of 21 February 2013, Addendum 5.2 page 04 refers.**

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

With reference to the above application, the Management Committee passed the following resolution on **14 February 2013**:

- (a) *That this item be referred back and be resubmitted to the Special Management Committee meeting scheduled for 21 February 2013 at 18:30.*
- (b) *That all applications for land by welfare organisations be submitted to the Special Management Committee in (a) above.*

Referring to point (b), it can be stated that apart from the applications listed under point 3, below various applications are received from associations / institutions for institutional land. These letters are acknowledged and the applicants are requested to submit the required documentation prior to a submission being table to the Management Committee. These documents are seldom provided.

Some of these applications were submitted to the Management Committee for consideration and were finalized.

Also some institutions apply for land for profit making ventures; and can therefore not be considered for the allocation of land at subsidized prices.

Following are applications received from welfare / community organisations for portions of Portion 5:

APPLICANT	DATE	INTENTION
Moria Gemeentes van Afrika	2009	Erect a Church Council approved the allocation of a portion on 28 July 2011 in exchange for the erf.
Tabernacle Apostolic Church of Prophecy	2011	Church – informed of the requirements to comply with to be placed on the waiting list (11 August 2011.)
Blood Transfusion of Namibia	2011	Council on 25 October 2012 approved the sale of Portion B to them.
My Dream Career Academy CC	2011	School Reply written dated 21 November 2011 that Council is in the process of subdividing Prt 5.
Simon N Williams	2011	Youth Community Vocational Centre. Reply written dated 05 January 2012 that Council is in the process of subdividing Prt 5. Management Committee considered application dated 11 October 2012 and resolved that application be added to waiting list.
Valencia Rochell Lennitch	2012	Kindergarden
Namibia Public Workers Union	2012	not specifically referred to portion 5 – but might fit in with the usage
Regina Egumbo (Theopolinda Simon and Mr Bonadei Thekwane)	2012	Clinic
Christophine Paul	2012	Pre-School
Dongina Risser Gymnastics Foundation	2012	Gymnasium
Namibian Helping Hand Ministry	2013	Community Centre Informed on 15 January 2013 that Council is attending to the re-design of the layout of Portion 5. (Cnl resolution passed on 25 October 2012)



Council also has a separate list in place for all applications by churches which comply with the requirements in terms of the Property Policy.

**Following is the submission that was tabled to the Management Committee of 14 February 2013**

**1. Introduction**

Subsequent to an application dated **20 January 2012** received from Messrs Tears of Hope appealing once again to the Council to avail an erf to erect a safe and suitable facility to accommodate vulnerable and homeless children in Swakopmund; Council passed the following decision on **26 April 2012**:

- |      |   |  |
|------|---|--|
| (a)  | <i>That the sale of the "to be" consolidated "Institution Erven 3485, 3406, 3507 and 3508, Mondesa" Messrs Tears of Hope, be approved, at:</i>  | } Erf 3406, Mondesa must read Erf 3506, Mondesa. |
| (i)  | <i>50% of the cost of the installation of services subject to a first right of refusal to obtain the land should Messrs Tears of Hope wish to sell; at the market value of the improvements and the purchase price charged for Messrs Tears of Hope; and subject to the condition that should no building activities be commenced with within 24 months from the date of transfer, the erf reverts to Council and all moneys / fees paid by Messrs Tears of Hope be forfeited to Council, the land reverts to Council without any compensation to Messrs Tears of Hope for improvements made;</i> |  |
| (ii) | <i>That the purchase price for Erven to be consolidated be N\$102 220.00 (being 50% of N\$102.22 / m<sup>2</sup>; i.e. N\$51.11 / m<sup>2</sup> x ±2 000m<sup>2</sup>).</i>   |  |
| (b)  | <i>That all costs for the transaction be for the cost of Messrs Tears of Hope which include, but are not limited to the advertising of Council's intention to sell in terms of Section 63 of the Local Authorities Act, Act 23 of 1992, as amended, the compilation of a deed of sale and the transfer cost.</i>  |  |
| (c)  | <i>That all developments be in terms of the Town Planning Amendment Scheme.</i>   |  |
| (d)  | <i>That Messrs Tears of Hope apply for consent use to operate an orphanage.</i>   |  |

Messrs Tears of Hope was informed of Council's decision per letter dated **2 May 2012**.

The following documents are attached:

- Annexure "A"** - application dated **20 January 2012** from Messrs Tears of Hope.
- Annexure "B"** - submission that was tabled to Council of **26 April 2012**.

**2. Application to Purchase only One of the Four to be Consolidated Erven**

Following an application dated **29 November 2012** by Messrs Tears of Hope for a further reduction of 25% off the purchase price, a meeting was held with Messrs Tears of Hope, the Chief Executive Officer, Acting General Manager: Corporate Services and Corporate Officer (Properties) on **23 January 2013**.

Messrs Tears of Hope explained that due to financial constraints and the pressure of losing donors they wish to apply to purchase only one erf.

Messrs Tears of Hope also pointed out that the Management Committee on **16 October 2008** resolved to consider their application for the donation of an erf:

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

Ms N Mauha is currently operating Tears of Hope orphanage from her property, Erf 1790, Mondesa.

Subsequently another application was received from Messrs Tears of Hope applying to Council to only purchase one erf, at a per square metre price of N\$ 51.11. The application dated **23 January 2013** is attached as **Annexure "C"**.

↑ Various erven were identified by Messrs Tears of Hope, but unfortunately all these options were already allocated to Build Together Project beneficiaries in terms of Council's resolution passed on **29 September 2011**.

↓ It can be considered to offer them 1 of the 4 to be consolidated erven, i.e. either Erf 3703, 3704, 3727 or Erf 3748, Mondesa, and only consolidate the remaining three to offer for sale to a church on the waiting list.

Messrs Tears of Hope finds it difficult to meet the final costs in the current economic crisis and the cost of the combined erven will severely deplete their already stretched funding. Since their priority is to provide shelter for orphans, they do not want to spend the majority of their funding on the cost of purchasing an erf, but rather to build the house as big as possible. Accordingly, they do not want to cut down on the size of the dwelling of 150m<sup>2</sup> as it is already a limited size to accommodate the growing number of orphans and street children they intend to accommodate.

### 3. **Council's Previous Decisions with reference to similar Applications**

As per **Annexure "B"**, following is a summary of similar applications approved by Council:

	APPLICANT	COUNCIL RESOLUTION	PURCHASE PRICE	SIZE	COMMENTS
3.1	<b>House of Safety (Erongo Development Foundation)</b>	26 Apr 2012 28 Jun 2012	<b>N\$6.15/m<sup>2</sup></b> (50% of cost of installation of services)	2 515m <sup>2</sup> (Portion of Erf 503, Tam)	Applied for reduction, will be considered by Council after statutory process is finalized.
3.2	<b>Dr Theo Ben Gurirab Private Hostel</b> (private entity)	27 Oct 2011	<b>N\$159.50/m<sup>2</sup></b> (market related)	13 395m <sup>2</sup> (Erven 3289, 3290, 3291, M)	Council cancelled the transaction on 26 Jul 2012.
3.3	<b>Mondesa Youth Opportunities</b> (trust)	28 Jul 2011	<b>N\$15.11/m<sup>2</sup></b> (50% of cost of installation of services)	8 124m <sup>2</sup> (Remainder of Erf 63, M)	As per Council's Property Policy.
3.4	<b>COSDEF</b> (non profit making organisation)	24 Mar 2011	<b>N\$10.00</b>	10 771m <sup>2</sup> (Erf 4828, S)	Not inline with Council's Property Policy, but at the discretion of Council.

The differences in the cost of the installation of services are due to the time that lapsed between the servicing of the respective areas and the increase in costs for the installation of services per the allocation of the tenders.

4. **Consolidation of Corner Erven in Mondesa for Institutional Purposes**

Council on **24 November 2011** passed the following resolution:

- (a) *That the following erven be consolidated into one erf and rezoned to "Institutional" erven and that special consent be granted for the consolidated erven to be used either for "Place of Public Worship" or "Place of Instruction" while the process of rezoning is underway:*
- ① *Erven 3507, 3508, 3485 and 3506, Mondesa;*
  - ② *Erven 3419, 3420, 3421 and 3442, Mondesa;*
  - ③ *Erven 3554, 3555, 3556 and 3589, Mondesa;*
  - ④ *Erven 3231, 3232, 3269 and 3288, Mondesa;*
  - ⑤ *Erven 3703, 3704, 3727 and 3748, Mondesa; and*
  - ⑥ *Erven 3612, 3613, 3614 and 3633, Mondesa*
- (b) *That consent be granted to the churches to develop the consolidated erven while the rezoning of the consolidated erven from "Single Residential" to "Institutional" is being finalized.*

Whereafter the Management Committee on **16 February 2012** passed the following resolution:

*That the consolidation of the additional erven constituting consolidated Erf "G" not be approved.*

5. **Proposal**

The ever increasing number of street children and orphans is a reality. Messrs Tears of Hope will finance, manage and maintain the property at their own cost while being primarily dependant on donations

The main donor of Messrs Tears of Hope has indicated that if they do not provide proof that an erf has been allocated to them by March 2013, the funds allocated to them will be awarded to another worthy cause elsewhere in the world.

As the erven indicated by Messrs Tears of Hope have already been allocated to Build Together Project beneficiaries and one sold by closed bid, it is proposed that Messrs Tears of Hope be offered one of the following erven which formed part of the corner erven to be consolidated, either Erf 3704 or 3748, Mondesa; and that the remaining three erven be consolidated and offered for sale to a church on the waiting list.

That the purchase price of N\$51.11 per square metre as resolved by Council be 26 April 2012 be applicable, i.e., should they decide to purchase one the following erven the price will be:

- ① *Erf 3703, Mondesa, i.e. 615m<sup>2</sup> x N\$51.11 = N\$ 31 432.65;*
- ② *Erf 3704, Mondesa, i.e. 593m<sup>2</sup> x N\$51.11 = N\$ 30 308.23;*
- ③ *Erf 3727, Mondesa, i.e. 522m<sup>2</sup> x N\$51.11 = N\$ 26 679.42; or*
- ④ *Erf 3748, Mondesa, i.e. 593m<sup>2</sup> x N\$51.11 = N\$ 30 308.23.*

Although Council's resolution of **26 April 2012** makes provision for the acquisition of the property should Messrs Tears of Hope cease to exist:

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

it is proposed to add the following condition:

*The PROPERTY shall revert to the SELLER in the event of the PURCHASER ~~PURCHASER and/or its approved successor in title and/or successors in name and/or in~~*

~~shareholding and/or members or assigns, (whichever may be applicable),~~ not complying with the following conditions:

- (a) If the PURCHASER ~~and/or its approved successors in title and/or successors in name and/or in shareholding and/or members or assigns, (whichever may be applicable),~~ fail to develop and erect within five years from date of sale improvements on the PROPERTY (not including out-buildings) to the value equal to the municipal valuation of the PROPERTY as determined by the Municipal Valuator from time to time then

~~(i) The PURCHASER and/or its approved successor in title and/or successors in name and/or in shareholding and/or members or assigns, (whichever may be applicable), shall retransfer the PROPERTY to the SELLER at the PURCHASER's and/or approved its successor's in title and/or successors in name and/or in shareholding and/or members or assigns, (whichever may be applicable) cost, and the SELLER shall not be liable to pay the PURCHASER and/or approved its successor in title and/or successors in name and/or in shareholding and/or members or assigns, (whichever may be applicable), any compensation for the improvements on the PROPERTY;~~

**or alternatively, to the choice of the SELLER,**

- (ii) the PURCHASER ~~and/or its approved successor in title and/or successors in name and/or in shareholding and/or members or assigns, (whichever may be applicable),~~ shall pay the SELLER within thirty days from having been requested to do so, the difference between the purchase price as set out in clause (b) (ii) and the market valuation of the unimproved property based on the highest land use of the PROPERTY on date the reverting clause shall apply.

- (iii) The PURCHASER ~~and/or its approved successor in title and/or successors in name and/or in shareholding and/or members or assigns, (whichever may be applicable),~~ shall not use the PROPERTY for any other purpose than for which it was bought or sell, sublease or donate the PROPERTY without the consent of the SELLER, for a period of 30 (thirty) years from date of sale. Should the SELLER at its sole option consent to a different use or the sale, sublease or donation of the PROPERTY to a third party, the PURCHASER ~~and/or approved its successor in title and/or successors in name and/or in shareholding and/or members or assigns, (whichever may be applicable),~~ undertakes to pay to the SELLER the difference between the purchase price set out in clause A (ii) and the market valuation of the unimproved property based on the highest land use of the PROPERTY or portion thereof, on date of approval of the different use or the sale, lease or donation to a third party.

- (iv) The PURCHASER undertakes to effect at its own cost the registration of the conditions contained in clauses ... by way of a Notarial Deed of Imposition of Conditions against the Title Deed of the PROPERTY, the wording of such Notarial Deed to be determined by the Notary of the SELLER to reflect the intention of the PURCHASER or its successor- in-title or its assigns and SELLER contained in the said clauses."

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

**RECOMMENDED:**

- (a) That point (a) and (a) (ii) of Council's resolution passed on 26 April 2012 be repealed due to the change of the erven applied for, but that (a) (i) remains in force, i.e.:

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

- (b) That Messrs Tears of Hope be informed that all the erven listed by them as options to purchase, are already allocated to Build Together Beneficiaries and one was sold by closed bid.
- (c) That Erf 3703, Mondesa be sold to Messrs Tears of Hope at a total cost of 615m<sup>2</sup> x N\$51.11 = N\$ 31 432.65, being 50% of the cost of installation of services as was approved by Council on 26 April 2012.
- (d) That with reference to point (b) of Council's resolution passed on 26 April 2012, Council applies to the Honourable Minister of Regional and Local Government, Housing and Rural Development for approval to sell an erf to Messrs Tears of Hope in terms of Section 30 (1) (t) of the Local Authorities Act, Act 23 of 1992, as amended.

(b) That all costs for the transaction be for the cost of Messrs Tears of Hope which include, but are not limited to the advertising of Council's intention to sell in terms of Section 63 of the Local Authorities Act, Act 23 of 1992, as amended, the compilation of a deed of sale and the transfer cost.

- (e) That in addition to point (a) (i) of Council's resolution passed on 26 April 2012 the following restrictive clause be added:

The PROPERTY shall revert to the SELLER in the event of the PURCHASER ~~PURCHASER and/or its approved successor-in-title and/or successors-in-name and/or in shareholding and/or members or assigns, (whichever may be applicable),~~ not complying with the following conditions:

- (a) If the PURCHASER ~~and/or its approved successors-in-title and/or successors-in-name and/or in shareholding and/or members or assigns, (whichever may be applicable),~~ fail to develop and erect within five years from date of sale improvements on the PROPERTY (not including out-buildings) to the value equal to the municipal valuation of the PROPERTY as determined by the Municipal Valuator from time to time then

~~(i) The PURCHASER and/or its approved successor-in-title and/or successors-in-name and/or in shareholding and/or members or assigns, (whichever may be applicable), shall retransfer the PROPERTY to the SELLER at the PURCHASER's and/or approved its successor's-in-title and/or successors'-in-name and/or in shareholding' and/or members' or assigns, (whichever may be applicable) cost, and the SELLER shall not be liable to pay the PURCHASER and/or approved its successor-in-title and/or successors-in-name and/or in shareholding and/or members or assigns, (whichever may be applicable), any compensation for the improvements on the PROPERTY;~~

or alternatively, to the choice of the SELLER,

- (ii) the PURCHASER ~~and/or its approved successor-in-title and/or successors-in-name and/or in shareholding and/or members or assigns, (whichever may be applicable),~~ shall pay the SELLER within thirty days from having been requested to do so, the difference between the purchase price as set out in clause (b) (ii) and the market valuation of the unimproved property based on the highest land use of the PROPERTY on date the reverting clause shall apply.

- (iii) The PURCHASER ~~and/or its approved successor-in-title and/or successors-in-name and/or in shareholding and/or members or assigns, (whichever may be applicable),~~ shall not use the PROPERTY for any other purpose than for which it was bought or sell, sublease or donate the PROPERTY without the consent of the SELLER, for a period of 30 (thirty) years from date of sale. Should the SELLER at its sole option consent to a different use or the sale, sublease or donation of the PROPERTY to a third party, the PURCHASER ~~and/or approved its successor-in-title and/or successors-in-name and/or in shareholding and/or members or assigns, (whichever may be applicable),~~ undertakes to pay to the SELLER the difference between the purchase

*price set out in clause A (ii) and the market valuation of the unimproved property based on the highest land use of the PROPERTY or portion thereof, on date of approval of the different use or the sale, lease or donation to a third party.*

(iv) *The PURCHASER undertakes to effect at its own cost the registration of the conditions contained in clauses ... by way of a Notarial Deed of Imposition of Conditions against the Title Deed of the PROPERTY, the wording of such Notarial Deed to be determined by the Notary of the SELLER to reflect the intention of the PURCHASER or its successor-in-title or its assigns and SELLER contained in the said clauses."*

- (f) That Council's resolution passed on 24 November 2011 and the Management Committee resolution passed on 16 February 2012 be amended to make provision for the exclusion of one erf, and only proceed with the consolidation of the remaining three erven.
- (g) That the Engineering Services Department process the applications by Messrs Tears of Hope for consent use to establish an orphanage on the erf.
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11.1.51 **MUNICIPAL AIRPORT: APPLICATION TO THE MINISTRY FOR PERMISSION TO LEASE FACILITIES AT SWAKOPMUND MUNICIPAL AIRPORT**  
(C/M 2013/02/28 - N 9/1)

**Special Management Committee Meeting of 21 February 2013,**  
Addendum 5.3 page 14 refers.

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

**1. Introduction**

- 1.1 In order for Council to generate income for the management and maintenance of the municipal airport, it is necessary to lease the facilities at the airport.

The facilities available for lease at the municipal airport, are:

- (i) 46 hangar sites,
- (ii) an accommodation unit,
- (iii) office space,
- (iv) parking spaces,
- (v) key deposit boxes for car rentals and
- (vi) wall space for advertising.

Currently 46 sites exist, on which hangars have been erected. It is expected that additional applications for hangar sites might be received.

As the municipal airport is located on undivided townlands, an application dated **18 January 2013** was submitted to the Honourable Minister of Regional and Local Government, Housing & Rural Development in terms of section 30 (1) (t) of the Local

Authorities Act, Act 23 of 1992, as amended, to lease the facilities at the Swakopmund Municipal Airport to the existing occupants and future applicants.

1.2 A reply dated **12 February 2013** was received from the Honourable Minister requiring a Council resolution stating that Council intends to lease the facilities at the municipal airport.

1.3 Attachments: **Annexure "A"**: letter received from the Honourable Minister of Regional and Local Government, Housing & Rural Development

**Annexure "B"**: diagram of the municipal airport area

**Annexure "C"**: valuation received for a proposed rental amount for the hangar sites (for information)

## 2. **Brief Background**

Council leased the Swakopmund Municipal Airport to a private entity, Swakopmund Airfield CC.

The lease agreement lapsed in October 2009 and Swakopmund Airfield CC refused to vacate the property.

The matter was heard in the High Court and the Supreme Court ruled in Council's favour, therefore the control of the Swakopmund Municipal Airport once again resorts under Council from **2 July 2012**.

Various established business operate from the premises and Council needs to enter into lease agreements with these businesses, subject to the Honourable Minister's permission.

## 3. **Conclusion**

In order to proceed with the management of the airport and conclude lease agreements with the various businesses operating at the airport, Council must pass a decision in this regard.

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

### **RECOMMENDED:**

(a) That Council confirms its intention to lease the following facilities at the municipal airport in order to generate funds to manage and maintain the municipal airport:

- (i) 46 hangar sites,
- (ii) An accommodation unit,
- (iii) Office space,
- (iv) Parking spaces,
- (v) Key deposit boxes for car rentals and
- (vi) Wall space for advertising.

(b) That the decision in (a) be forwarded to the Honourable Minister of Regional and Local Government, Housing and Rural Development, in addition to Council's application dated 18 January 2013.

(c) That the Airport Committee meets with the existing hangar owners to discuss the terms and conditions of the revised

**lease agreement and a monthly rental tariff; whereafter the outcome of the meeting be submitted to the Management Committee.**

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