

# AGENDA

Ordinary Council Meeting

on

**THURSDAY**




**27 JUNE 2013**

at

**19:00**



**MUNICIPALITY OF SWAKOPMUND**

 (064) 4104206  
 088 614 514  
 53 Swakopmund  
NAMIBIA  
 [agebhardt@swkmun.com.na](mailto:agebhardt@swkmun.com.na)

Ref No        A 2/3/5

Enquiries:    A Gebhardt

20 June 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, 27 JUNE 2013 at 19:00,**

**M P C Swarts**  
**ACTING CHIEF EXECUTIVE OFFICER**

AG/-

# INDEX

1. **OPENING**

---

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

2.1 Application for leave of absence.

2.2 Declaration of interest.

---

3. **CONFIRMATION OF MINUTES**

(C/M 2013/05/30 - A 2/3/5)

3.1 Minutes of an **Ordinary Council Meeting** held on **30 May 2013**.  
(pp 48/2013 - 65/2013)

---

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

None.

---

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

5.1 Announcements by the Mayor and Chairperson of Council.

5.2 Long Service Awards.

---

6. **PETITIONS**

None.

---

7. **MOTIONS OF MEMBERS**

None.

---

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

None.

---

9. **FEEDBACK REPORT ON THE EXECUTION OF RESOLUTIONS  
TAKEN BY COUNCIL IN 30 MAY 2013**

**PAGE**

9.1 **Ordinary Council Meeting** held on **30 May 2013.** **1 - 3**

10. **REPORT TO COUNCIL ON RESOLUTIONS TAKEN BY  
MANAGEMENT COMMITTEE DURING JUNE 2013**

**PAGE**

10. (A) Minutes of an **Ordinary Management Committee meeting** **4 - 10**  
held on **13 June 2013**

11. **RECOMMENDATIONS OF THE MANAGEMENT COMMITTEE  
MEETING HELD IN JUNE 2013**

11.1 **AN ORDINARY MANAGEMENT COMMITTEE MEETING HELD ON  
13 JUNE 2013**

ITEM NO	SUBJECT	REF NO	PAGE
11.1.1	Application By Messrs O&L Leisure Pty Ltd To Comply With Parking Requirements On Adjacent Land In Accordance With The Town Planning Scheme	E 4743	11
11.1.2	Application By Messrs ReiterVerein Swakopmund To Lease Or Purchase Additional Land	E 1307, J 14/2, J 12	29
11.1.3	New Owners Of Messrs Bundu n See Requesting Permission To Continue To Lease Sidewalk Adjacent To Erf 211, Swakopmund	E 211	40
11.1.4	Exemption From Payment Of Assessment Rates	D 3/2	53
11.1.5	Writing Off: Old And Redundant Equipment - Engineering Services Department	L 2	58
11.1.6	Application For The Allocation Of Land ① TransNamib Holdings Limited To Relocate The Railway Station ② Salt Company (Pty) Ltd	E 466, G 4/2/1/2	59
11.1.7	Application To Transfer Funds From Votes In 2012/13 Financial Year To The 2013/14 Financial Year Due To Continuation Of Projects	D 2/1	66
11.1.8	Application To Subdivide Portions Of The Remainder Of Portions 5, 27 And B Of Swakopmund Town And Townlands No. 41	G 3/3/2	67
11.1.9	Transfer Of Substation On Erf 3341, Swakopmund To Erongo RED	A 4/3/1/16, E 3341	75

ITEM NO	SUBJECT	REF NO	PAGE
11.1.10	Application For The Relaxation Of Building Height On Erf 131 (Unit 3), Mile 4, Swakopmund	M4 E 131	79
11.1.11	Application For Permission To Operate A Noxious Industry - Storage Of Meat On Erf 3968, Extension 10, Swakopmund	E 3968	82
11.1.12	Application To Operate An Educare Centre (Pre-School) From Erf 1275, Kramersdorf	E 1275	86
11.1.13	Application For Permission To Operate A Resident Occupation (Administrative Office)	T 1066	90
11.1.14	Application To Operate An Administrative Office From Unit 19 Palm Gardens Situated On Erf 1358, Swakopmund	E 1358	94
11.1.15	Application For Permission To Operate Resident Occupations (Administrative Offices)	E 4635, T 364, M 2279, E 5424	98
11.1.16	Rezoning Of Erf 2710, Mondesa Extension 5 From " <i>Single Residential</i> " With A Density Of 1:300 To " <i>General Residential</i> " With A Density Of 1:100; Consent To Erect 3 Additional Dwelling Units On The Erf While The Rezoning Is In Progress	M 2710	102
11.1.17	Application For Permission To Operate A Residential Guesthouse	VS 15	106
11.1.18	Application To Use The Beach Front Area At The Mole And Request For Exemption From Paying Municipal User Fees For Junior Town Council	N 7/2/1	110
11.1.19	Career Path For New Graduated Incumbents	B 1/4/11, B 1/1, B 1/11	113
11.1.20	Tamariskia Committee - Various Letters ① Basis Of Objection (Notice 26/2013) ② Objection Against The Sale Of Erven 5159 And 5160 ③ Request For A Meeting With The Municipal Council	I 1/1/5, G 3/9/1, G 3/9/2, G 3/9/7, G 4/1, E 5159, E 5160, A 3/3/1	118
11.1.21	New Industrial Area: Extension 10	G 4/1/3	125
11.1.22	Application For Land: Metal And Allied Namibian Workers Union	H 5/8	130
11.1.23	Feedback: Cancellation Of The Transaction For The Sale Of Erf 4326 (A Portion Of Erf 63, Mondesa), Mondesa: Messrs Mondesa Property Investment CC	M 4326	135

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

---

10 (A) **MINUTES OF AN ORDINARY MANAGEMENT COMMITTEE MEETING  
HELD ON 13 JUNE 2013**

---

2. **CONFIRMATION OF MINUTES**  
(M/C 2013/06/13 - A 2/3/5)

2.1 **MINUTES OF A SPECIAL MANAGEMENT COMMITTEE MEETING  
HELD ON 14 MARCH 2013**

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

**RESOLVED:**

**That the Minutes of the Special Management Committee meeting held on 14 March 2013 be confirmed as correct.**

2.2 **MINUTES OF AN ORDINARY MANAGEMENT COMMITTEE MEETING  
HELD ON 16 MAY 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 16 May 2013 be confirmed as correct.**

2.3 **MINUTES OF A SPECIAL MANAGEMENT COMMITTEE MEETING  
HELD ON 27 MAY 2013**

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

**RESOLVED:**

**That the Minutes of the Special Management Committee meeting held on 27 May 2013 be confirmed as correct.**

---

5. **REPORTS: HEADS OF DEPARTMENTS**

5.1 **ADMINISTRATIVE REPORT**

5.1.1 **MEETINGS HELD BY THE DRC PLANNING COMMITTEE**  
(M/C 2013/06/13 - H 5/4)

During the discussion of this report Alderman E //Khaoseb enquired about the letters received on 06 May 2013 and 07 May 2013 regarding the meeting scheduled by the DRC Planning Committee which was recorded in the Administrative Report of the Office of the Mayor. He enquired why he did not receive a copy of the letter or invitation to these meeting since all the Councillors serve on the DRC Planning Committee. It was:-

**RESOLVED:**

That, in future, the Office of the Mayor ensures that all meeting invitations to the DRC Planning Committee and minutes of these meetings are forwarded to the Councillors and officials.

---

5.5 **FINANCE**

5.5.1 **TOTAL EXPENDITURE**

(M/C 2013/06/13 - D 7/3/2/1)

**RESOLVED:**

That the total expenditure of N\$27 295 710.17 from 01-31 May 2013 be accepted and approved as correct.

---

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

7.3 **INVITATION FOR DEVELOPMENT PROPOSALS: GENERAL RESIDENTIAL ERVEN AT THE PDA MONDESA**

(M/C 2013/06/13 - H 5/7)

**RESOLVED:**

- (a) That this item be referred back and that the status of the NUDO party application for the same erf be investigated.
  - (b) That the following applicants be invited for a presentation at a date to be determined by the Chief Executive Officer:
    - 1. *Josephine Ipupa Kasheeta*
    - 2. *Mr Jesay Herberth //Aibeb*
    - 3. *Washikoto Builders and Services CC*
    - 4. *Andreas Gawaseb*
    - 5. *Econia Muptomisala Petrus*
    - 6. *Abundance Trading Enterprises*
    - 7. *Bertha Inodhimbwandje Kadhila*
    - 8. *Angie Kanandjembo*
    - 9. *Helvi Mupupa*
  - (c) That Alderman E //Khaoseb inform the Chief Executive Officer of the names of the people whose proposals were not included in the submission.
- 

7.4 **APPLICATION TO PURCHASE OPEN SPACE IN FRONT OF ERF 1954, MONDESA**

(M/C 2013/06/13 - H 5, M 1954)

During the discussion of this item Councillor U Kaapehi requested Council to consider donating the open space in front of Erf 1954, Mondesa to Mr N Kauari because the latter is disabled and he complains that the open space is used as a dumping site and he experiences problems with his neighbours. The Mayor informed that he will be involved in the investigation together with the Property Section. It was:-

**RESOLVED:**

- (a) That the matter be referred back.
- (b) That the General Manager: Corporate Services and Human Resources and the Office of the Mayor investigate the following regarding the open space in front of Erf 1954, Mondesa and report back to Management Committee:
  - *That the area is used as an illegal refuse dump.*
  - *The physical capacity of Mr N Kauari.*

---

7.7 **NEW INDUSTRIAL AREA: EXTENSION 10**  
(M/C 2013/06/13 - G 4/1/3)

**RESOLVED:**

- (a) That this item be referred back and be resubmitted to the next Special Management Committee meeting scheduled for 18 June 2013 at 18H00.
- (b) That Messrs Erongo RED be provided with their proportional share of the income.

---

7.8 **PROTEST AGAINST HIGHLY PRICED ERVEN**  
(M/C 2013/06/13 - I 1/1/5, G 3/9/1, G 3/9/2, G 4/1)

**RESOLVED:**

That this item be referred back and be resubmitted to the next Special Management Committee meeting scheduled for 18 June 2013 at 18:00 and that the Committee members be invited for an audience with Management Committee.

---

8. **POLICY MATTERS**

8.2 **ADDITIONAL FUNDS FOR FUEL: VARIOUS VOTES**  
(M/C 2013/06/13 - D 2/1)

**RESOLVED:**

That the action of the General Manager: Finance, after getting the approval from the Chief Executive Officer and the Chairperson of the Management Committee, to transfer from surplus funds as follows:

<i>Vote No.</i>	<i>Description</i>	<i>Additional Amount Transferred (N\$)</i>
<i>30-57-1-02-085-00</i>	<i>Fuel, Sundry Implements</i>	<i>6,000.00</i>
<i>30-59-1-02-085-00</i>	<i>Fuel, Trucks</i>	<i>35,000.00</i>
<i>30-63-1-02-085-00</i>	<i>Fuel, Graders</i>	<i>20,000.00</i>
<i>30-67-1-02-085-00</i>	<i>Fuel, Water Tankers</i>	<i>25,000.00</i>

be condoned.

---

8.4 **APPLICATION FOR LAND: METAL AND ALLIED NAMIBIAN WORKERS UNION**

(M/C 2013/06/13 - H 5/8)

**RESOLVED:**

- (a) That the General Manager: Corporate Services and Human Resources investigate and propose to Management Committee the number of land applications that should be kept in abeyance until the revised Property Policy is approved.
  - (b) That the application letter of Messrs Metal and Allied Namibian Workers Union be attached.
- 

8.5 **FEEDBACK ON THE ERONGO RED SUMMIT**

(M/C 2013/06/13 - A 4/3/1/16)

**RESOLVED:**

That this item be referred back and be resubmitted to the next Special Management Committee meeting scheduled for 18 June 2013 at 18:00 and that the Chief Executive Officer invites Council's representatives on the Erongo RED Board of Directors for an audience with Management Committee.

---

8.15 **APPLICATION BY SWAPO PARTY FOR FREE EMERGENCY PROTECTION SERVICES**

(M/C 2013/06/13 - N 3)

**RESOLVED:**

That Council provide free emergency services to the SWAPO Party for the upcoming Extra Ordinary Congress to be held at Mile 4 from 20 to 23 June 2013 be approved.

---

9. **PERSONNEL MATTERS**

9.2 **SANITATION ALLOWANCE TO STAFF MEMBERS**

(M/C 2013/06/13 - B 1/1)

**RESOLVED:**

That this item be referred back and the General Manager: Health Services investigates the cost of renting or buying mobile toilets for staff members working in the field and not in reach of Municipal toilets and report back to Management Committee.

---

9.3 **MEDICAL AID SERVICE PROVIDERS - SELECTION**  
(M/C 2013/06/13 - B 1/4/1)

**RESOLVED:**

- (a) That the current status quo be maintained and that Council keep the current medical aid schemes.
- (b) That the decision to remain with a specific medical aid scheme remains with individual staff members.
- (c) That the General Manager: Corporate Services and Human Resources arranges information sessions to inform the employees regarding the benefits of subscribing to one medical aid scheme.

---

9.4 **REQUEST BY THE EVANGELICAL LUTHERAN CHURCH FOR FINANCIAL ASSISTANCE**  
(M/C 2013/06/13 - D 5)

**RESOLVED:**

That this item be referred back and that the Office of the Mayor attend to the request.

---

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

10.1 **FEEDBACK: CLOSED BID AUCTION OF 7 JUNE 2013 FOR THE SALE OF 20 SINGLE RESIDENTIAL ERVEN - EXTENSION 17, KRAMERSDORP**  
(M/C 2013/06/13 - G 3/3/2/17)

**RESOLVED:**

That the outcome of the public auction of 20 single residential erven at Extension, 17 Swakopmund held on 7 June 2013 be noted.

---

10.3 **INVITATION TO THE LOCAL DEVELOPMENT WORKSHOP FOR COUNCILLORS IN REGIONAL AND LOCAL AUTHORITIES**  
(M/C 2013/06/13 - A 2/3/1/4)

**RESOLVED:**

- (a) That permission be granted to the Mayor, Deputy Mayor and Councillor P V Steinkopff to attend the Local Development workshop for Councillors in Regional and Local Authorities to be held from 17-21 June 2013 in Windhoek.
  - (b) That the amount of N\$1 000.00 per delegate, travelling and subsistence allowances be defrayed from Council's Conference and Expenses Vote 100510206500 where N\$5 595.55 is available.
-

10 (B) **MINUTES OF A SPECIAL MANAGEMENT COMMITTEE MEETING  
HELD ON 18 JUNE 2013**

---

5. **DISCUSSION POINTS**

5.1 **TAMARISKIA COMMITTEE - VARIOUS LETTERS**

**① BASIS OF OBJECTION (NOTICE 26/2013)**

**② OBJECTION AGAINST THE SALE OF ERVEN 5159 AND 5160**

**③ REQUEST FOR A MEETING WITH THE MUNICIPAL COUNCIL**

(S/M/C 2013/06/18 - I 1/1/5, G 3/9/1, G 3/9/2, G 3/9/7, G 4/1,  
E 5159, E 5160, A 3/3/1)

During the discussion of this item the Acting Chief Executive Officer informed the meeting the he received a letter from the Community Committee that they are not able to attend the meeting. The committee proposed a date in July 2013. It was:-

**RESOLVED:**

- (a) That the letter received from the Community Committee, informing the Council of their unavailability to attend the meeting be noted.
- (b) That the General Manager: Corporate Services and Human Resources seek audience with the objectors and explain to them that the erven will be sold at the upset prices.

---

5.2 **INVITATION FOR DEVELOPMENT PROPOSALS: GENERAL RESIDENTIAL  
ERVEN AT THE PDA MONDESA**

(S/M/C 2013/06/18 - H5/7)

During the discussion of this meeting it was noted that the applicants were not informed in good time to attend the meeting hence they might not have prepared well whilst others were out of town. It was:-

**RESOLVED:**

- (a) That the matter be referred back and that the applicants be invited for presentations of 10 (ten) minutes each at the Management Committee meeting of 18 July 2013 at 14:00.
  - (b) That the Acting Chief Executive Office obtains the list of applicants to be invited for the presentation from the Chairperson of Management Committee.
  - (c) That the General Manager: Corporate Services and Human Resources submit the application of NUDO and Messrs Mondesa Investment No.1 separately to the next Management Committee meeting.
-

5.3

**FEEDBACK: ERONGO RED SUMMIT**

(S/M/C 2013/06/18 - A 4/3/1/16)

During the discussion of this item Council's representatives on the Erongo RED Board of Directors explain the recommendations of the various Sub-Committees.

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

**RESOLVED:**

- (a) That the presentation by Council's representatives on the Erongo RED Board of Directors be noted.
  - (b) That the mandate given to Council's representatives on the Erongo RED Board of Directors in respect of the recommendations of the various Sub-committees be noted.
-

11. **RECOMMENDATIONS BY THE MANAGEMENT COMMITTEE**
- 11.1 **ORDINARY MANAGEMENT COMMITTEE MEETINGS HELD ON 13 JUNE 2013**
- 11.1.1 **APPLICATION FOR RELAXATION OF PARKING REQUIREMENTS FOR STRAND HOTEL IN ACCORDANCE WITH THE TOWN PLANNING PARAMETERS**  
(C/M 2013/06/27 - E 4743)
- Ordinary Management Committee Meeting of 13 June 2013, Addendum 7.1 page 01 refers.**
- 

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

**INTRODUCTION**

Planning Forum dated **14 May 2013** under item 4.5 resolved as follows:

*That the General Manager: Engineering Services investigates whether the application for the relaxation of parking requirements for the Erf 4743, Swakopmund is covered under the Town Planning Scheme and whether the parking is on the property or on the public parking area.*

**STATUS**

The project management representative (Messrs Mirage Leisure and Development (Pty) Ltd) for the developer (Messrs O&L Leisure) submitted a letter dated **17 April 2013** (See original submission to PF) whereby application was submitted to allow the development of the adjacent parking lot to develop parking bays

As submitted in the abovementioned Item 4.5, the Town Planning Scheme allows:

**CLAUSE 8.20 PARKING- SPECIAL PROVISIONS**

**8.20.3** *Notwithstanding the provisions of this Scheme, the Council may relax the parking requirements applicable to any zone and enter into a written agreement with the owner of the site concerned whereby the owner shall:*

- (a) *pay an amount to the Council which in the opinion of the Council is sufficient to enable it to provide and maintain the same number of parking spaces within reasonable walking distance from the erf as are required in terms of the parking requirement for that zone; or*
- (b) *transfer a suitable site to the Council and pay an amount to the Council which will in the opinion of the Council be sufficient to enable it to construct and maintain the number of parking spaces required in terms of the parking requirement for that zone; or*
- (c) ***construct and maintain the number of parking spaces required in terms of the parking requirement for that zone on any other property which is considered to be suitable by the Council.***

Sub-clause 8.20.3(c) thus appears to allow Council to enter into an agreement with the developer whereby the developer may construct and maintain the (additional) number of parking spaces required.

This statement is, however, “*ultra vires*” (thus outside of the Law), as per the Legal opinion Council obtained (See attached):

**Annexure 1** - *Opinion by Advocate GB Coleman re Town Planning Scheme – Parking Requirements*

**Annexure 2** - *Proposed alternatives re legal solution to enforce on land owners the obligation to provide alternative parking space by attorney Mr HC Kinghorn of Kinghorn Associates*

Council on **24 November 2005** under item 6.2.3 resolved as follows:

- (a) *That Council takes note of the opinion expressed by Advocate Coleman and accepts the content thereof.*
- (b) *That the practice permitting the payment of a sum of money in lieu of providing parking space on the premises as provided for in section 8.20.3 of the Town Planning Scheme be ceased forthwith.*
- (c) *That in the interim Council's position remains that there will be no relaxation of the requirement to provide adequate on-site parking in terms of the Town Planning Scheme.*
- (d) *That the developers that made payments in lieu of parking i.e. First National Bank that paid N\$230 000.00, be reimbursed.*
- (e) *That the developers that awaits Council decision whether to pay for parking not provided on-site, be given permission to continue with their developments as per the building plans submitted.*

Council is thus petitioned to, at least for the development under discussion, revoke the moratorium on relaxations of the requirement to provide adequate on-site parking in terms of the Town Planning Scheme as identified in Resolution 6.2.3.(c) above, to allow facilitation of development as proposed by O&L Leisure in light of the guideline as per Resolution 6.2.3(e).

### **TOWN PLANNING SCHEME**

The Town Planning Scheme presently in place, thus the Scheme commented on as indicated above, is Scheme 12.

A proposed new Town Planning Scheme 35 was tabled to the Minister of Regional And Local Government, Housing and Rural Development, yet as objections were made to the Scheme, the final approval of the proposed Scheme, which incorporates a possible solution to the parking provisions in the Scheme, is foreseen to be obtained only in a few months' time. The proposed Scheme can thus not be used to resolve the present situation.

### **POSSIBLE SOLUTION**

Given the motivations given by Messrs O&L Leisure as discussed below, and noting that the development of this prime property has now been outstanding for several years for various reasons, the situation may be resolved by utilising the proposed procedure submitted by Attorney Mr Kinghorn, with the proviso that Mr Kinghorn guides Council in the execution of the procedure.

As such, the procedure involving the "*Land Owner buying undivided shares in immovable land provided by Council for use as dedicated parking*", includes 7 parts, as follow:

- (i) *Council procures appropriate land for establishing of parking area;*
- (ii) *Council sets its price for the undivided share in the land and obtains agreement from the developer;*
- (iii) *Council the advertises such sale of undivided share of its land under the provision of S.63(2) of the LA Law;*
- (iv) *Should no objection be received, or if objections are not upheld by the Minister, a written agreement is entered into between Council and the developer, within 1 (one) year of the advertisement;*
- (v) *In terms of the agreement the developer owner buys an undivided share and simul ac semel re-transfers such undivided share purchased by it, back to Council;*
- (vi) *The purchase and re-transfers are both registered simultaneously.*
- (vii) *We could find no provision in the LA Law requiring any formalities to be published in newspapers for the re-transfer of such undivided share by the developer back into Council's name, so that, this can be done, without the need to advertise.*

### **Comments on Procedure:**

- (i) *Council already owns the property, namely the Beach Area designated Block 1 on the Town Maps.*

- (ii) *The price for the undivided share is recommended to be determined by General Manager : Finance in consultation with Attorney Mr Kinghorn and General Manager : Engineering Services*
- (iii) *Advertisement: The Local Authorities Act, 1992 (ACT NO. 23 OF 1992) allows the following:*

**PART V POWERS DUTIES FUNCTIONS RIGHTS AND OBLIGATIONS OF LOCAL AUTHORITY COUNCILS**

*Powers, duties and functions of local authority councils:*

30.(1) *Subject to the provisions of subsections (2) and (3), a local authority council shall have the power -*

.....

- (t) *subject to the provisions of part XIII, to buy, hire or otherwise acquire, with the prior approval of the Minister and subject to such conditions, if any, as may be determined by him or her, any immovable property or any right in respect of immovable property for any purpose connected with the powers, duties or functions of such local authority council, **or to so sell, let, hypothecate or otherwise dispose of or encumber any such immovable property;***

One should note that Part XIII of the LA Act pertains to “*Immovable Property of Local Authority Councils - Circumstances in which Minister's approval for selling, letting, disposal, hypothecation, encumbrance or acquisition of immovable property **is not required***”.

As such, as the allowed procedure in the LA Act cannot be applied to the present situation by the Local Authority, it seems appropriate that the Minister should be approached to resolve a situation which the Local Authority considers not fully applicable to the allowed procedure for the *selling, letting, disposal, hypothecation, encumbrance or acquisition of immovable property*.

It may thus be advisable to approach the Minister, with suitable motivation what the situation is, namely that the approved Town Planning Scheme appears to be unable to allow the required transaction pertaining to the provision of additional parking by O&L Leisure on Municipal property in lieu of on-site to the proposed hotel development, and to request that the Minister allows such transaction / agreement to be established.

To this effect, a delegation led by the Chief Executive Officer is proposed to be delegated to approach the Minister, with suitable guidance from Attorney Mr Kinghorn.

(iv) to (vii) Should the Minister allow the proposed agreement, an appropriate agreement to sell the undivided share and the immediate transfer of the share back to Council shall be compiled by General Manager : Corporate Services and General Manager : Engineering Services (under guidance from Attorney Mr Kinghorn) and tabled for approval by Council, which agreement shall address the following:

- *Party responsible for the cost of the various transactions - developer*
- *Value of the development of the parking area and access road, as the value of the undivided share sold to the developer*

Simultaneously, but separately from the proposed agreement pertaining to the undivided share, an additional agreement shall be drawn up by the abovementioned individuals to ensure that Councils responsibilities and benefits are suitable protected with regard to the development of the parking area, including, inter alia:

- *Application of the moneys obtained from the sale of the undivided share to the development of the parking area and road*
- *Party responsible for the management of the development of the parking area and access road - developer*
- *Party responsible for the maintenance and cleaning of the developed area - developer, as well as the duration for such responsibility*

- *Access to parking area - no additional restrictions to present*
- *Access to Mole jetty area - no additional restrictions to present*

#### **SUBMISSION BY DEVELOPER**

In answer to Planning Forum Resolution 4.5 (mentioned above), General Manager : Engineering Services met with Mr van Staaden of Mirage Leisure, resulting in the attached letters of **24 May 2013** from Mirage Leisure on behalf of O&L Leisure (**Annexure 3 and 4**).

Annexure 3 is self-explanatory and makes it clear that the developer compensates with sufficient off-site parking by re-organizing the existing parking at the Mole, as well as to increase the available parking area, while not impinging on the parking benefits of the small craft operators.

The difference between the historic parking as identified in the Memorandum of Agreement pertaining to the sale of the property dated **14 December 2006** (**Annexure 5**) and the parking proposed by O&L Leisure (**Attached - Annexure 6**) is apparent.

Similarly Annexure 4 is self-explanatory, with the developer submitting (respectfully) the project timeline and requesting earliest response to the parking relaxation issue.

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

##### **RECOMMENDED:**

- (a) That Council permits Messrs O&L Leisure PTY Ltd to provide the shortfall in parking for Erf 4743, Swakopmund on a portion of the adjacent Block 1 in terms of the Town Planning Scheme.
  - (b) That permission be granted to build a new access road, the design whereof to be scrutinised and approved by the General Manager: Engineering Services.
  - (c) That the cost of constructing the parking area and the new access road to the parking area be for the account of the developer.
  - (d) That a servitude be registered over the parking area and access road on adjacent area of Block 1 in favour of Erf 4743, Swakopmund for a period of 25 years.
  - (e) That the responsibility for the maintenance of the parking area and the access road be registered against the title deed of Erf 4743, Swakopmund for duration of the servitude, but that the road and parking area be available to the public at all times at no cost.
  - (f) That the owner of Erf 4743, Swakopmund be responsible for providing security for the parking area on Block 1 at their cost.
  - (g) That the provision for a contribution in the amount of N\$350 000.00 by Council for the construction of the Mole parking area be deleted from clause 7.8 of the deed of sale in respect of the sale of erf 4743, Swakopmund to Messrs O&L Leisure PTY Ltd.
  - (h) That no rights will accrue to Messrs O&L Leisure PTY Ltd regarding (a) to (g) hereinabove until (j) below is concluded.
  - (i) That all costs arising from the actions in (a) to (j) be for the account of Messrs O&L Leisure PTY Ltd.
  - (j) That the above be included in an addendum to the agreement and be signed by the parties.
-

11.1.2 **APPLICATION BY MESSRS REITERVEREIN SWAKOPMUND TO LEASE OR PURCHASE ADDITIONAL LAND**

(C/M 2013/06/27 - E 1307 S, J 14/2, J 12)

**Ordinary Management Committee Meeting of 13 June 2013, Addendum 7.2 page 25 refers.**

---

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

**1. Introduction**

This item was referred back by the Management Committee Meeting held on **16 May 2013** as was resolved under item 10.2:

- (a) *That the full application to lease be resubmitted by the General Manager: Corporate Services and Human Resources to Management Committee for consideration.*
- (b) *That all relevant stakeholders be approached for comments regarding the lease application for inclusion in the submission.*

The application of **Messrs ReiterVerein Swakopmund** was discussed by the Planning Forum on **28 May 2013** and it was concluded to submit the following to the Management Committee for consideration:

- (a) *That the application to purchase the additional land not be considered;*
- (b) *That in principle approval be granted to Messrs ReiterVerein Swakopmund to lease the additional portion of land located on Erf 1307, Swakopmund, subject to the following conditions:*
  - (i) *That Messrs ReiterVerein provides written proof that Nacoma has no objection to the use of the area as well as consent from the relevant Ministry for the use of the area not forming part of Erf 1307, Swakopmund, i.e. the area located in the riverbed;*
  - (ii) *That the Engineering Services Department confirms the exact size and lay-out of the area from the GPS co-ordinates provided;*
  - (iii) *that should Messrs ReiterVerein require any services such as water etc, same can be installed at their cost, but to the standards laid down by the General Manager: Engineering Services;*
  - (iv) *That the lease conditions be the same as those approved for Messrs Reiterverein Swakopmund on **26 July 2012** (except for point (vi) dealing with the usage of the land);*
  - (v) *That Council be informed of events scheduled on the additional portion of land;*
  - (vi) *That Messrs ReiterVerein Swakopmund ensures that sufficient ablution facilities and refuse bins are available to the satisfaction of the GM: Health; and*
  - (vii) *that access to the additional portion of land to the public not be denied, but controlled as stated in their letter the park will be for the enjoyment of the community.*

## 2. Background

**Messrs ReiterVerein Swakopmund** was chosen as host and Swakopmund as the venue of a prestigious international event, being The Federation Equestrian International Event; which is scheduled to take place on **25 to 27 October 2013**.

In order to ensure a successful event and market a positive image of Swakopmund to the visitors and participants from all over the world; a lot of preparation and organising is involved, and time is of the essence.

The following documents are **attached**:

<b>Annexure “A”</b>	=	letter dated <b>29 January 2013</b> from the ReiterVerein Swakopmund
<b>Annexure “B”</b>	=	maps indicating the proposed track
<b>Annexure “C”</b>	=	letter dated <b>30 January 2013</b> from Fédération Equestre Internationale
<b>Annexure “D”</b>	=	map of the master development plan

## 3. Application

Communication was received from **Messrs ReiterVerein Swakopmund** on **29 January 2013** requesting Council to consider the lease or sale of a portion of land adjacent to the existing lease area and the SPCA grounds for the establishment of a first class country track including a park to beautify the area where the community can enjoy themselves and relax.

Subject to Council's approval **Messrs ReiterVerein Swakopmund** also intends to build miniature structures, replicating familiar local and historical buildings, such as the Woermann Haus and the Lighthouse to create an ambiance / atmosphere reflecting old Swakopmund.

## 4. Current Situation

**Messrs ReiterVerein Swakopmund** is currently leasing a portion of Erf 1307, Swakopmund measuring 16 013 m<sup>2</sup>, located next to the SPCA where temporary wooden paddocks for the horses were constructed to roam and socialize as well as for proper accommodation for these animals. This application was approved by Council on **26 July 2012**, subject to the following terms and conditions:

- (i) *For a lease period of 5 years with an option to renew and which period is terminable by either party by giving / receiving 3 months' written notice;*
- (ii) *Taking into account the membership consisting of 60 adults and 27 kids, the area be leased at a nominal rental amount of N\$1 000.00 (+15% VAT) per annum, subject to an annual escalation of 10% on 1 July as proposed in the revised draft Property Policy;*
- (iii) *That no fixed structures be erected and that temporary structures be erected at the risk of the lessee and to be removed at the cost of the lessee at the termination / lapsing of the lease period;*
- (iv) *That Council be indemnified against any claims from the public or members of the club which may arise due to the use of the site by the club;*
- (v) *That the Municipal Council has unrestricted right of access to the area;*
- (vi) *That the site only be used for the purpose of accommodating, roaming and socializing of horses;*
- (vii) *That the site be restored to an acceptable condition on termination / lapsing of the lease period to the satisfaction of the Engineering and Health Services Departments; and, failing which Council will restore the lease*

area to its previous condition for the account of the Messrs ReiterVerein Swakopmund.

- (viii) That the club erects a perimeter fence (such as used tyres or split poles) and warning signs to warn the public of the horses on the site to the satisfaction of the General Manager: Engineering Services and General Manager: Health.

## 5. The Land

The proposed area falls within Erf 1307, Swakopmund and the exact area must still be determined. It is roughly estimated at around 200 000m<sup>2</sup> for the purpose of this submission, but the exact size will still be confirmed by the Engineering Services Department. Erf 1307, Swakopmund falls within the 50 year floodline and Council needs to be indemnified. **Messrs Reiterverein Swakopmund** has ensured the Swakopmund Municipality that they will not use the riverbed.

## 6. Rental Amount

**Messrs ReiterVerein Swakopmund** currently pays an annual rental amount of N\$1 000.00 for a portion of land measuring 16 013 m<sup>2</sup>. The exact size of the land required for the country track and park is not yet known.

It should also be kept in mind that Messrs ReiterVerein will incur costs in compacting and levelling the area. Also, the park will be created for the enjoyment of the community.

In terms of Council's revised Property Policy, the following is quoted with reference to the determination of a lease amount:

- (iii) land is leased at a nominal rental amount between N\$500.00 and N\$5 000.00 (+15% VAT) per annum in Council's discretion, subject to an annual escalation of 10% on 1 July;
- (iv) a deposit equal to the annual lease be paid in advance by the entity;
- (v) when considering the annual rental amount, the following will be taken into consideration:
  - (a) number of members : **Messrs ReiterVerein has 87 members of which 60 are adults**
  - (b) size of the portion applied for : **Not known at this stage**
  - (c) location of the portion applied for : **Prime area and falls within the river precinct of the Master Development Plan**

A comparison of the practice at other municipalities was done as indicated in the summary below:

	CITY OF WHK	WALVIS BAY	OTJIWARONGO	GROOTFONTEIN
Lease Amount	½ the value of development cost of which 10% is calculated as annual rental divided by 12 months.	N\$500.00 per month	N\$500.00 per month	N\$20.00 ⇒ N\$50.00 per month for undeveloped land

	CITY OF WHK	WALVIS BAY	OTJIWARONGO	GROOTFONTEIN
Lease Period	-	-	9 years 11 months	-
Membership	Constitution No minimum membership	Constitution No minimum membership	-	Property to stay community bound.

In order to consider a comparable rental tariff within the guidelines of the revised Property Policy, the following is listed:

	Lessee	Size of Lease Area	Rental	Rental / m <sup>2</sup>
1	ReiterVerein Swakopmund	16 013m <sup>2</sup>	N\$1 000.00 / annum	0.0625 <sub>c</sub>
2	Practical Shooting Club	241 196 000m <sup>2</sup>	N\$500.00 / annum	0.000207 <sub>c</sub>
3	R&R Karting (commercial)	30 000m <sup>2</sup>	N\$ 2 430.00 / month	0.081 <sub>c</sub>

Although R&R Karting is a commercial entity we have included them to illustrate the one extreme. They are on the outskirts of town, and operate for profit, while the **Reiterverein Swakopmund** is a non-profit organisation with few contributing members. We took the sum of N\$0.015 per <sup>2</sup> to bring the price within the limits set in the new Property Policy and allow for room to increase the price in future.

Comparing the additional area with the current lease area of **Messrs ReiterVerein Swakopmund** the actual rental per annum would be N\$12 500.00.

Erf 1307, Swakopmund is 428 323m<sup>2</sup>, of which **ReiterVerein Swakopmund** needs a maximum of 200 000m<sup>2</sup>.

16 000m <sup>2</sup>	(size of area leased by Messrs ReiterVerein)	=	0.0625 <sub>c</sub>	=	N\$ 1 000.00
200 000m <sup>2</sup>	(approximate size of additional area required)	=	0.0625 <sub>c</sub>	=	N\$12 500.00

As **Messrs ReiterVerein Swakopmund** is a club, which is managed not for financial gain, the following can be considered in order to motivate being levied the maximum amount allowed in the revised Property Policy: instead of N\$12 500.00 per m<sup>2</sup>.

- ① Their membership is eighty seven (87) of which 60 are adults and 27 are children;
- ② Although it is a vast area that will be leased of which a large portion will be developed as a park for the enjoyment of the community, the area is located on the outskirts of the central business area, and borders onto the riverbed;
- ③ The area is easily accessible and conveniently close to the existing stables;
- ③ Messrs ReiterVerein will be responsible for the development and maintenance of the portion of land; and
- ④ It is a valuation practice that the larger a portion of land is, the lower the measure unit price becomes.

## 7. Proposal

It is proposed that Council considers the lease of the additional land applied for by **Messrs ReiterVerein Swakopmund** for the hosting of the international equestrian tournament and future events.

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

**RECOMMENDED:**

- (a) That the application of Messrs ReiterVerein Swakopmund to purchase the additional portion of land located on Erf 1307, Swakopmund not be considered.**
  - (b) That *in principle* approval be granted to Messrs ReiterVerein Swakopmund to lease the additional portion of land located on Erf 1307, Swakopmund, subject to the following conditions:**
    - 1. That Messrs ReiterVerein provides written proof that Nacoma has no objection to the use of the area as well as consent from the relevant Ministry for the use of the area not forming part of Erf 1307, Swakopmund, i.e. the area located in the riverbed.**
    - 2. That the Engineering Services Department confirms the exact size and lay-out of the area from the GPS co-ordinates provided.**
    - 3. That should Messrs ReiterVerein require any services such as water etc, same can be installed at their cost, but to the standards laid down by the General Manager: Engineering Services.**
    - 4. That the lease conditions be similar to those approved for Messrs ReiterVerein Swakopmund on 26 July 2012:**
      - (i) For a lease period of 3 years with an option to renew and which period is terminable by either party by giving / receiving 3 months' written notice;**
      - (ii) Taking into account the motivation set-out under point 5 of this submission, the area be leased at a nominal rental amount of N\$3 000.00 (+15% VAT, i.e. N\$450.00) per annum ( $\pm 200\,000.00\text{m}^2 \times \text{N}\$0.015$ ), subject to an annual escalation of 10% starting on 1 July 2014;**
      - (iii) That a deposit equal to 1 year's rental be paid in advance;**
      - (iv) That no fixed structures be erected and that temporary structures be erected at the risk of the lessee and to be removed at the cost of the lessee at the termination / lapsing of the lease period;**
      - (v) That Council be indemnified against any claims from the public or members of the club which may arise due to the use of the site by the club;**
      - (vi) That the Municipal Council has unrestricted right of access to the area;**
      - (vii) That the site only be used for the establishing of a country track and park for hosting events and training;**
      - (viii) That the site be restored to an acceptable condition on termination / lapsing of the lease period to the satisfaction of the Engineering and Health Services Departments; and, failing which Council will restore the lease area to its previous condition for the account of the Messrs ReiterVerein Swakopmund;**
      - (ix) That the club erects a perimeter fence (such as used tyres or split poles) and warning signs to warn the public of the horses on the site to the satisfaction of the General Manager: Engineering Services and General Manager: Health Services;**
      - (x) That access to the additional portion of land to the public not be denied, but controlled for the enjoyment of the community; and**
      - (xi) The lease may not be ceded or assigned to a third party without the written permission of Council first being obtained.**
    - 5. That Council be informed of events scheduled on the leased portion of land.**
    - 6. Messrs ReiterVerein Swakopmund ensures that sufficient ablution facilities and refuse bins are available to the satisfaction of the General Manager: Health Services.**
  - (c) That it be recorded that Councillor U Kaapehi stated that all sports should be supported regardless of their participation demographic.**
-

11.1.3 **NEW OWNERS OF MESSRS BUNDU N SEE REQUESTING PERMISSION TO CONTINUE TO LEASE SIDEWALK ADJACENT TO ERF 211, SWAKOPMUND**

(C/M 2013/06/27 - E 211)

**Ordinary Management Committee Meeting of 13 June 2013, Addendum 7.5 page 56 refers.**

---

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

**1. Introduction**

This matter was submitted to the **Planning Forum** of **23 April 2013** for discussion and the following was concluded under item 4.4:

*That the General Manager: Corporate Services and Human Resources obtains confirmation regarding the ownership status of Messrs Alternative Holdings CC t/a Bundu n See.*

The submission was once again discussed by the Planning Forum on **28 May 2013** and is now submitted to the Management Committee for consideration.

**2. Background**

Currently **Messrs Alternative Holdings CC t/a Bundu n See** is leasing a certain portion of the sidewalk adjacent to Erf 211, Swakopmund, situated in Hendrik Witbooi Street measuring ±51.66m<sup>2</sup>; of which the lease period lapses on **30 June 2013**. A map indicating the lease area is attached as **Annexure “A”**.

A letter dated **14 March 2013** was forwarded to the postal address of the business, for attention Mr T Janson requesting whether he intends to renew the lease agreement. In reply, a letter dated **08 April 2013** was received from the General Manager of Hotel Bundu n See stating that they wish to renew the lease agreement for a further five years. (**Annexure “B”**)

**3. Current Situation**

During the discussions at the Planning Forum of **23 April 2013** it was mentioned that the ownership of **Messrs Alternative Holdings CC t/a Bundu n See** has changed and the item was referred back in order to confirm the ownership status.

A letter dated **3 May 2013** attached as **Annexure “C”** was forwarded to Mr T Janson (owner of Messrs Alternative Holdings CC t/a Bundu n See) requesting him to inform Council in writing should he wish to cancel the lease agreement and that if no reply is received the lease will automatically lapse by effluxion time, being **30 June 2013**. A copy of the same letter was hand delivered at the premises of the business.

In paragraph 5, it was requested that the new owner must apply to lease the pavement area should he be interested. On **10 May 2013** a letter was received from **Messrs Hotel Bundu n See CC** together with a copy of the Amended Founding Statement requesting

permission to lease the sidewalk adjacent to Erf 211, Swakopmund for a period of five (5) years, attached as **Annexure “D”**. The name of the closed corporation was amended from Alternative Holdings CC to Hotel Bundu n See CC.

The Manager of the business verbally stated that the previous owner is no longer in the country and they do not have any information regarding his whereabouts.

#### 4. **Latest Council Resolution passed**

In terms of the last renewal of the lease contract; the following Council resolution was passed on **30 September 2008** under item 11.1.2 is quoted:

- (a) *That the lease of Alternative Holdings CC t/a Bundu n See for a portion of Hendrik Witbooi Street, in front of Erf 211, be renewed for a further 5 year period, with the following monthly rental payable in advance.*
  - (ii) *Bundu n See (Atlanta Hotel) - N\$1032.46 (51.66m<sup>2</sup> x N\$17.38/m<sup>2</sup> + 15% VAT).  
The rental shall escalate annually at 10% on 1 July.*
- (b) *That the lease is terminable by either party giving or receiving 6 month notice.*
- (c) *That Council reserves the right to consider the cancellation of the lease if valid objections from the public are received.*
- (d) *That the conditions be the same as contained in the previous Memorandum of Agreements.*
- (e) *That the applicant shall indemnify and keep Council indemnified during the full period of this agreement against possible claims, which may arise from the use of the leased area.*

#### 5. **Application to lease pavement area**

With reference to paragraph 5, the new owner **Messrs Hotel Bundu a See CC** confirmed that they wish to request permission to lease the pavement area adjacent to Erf 211, Swakopmund for a period of five (5) years for the same purpose as the previous owner. Letter attached as **Annexure “D”**.

#### 6. **Council currently has the following pavement leases:**

##### ① **Bo Jo's Café** (Erf 3745, Swk)

Lease Period	:	9 years 11 months 01 July 2008 ⇒ 31 May 2018
Lease Area	:	88m <sup>2</sup>
Lease Amount as on 01 Jul 12	:	N\$23.13/m <sup>2</sup> (+ 15% VAT)
Notice Period	:	3 months

##### ② **Messrs Tea Time CC** (Erf 5376, Swk, Altona Haus 2 B)

Lease Period	:	12 months 01 Oct 12 ⇒ until the property is transferred
Lease Area	:	15m <sup>2</sup>
Lease Amount as on 01 Jul 12	:	N\$23.13/m <sup>2</sup> (+ 15% VAT)
Notice Period	:	3 months

##### ③ **Slowtown Coffee Roasters** (Erf 5376, Swk, Altona Haus 9 B)

Lease Period	:	12 months 01 Apr 12 ⇒ until the property is transferred
Lease Area	:	24 m <sup>2</sup>

Lease Amount as on 01 Jul 12 : N\$23.13/m<sup>2</sup> (+ 15% VAT)  
Notice Period : 3 months

④ **Kucki's Pub** (Erf 267, Swk)

Lease Period : 5 years  
01 Jun 2012 ⇒ 31 May 2017  
Lease Area : 18 m<sup>2</sup>  
Lease Amount as on 01 Jul 12 : N\$23.13/m<sup>2</sup> (+ 15% VAT)  
Notice Period : 3 months

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

Lease Period : 3 years  
01 Oct 2012 ⇒ 30 Sept 2015  
Lease Area : 69.50m<sup>2</sup>  
Lease Amount as on 01 Jul 11 : N\$23.13/m<sup>2</sup> (+ 15% VAT)  
Notice Period : 3 months

7. **Standard Lease Conditions For Pavement Area**

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

**USE OF PROPERTY**

- The LESSEE shall be permitted to sell food and liquor at the open-air café subject to the conditions contained in the applicable license required by the LESSOR and subject to the applicable Health Regulations.
- The Lessee shall keep the existing sidewalk, between the open-air café and restaurant open for the general public's use.
- The LESSEE undertakes to keep and maintain the HIRED PROPERTY in a proper condition and to maintain and deliver the same at the termination of this lease in good order and condition, reasonable wear and tear that the LESSOR shall determine, excluded.
- Should the LESSOR undertake any maintenance work at / to the HIRED PROPERTY, the LESSOR would not be responsible to the LESSEE for any loss or damage arising from such maintenance work or delays in connection with such works.
- No improvement or changes, or any other work on the HIRED PROPERTY may be done by the LESSEE without the written permission of the LESSOR first had and obtained.
- The LESSEE shall operate not operate later than 22:00.

**PROHIBITION AGAINST SUB-LETTING**

*The LESSEE shall not be allowed to cede or assign this agreement or any portion thereof, nor shall it be allowed to sublet in any manner any portion of the PROPERTY.*

**LESSOR'S RIGHT OF ACCESS**

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

**INDEMNITY**

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

8. **Proposal**

It should be kept in mind that no complaints were received from the public to date; and that the lease agreement with the previous owner lapses automatically by effluxion of time being, **30 June 2013**.

It is therefore proposed that the Management Committee considers the application of **Messrs Hotel Bundu n See CC** to enter into a lease agreement for five (5) years. i.e. with commencement date

**01 July 2013** and lapses on **30 June 2018**. The monthly rental will be  $\text{N\$}25.45 / \text{m}^2 \times 51.66\text{m}^2 = \text{N\$}1\,314.75 + 15\% \text{ VAT (N\$}197.20) = \text{N\$}1\,511.95$ . All pavement lease rentals listed under point 6 will accordingly escalate on **1 July 2013** from  $\text{N\$}23.13 / \text{m}^2$  per month to  $\text{N\$}25.45 / \text{m}^2$  per month.

It is also proposed that the conditions be the same as contained in the existing lease agreement, except *clause 2* which read "*The lease is terminable by either party giving or receiving six (6) months' notice*" be repealed and replaced with three (3) months' notice to be in line with all the other pavement leases.

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

**RECOMMENDED:**

- (a) That a certain portion of the sidewalk adjacent to Erf 211, Swakopmund situated in Hendrik Witbooi Street measuring  $\pm 51.66\text{m}^2$  be leased to Messrs Hotel Bundu n See CC for a period of five (5) years commencing on 01 July 2013 and lapsing date 30 June 2018 for the purpose of open air seating.
  - (b) That the lease amount be  $\text{N\$}25.45 / \text{m}^2$  per month  $\times 51.66 \text{ m}^2 = \text{N\$}1\,314.75 + \text{N\$}197.20$  (15% VAT) =  $\text{N\$}1\,511.95$ , with an annual escalation of 10% starting 1 July 2014.
  - (c) That the lease be subject to the standard conditions and to the following:
    - (i) *That a deposit equal to 1 month lease be paid in advance by the applicant.*
    - (ii) *That the demarcated area be barricaded by way of a non-permanent fixture, such as rope.*
    - (iii) *That the lessee not operates later than 22:00.*
  - (d) That *clause 2* of the lease agreement in terms of the notice given by both parties be repealed and replace with (same as all other pavement leases):

*That a notice of termination period of three (3) months for both parties be applicable.*
  - (e) That the lease be advertised in terms of the Local Authorities Act, (Act 23 of 1992), as amended.
  - (f) That all costs involved will be for the applicant's account. Should they cease operating they have to reinstate the area to its original layout at their own cost and inform Council in writing.
  - (g) That Messrs Bundu n See informs Council thirty (30) days in advance when they sell the business and that the new owner must apply in writing to lease the pavement area.
  - (h) That the applicant shall indemnify and keep Council indemnified during the full period of this agreement against possible claims, which may arise from the use of the pavement by the applicant.
-

11.1.4 **EXEMPTION FROM PAYMENT OF ASSESSMENT RATES**  
(C/M 2013/06/27 - D 3/2)

Ordinary Management Committee Meeting of 13 June 2013,  
Addendum 7.6 page 69 refers.

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

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

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

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

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

(i) ...

(ii) ...

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

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

4. A notice was published on **28 March 2013** in **The Namib Times** and **The Namibian** respectively with closing date **31 May 2013**.
5. The following applications (**Annexure “B”**) were received in terms of Section 75 (3) of the Local Authorities Act 23 of 1992 (as amended), for the exemption from payment of Assessment Rates:

ORGANISATION / BODY	ERF Number	PURPOSE FOR WHICH ERF IS RESERVED
Marie Douglas Heim Frail Care Centre / Prinzessin Rupprecht Heim	356 Swk	Old Age Home & Frail Care
The Old Apostolic Church	2108 & 681, Swk	Religious Gatherings
The Holy Cross Sisters in Namibia	196, Swk	Rectory/convent
Swakopmund Baptist Church	1729, & 4264, Swk	Manse & Church
Palm Court Retirement Village	3355, Swk	Old Age Home
Bet – El Congregation	789, Tam	Place of Worship

<b>ORGANISATION / BODY</b>	<b>ERF Number</b>	<b>PURPOSE FOR WHICH ERF IS RESERVED</b>
Swakopmund Lions Welfare Organization (Lions Old Age Home)	801, 2781 & 911, Swk	Old Age home & retirement village
Swakopmund Methodist Church	2649, Swk	Church Worship Services
Deutsche Eva. Luth. Gemeinde	183 & 491, Swk	Church Services & Kindergarten
Privates Deutsches Schuler Heim	723, 724, 725, 726 & 728, Swk	Hostel, Boarding School & Kindergarten
Voortrekkers of Namibia	1512, Swk	Youth Meeting Hall
Missionary Benedictine Sisters of Tutzing	195, Swk, 196 A	Residence of Missionary Benedictine Sisters
Church Council / Nederduits Reformed Church	508, Swk	Church
Ned . Geref. Kerk Swakopmund	2836 & 4206, Swk	Church & Rectory
Blood Transfusion Services	521, Swk	Collecting blood
Evangelische Stadt Mission	1759, Swk	Church
Uniting Reformed Church	588, 305 Swk	Church Activities
Reiterverein Swakopmund	3572, Swk	Horse Riding Sport
Scouts of Namibia	1515, Swk	Place of Worship
Mondesa Youth Opportunity Trust	63, Mondesa	Educational services
Scientific Society Swakopmund	35, 1613, 5856 Swk	Scientific Development
AFM Filadelfia (AGS)	4262, Swk	Church Activities
Tierschutzverein SPCA Swakopmund	3758, Swk	Animal Care
Swakopmund RCM	949, Swk, 24 Tamariskia, 284 Mondesa	Church Affairs
AFM Tamariskia	614 & 567, Swk	Church Services
St Raphael's Anglican Church	603, Swk	Church
Owato Elcin Church	449, Mondesa	Church Services
Immanuel Elcin Church	602	Church
Private School Swakopmund	1772, 1774, 536	A School-Grade 1 to 12
COSDEC	1544	Public Meetings, community Skills Development
Erongo House of Safety	610, Tam	House for Vulnerable Kids
Deutsche Pfadfinder	3534, 4234	Youth Organisation

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

**RECOMMENDED:**

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

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

<b>ORGANISATION / BODY</b>	<b>ERF NUMBER</b>	<b>PURPOSE FOR WHICH ERF IS RESERVED</b>
<i>Swakopmund Baptist Church</i>	<i>1729, &amp; 4264, Swk</i>	<i>Manse &amp; Church</i>
<i>Palm Court Retirement Village</i>	<i>3355, Swk</i>	<i>Old Age Home</i>
<i>Bet - El Congregation</i>	<i>789, Tam</i>	<i>Place of Worship</i>
<i>Swakopmund Lions Welfare Organization (Lions Old Age Home)</i>	<i>801, 2781 &amp; 911, Swk</i>	<i>Old Age home &amp; retirement village</i>
<i>Swakopmund Methodist Church</i>	<i>2649, Swk</i>	<i>Church Worship Services</i>
<i>Deutsche Eva. Luth. Gemeinde</i>	<i>183 &amp; 491, Swk</i>	<i>Church Services &amp; Kindergarten</i>
<i>Privates Deutsches Schuler Heim</i>	<i>723, 724, 725, 726 &amp; 728, Swk</i>	<i>Hostel, Boarding School &amp; Kindergarten</i>
<i>Voortrekkers of Namibia</i>	<i>1512, Swk</i>	<i>Youth Meeting Hall</i>
<i>Missionary Benedictine Sisters of Tutzing</i>	<i>195, Swk, 196 A</i>	<i>Residence of Missionary Benedictine Sisters</i>
<i>Church Council / Nederduits Reformed Church</i>	<i>508, Swk</i>	<i>Church</i>
<i>Ned . Geref. Kerk Swakopmund</i>	<i>2836 &amp; 4206, Swk</i>	<i>Church &amp; Rectory</i>
<i>Blood Transfusion Services</i>	<i>521, Swk</i>	<i>Collecting blood</i>
<i>Evangelische Stadt Mission</i>	<i>1759, Swk</i>	<i>Church</i>
<i>Uniting Reformed Church</i>	<i>588, 305 Swk</i>	<i>Church Activities</i>
<i>Reiterverein Swakopmund</i>	<i>3572, Swk</i>	<i>Horse Riding Sport (Non Profitable Club)</i>
<i>Scouts of Namibia</i>	<i>1515, Swk</i>	<i>Place of Worship</i>
<i>Mondesa Youth Opportunity Trust</i>	<i>63, Mondesa</i>	<i>Educational services</i>
<i>Scientific Society Swakopmund</i>	<i>35, 1613, 5856 Swk</i>	<i>Scientific Development</i>
<i>AFM Filadelfia (AGS)</i>	<i>4262, Swk</i>	<i>Church Activities</i>
<i>Tierschutzverein SPCA Swakopmund</i>	<i>3758, Swk</i>	<i>Animal Care</i>
<i>Swakopmund RCM</i>	<i>949, Swk, 24 Tamariskia, 284 Mondesa</i>	<i>Church Affairs</i>
<i>AFM Tamariskia</i>	<i>614 &amp; 567, Swk</i>	<i>Church Services</i>
<i>St Raphael's Anglican Church</i>	<i>603, Swk</i>	<i>Church</i>
<i>Owato Elcin Church</i>	<i>449, Mondesa</i>	<i>Church Sevices</i>
<i>Immanuel Elcin Church</i>	<i>602</i>	<i>Church</i>
<i>Private School Swakopmund</i>	<i>1772, 1774, 536</i>	<i>A School-Grade 1 to 12</i>
<i>COSDEC</i>	<i>1544</i>	<i>Public Meetings, community Skills Development</i>
<i>Erongo House of Safety</i>	<i>610, Tam</i>	<i>House for Vulnerable Kids</i>
<i>Deutsche Pfadfinder</i>	<i>3534, 4234</i>	<i>Youth Organisation</i>

11.1.5 **WRITING OFF: OLD AND REDUNDANT EQUIPMENT - ENGINEERING SERVICES DEPARTMENT**

(C/M 2013/06/27 - L 2)

Ordinary Management Committee Meeting of 13 June 2013, Addendum 7.9 page 111 refers.

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

Council on 25 April 2013 under item 11.1.14 resolved as follows:

- (a) That the following equipment in the Engineering Services Department be written off and sold at the next Public Auction.

Computer	Mouse	Keyboard	Hard Drive
Serial Nr: LB17HMBL617553	Serial Nr: MX2062500654	Serial Nr: 062505681	Serial Nr: 33929780
Serial Nr: 91420050640	P/N: 90.00026.A07	Serial Nr: 33818634	Serial Nr: 33818951
Serial nr: C421VM7VR05950	Serial Nr: 33818794	Serial Nr: 33930329	Serial Nr: 33819000
Serial Nr: C421VM7VR05743	Serial Nr: 44014281MU	Serial Nr: 33817455	Serial Nr: 33929782
Serial Nr: LB17HMBL400517P	Serial Nr: F599C0CN3NX0537	Serial Nr: 062502261	Serial Nr: 33341239

Equipment	Quantity
<b>Tables</b>	<b>2</b>
Printer - LaserJet 6L and PH DeskJet 1220C	2
<b>Printer - HP LaserJet 1012 and HP LaserJet P1005</b>	<b>2</b>
Old Chair	3
Speakers	2
Cupboard	2
Wooden Shelves	4
Magic Cool Fans	3
HP CD writer	1
UBS	5

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

The following item was on the list for old and redundant equipment in the Engineering Services Department (Building Section) to be written off:

Equipment	Quantity
Tables	2
Printer- HP LaserJet 1012	1

According to the Building Section the above-mentioned items must be retained.

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

**RECOMMENDED:**

- (a) That the Council resolution of 25 April 2013 be repealed and that the following items be retained:

Equipment	Quantity
Tables	2
Printer- HP LaserJet 1012	1

- (b) That the proceeds from the next Public Auction of redundant items be transferred to the Mayoral Development Fund.

- 11.1.6     **APPLICATION FOR THE ALLOCATION OF LAND**  
              ①     **TRANSNAMIB HOLDINGS LIMITED TO RELOCATE THE**  
                      **RAILWAY STATION**  
              ②     **SALT COMPANY (PTY) LTD**  
              C/M 2013/06/27                -                E 466, G 4/2/1/2)

**Ordinary Management Committee Meeting of 13 June 2013,**  
Addendum 7.10 page 112 refers.

---

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

**1.     INTRODUCTION**

The railway station and salt works are to be relocated due to the partnership agreement that has been concluded between Messrs Banhoff Development Investment and Messrs TransNamib Holdings Properties to allow an envisaged development on the land where the current railway is located.

**2.     APPLICATIONS**

- ①     **Attached** application (**Annexure “A”**) dated **08 February 2013** was received from Messrs TransNamib Holdings Limited requesting Council to avail and donate a portion of land for the relocation of the railway station.

- ②     Also **attached** an application by Messrs Salt Company (Pty) Ltd (**Annexure “B”**). The Salt Company is dependent on the railway line for conducting their business, but the link will no longer be available, meaning they need to be allocated a new industrial erf.

The land applied for by both parties is zoned *undetermined* (**attached** as **Annexure “C”** is a map).

With reference to the subject of relocating the railway station, Council on **29 March 2007** resolved that the Chief Executive Officer enters into negotiations with Messrs TransNamib to move the railway station eastwards towards the airport.

Messrs TransNamib was informed about the decision on **10 May 2007**. Discussions were held in Windhoek and Messrs TransNamib accepted the proposal.

Messrs Salt Company also applied for land north of the airport at the time.

**3.     FUTURE USE OF THE LAND APPLIED FOR**

As per the **attached** layout (**Annexure “C”**), they have identified a portion of the Remainder of Portion 5 of Swakopmund Town and Townlands No. 41 as a suitable site for the relocation of proposed new railway station.

With reference to the Master Development Plan approved by Council on **30 July 2009**, the proposed zoning of the area is in line with the intended development of the railway station.

As approved by Council, the content of Master Plan for the area north of the airport is described below:

*The area north of the airport, from the edge of the DRC up to the Bypass defined in the north by the Nampower reserve.*

- (a) Zoned: Business / Industrial.*
- (b) Primary usage Business and Industrial.*
- (c) Adjacent to the railway reserve on of the options is to create space for a large industrial erven like e.g. the Salt Works (if it is shifted as a result of the removal of the railway line into town).*
- (d) It is intended to create a buffer strip of business and/or cemetery on the edge of the DRC to the railway reserve. Provision should also be made for access to the railway station if it is shifted to this area.*

4. **MEETING HELD**

A meeting was held in the Chief Executive Officer's office on **25 February 2013** between the Municipality and representatives from Messrs TransNamib, Banhoff Square Development and Salt Company to discuss an appropriate site to relocate the railway station and salt works.

It was decided that Messrs TransNamib submit a more specific design of the site, especially with reference to the location and size. As per their letter received, they have only indicated the site, but not the size as requested.

The minutes of the meeting attached as **Annexure "D"**.

5. **DISCUSSION**

The anticipated development by Banhof Square Development on the site where the railway is currently situated is without doubt bringing much needed development that will benefit the inhabitants of Swakopmund, since it is strategically located and it can be utilized in a more productive way than it is currently being used.

It is against this background that Messrs TransNamib Holdings is requesting Council to donate a portion of land for the relocation of railway station.

The land identified is ideal for the relocation, but their request for donation cannot be considered since they are a profit making entity and also that the agreement entered into between them and Messrs Banhof Square Development for the envisaged development will generate income of which a portion can be utilized to acquire the alternative site.

In addition, Council Property Policy does not make provision for donation of land to a private institution. Council previously donated land to the Government and parastatals.

6. **CONCLUSION**

- 6.1 The Chief Executive Officer stated that at the meeting of 25<sup>th</sup> February 2013 Council will engage Messrs TransNamib Holdings to agree on the terms of acquiring the site; it is therefore proposed the application for donation of a portion of land by Messrs TransNamib Holdings be turned down.
- 6.2 The alternative is to donate the land to Messrs TransNamib Holdings with the *proviso* that it may only be used for the purpose of railway tracks and a railway station. Should Messrs TransNamib Holdings at any stage stop their operations or wish to dispose of the land, it will revert to Council.

- 6.3 The land indicated on **Annexure “C”** as being adjacent to the railway station can be offered to Messrs Salt Company (Pty) Ltd at a market related price, subject to the town planning procedures being successfully completed.
- 6.4 Roads Authority has provided permission for one access road from the C 34 by-pass road.

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

**RECOMMENDED:**

- (a) That the allocation in (b) herein below be approved, subject to the approval of the Property Policy by the Honourable Minister of Regional and Local Government, Housing and Rural Development.
- (b) That the allocation of a portion of the Remainder of Portion B of Swakopmund Town and Townlands No 41 to Messrs TransNamib Holdings Limited for the purpose of relocating the railway station and providing a new siding including rails for shunting operations and supplying the proposed new Salt Company (Pty) Ltd with services, be approved in principle, subject to the following:
- (i) *The completion of the statutory requirements for town planning;*
  - (ii) *A price being determined for the land; and*
  - (iii) *Completion of the statutory requirements for the sale of the property.*
- (c) That the allocation of a portion of ±8ha of the Remainder of Portion B of Swakopmund Town and Townlands No 41 to Messrs Salt Company (Pty) Ltd be approved in principle, subject to the following:
- (i) *The completion of the statutory requirements for town planning;*
  - (ii) *A market related price being determined for the land; and*
  - (iii) *Completion of the statutory requirements for the sale of the property.*
- (d) That all costs relating to the availing of the portions of land be for the account of the respective applicants, such as, but not limited to, the required town planning procedures, alienation cost and provision of services.
- (e) That Messrs TransNamib Holdings Limited and Messrs Salt Company (Pty) Ltd accept that no rights will accrue to them from Council's resolution unless all the relevant conditions of the Property Policy are complied with in full and all the relevant authorities have given the necessary permission, if applicable.
-

11.1.7 **APPLICATION TO TRANSFER FUNDS FROM VOTES IN 2012/13  
FINANCIAL YEAR TO THE 2013/14 FINANCIAL YEAR DUE TO  
CONTINUATION OF PROJECTS**

(C/M 2013/05/30 - D 2/1)

**Ordinary Management Committee Meeting of 13 June 2013,**  
Addendum 8.1 page 01 refers.

---

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

Application is herewith made for the transfer of funds from various votes budgeted for 2012/2013 to the next financial year - 2013/2014. The projects have been budgeted for in the current financial year and have not been completed yet. Unfortunately it was not included as continuation projects during the preparation of the budget, hence the application.

The respective votes and funds are listed below:

- *Town Planning for Northern Blocks*  
Vote: 1030 340 147 00, still available (**N\$ 854 426-00**)
- *Survey of Informal Settlement (DRC) and 2<sup>nd</sup> PDA*  
Vote: 5005 332 010 00, still available (**N\$ 2 960 508-00**)
- *Survey of Informal Settlement (DRC) and 2<sup>nd</sup> PDA*  
Vote: 5005 340 156 00, still available (**N\$ 1 479 351-00**)
- *Layout Planning Tender for Mile 4 area*  
Vote: 1030 340 145 00, still available (**N\$ 769 280-00**)
- *Development of 2 Blocks for Kramersdorf*  
Vote: 1030 340 144 00, still available (**N\$ 1 294 586-00**)

All these projects are still on going and will be finalised by the middle of next year due to processes and circumstances with regard to various institutions and decision making bodies.

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

**RECOMMENDED:**

**(a) That the following projects be included in Capital budget for 2013/14 as continuation project:**

- *Town Planning for Northern Blocks - N\$854 426.00;*
- *Survey of Informal Settlement (DRC) and 2<sup>nd</sup> PDA - N\$2 960 508.00;*
- *Survey of Informal Settlement (DRC) and 2<sup>nd</sup> PDA - N\$1 479 351.00;*
- *Layout Planning Tender for Mile 4 area - N\$769 280.00;*
- *Development of 2 Blocks for Kramersdorf - N\$1 294 586.00*

**(b) That the General Manager: Finance transfers these votes to the next financial year accordingly.**

---

11.1.8 **APPLICATION TO SUBDIVIDE PORTIONS OF THE REMAINDER OF PORTIONS 5, 27 AND B OF SWAKOPMUND TOWN AND TOWNLANDS NO. 41**

(C/M 2013/06/27 - G 3/3/2)

**Ordinary Management Committee Meeting of 13 June 2013,**  
Addendum 8.3 page 05 refers.

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

Messrs Ritta Khiba Planning Consultants was commissioned via Tender No. 09/2012 to subdivide Portions of the remainder of portions 5, 27 and B of Swakopmund Town and Townlands no. 41, consolidate and re-subdivide, obtain approval for need and desirability and proceed with township establishment on Portions 1 to 13 and remainder.

The new township extensions (18) are summarized in the following table. The location of the new townships is indicated on the town's street development plan.

<i>Township Establishment</i>			
<i>PORTION NUMBER</i>	<i>RESERVED NUMBER</i>	<i>APPROX. AREA IN HECTARE</i>	<i>APPROX. PLANNED NUMBER OF ERVEN</i>
1	140	26.2	150
2	141	26.3	300
3	142	24.1	300
4	143	15.7	50
5	144	14.7	50
6	145	16.4	160
7	146	26.5	300
8	147	18.0	200
9	148	20.5	240
10	149	24.0	270
11	150	12.1	140
12	151	34.0	200 + sports fields
13	152	18.8	110
Re. X	137	17.8	220
Y	136	20.6	200
Z	138	21.7	200
G	135	19.6	150
Re. Ptn. 27 of Swakopmund T&TL No. 41		12.6	150

The following portions of land are affected.

Registered names

Remainder of Portion B of Swakopmund Town and Townlands No. 41  
Remainder of Portion 5 of Swakopmund Town and Townlands No. 41  
Portion 27 of Swakopmund Town and Townlands No. 41

Portion numbers have been provisionally reserved in the Surveyor General's Office and are included in the table of land portions and areas above. The process is indicated below.

The procedure is as follows:

- *The subdivision of the Remainder of Portion B of Swakopmund Town and Townlands No. 41 into three portion (a), (b), (c), free of conditions and remainder;*
- *The subdivision of the Remainder of Portion 5 of Swakopmund Town and Townlands No. 41 into Portion (d) free of conditions and remainder;*
- *The subdivision of Portion 27 of Swakopmund Town and Townlands No. 41 into three portions (e), (f), (g) and Remainder, all free of conditions;*
- *Consolidation of Portion (d) of Portion 5 of Swakopmund Town and Townlands No. 41 with Portion (a) of the Remainder of Portion b of Swakopmund Town and Townlands No. 41 into a new Portion (x) free of conditions;*
- *Consolidation of Portion (e) of Portion 27 of Swakopmund Town and Townlands No. 41 with Portion (b) of the Remainder of Portion b of Swakopmund Town and Townlands No. 41 into a new Portion (z) free of conditions;*
- *Consolidation of Portion (f) of Portion 27 of Swakopmund Town and Townlands No. 41 with Portion (c) of the Remainder of Portion b of Swakopmund Town and Townlands No. 41 into a new Portion (y) free of conditions;*
- *Subdivision of consolidated Portion (x) into thirteen (13) Portions and the Remainder of Portion (x) all free of conditions*
- *The need and desirability to establish new townships on the following Portions and Remainders (see table above):*
  - (i) *Portions (1) to (13)*
  - (ii) *Remainder of Portion (x)*
  - (iii) *Portion (y)*
  - (iv) *Portion (z)*
  - (v) *Portion (g)*
  - (vi) *Remainder of Portion 27 of Swakopmund Town and Townlands No. 41*

Messrs Ritta Khiba Planning Consultants mentioned that they need to provide a list of street names ( $\pm 100$ ) and a name for the suburb along with their submission to Townships Board before **November 2013**. They propose street names from the SWAPO Party Publication of 1996, "*Their Blood Waters Our Freedom*". They also propose that the suburb name be "*Patriots*" Plain. This will however be submitted to the Street Naming Committee.

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

**RECOMMENDED:**

- (a) **That the proposal by Messrs Ritta Khiba Planning Consultants in respect of street names and the suburb name be submitted to the Street Naming Committee and be finalized by November 2013.**
- (b) **That approval is given for the need and desirability for establishment of 18 new township extensions with  $\pm 3,200$  new erven.**
- (c) **That the following procedure be approved:**
  - (i) *The subdivision of the Remainder of Portion B of Swakopmund Town and Townlands No. 41 into three portion (a), (b), (c), free of conditions and remainder;*
  - (ii) *The subdivision of the Remainder of Portion 5 of Swakopmund Town and Townlands No. 41 into Portion (d) free of conditions and remainder;*

- (iii) *The subdivision of Portion 27 of Swakopmund Town and Townlands No. 41 into three portions (e), (f), (g) and Remainder, all free of conditions;*
  - (iv) *Consolidation of Portion (d) of Portion 5 of Swakopmund Town and Townlands No. 41 with Portion (a) of the Remainder of Portion b of Swakopmund Town and Townlands No. 41 into a new Portion (x) free of conditions;*
  - (v) *Consolidation of Portion (e) of Portion 27 of Swakopmund Town and Townlands No. 41 with Portion (b) of the Remainder of Portion b of Swakopmund Town and Townlands No. 41 into a new Portion (z) free of conditions;*
  - (vi) *Consolidation of Portion (f) of Portion 27 of Swakopmund Town and Townlands No. 41 with Portion (c) of the Remainder of Portion b of Swakopmund Town and Townlands No. 41 into a new Portion (y) free of conditions;*
  - (vii) *Subdivision of consolidated Portion (x) into thirteen (13) Portions and the Remainder of Portion (x) all free of conditions.*
- (d) **The need and desirability to establish new townships on the following Portions and Remainders (see table above):**
- (i) *Portions (1) to (13)*
  - (ii) *Remainder of Portion (x)*
  - (iii) *Portion (y)*
  - (iv) *Portion (z)*
  - (v) *Portion (g)*
  - (vi) *Remainder of Portion 27 of Swakopmund Town and Townlands No. 41.*
-

11.1.9 **TRANSFER OF SUBSTATION ON ERF 3341, SWAKOPMUND TO ERONGO RED**

(C/M 2013/06/27 - A 4/3/1/16, E 3341)

**Ordinary Management Committee Meeting of 13 June 2013, Addendum 8.6 page 37 refers.**

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

**1. Introduction**

Messrs Rössing Uranium Ltd confirmed that it is anticipated that the installation of services to Block 5 will be completed during **August 2013**.

The substation providing electricity to Block 5 is located on Erf 3341, Swakopmund which belongs to the Swakopmund Municipality. Erf 3341, Swakopmund measures 196 m<sup>2</sup>.

It is necessary to finalize the transfer of the erf to Messrs Erongo RED as one of their conditions is the registration of the erf the substation is located on in the name of Erongo RED before the electrical power will be switched on.

Whilst considering the transfer of all substations listed on the asset register, Council passed the following resolution, under item 11.1.14 on **26 July 2012**:

- (a) *That the transfer of the existing assets as per Schedule B of the Transfer Agreement be approved.*
- (b) *That the Chief Executive Officer discusses the acquiring of erven by Erongo RED for the construction of substations in new residential areas with the Erongo RED Board of Directors at the next meeting; i.e. that Erongo RED pay for these erven at development cost.*

**2. Discussion**

Erf 3341, Swakopmund does not form part of the Asset Agreement and Council therefore have to decide whether to in future sell these erven at development cost to Messrs Erongo RED or to donate the erven to them.

It should be kept in mind that Council receives dividends of the profits generated by Messrs Erongo Red in terms of the Shareholders Agreement (*various comments were discussed by the Special Management Committee meeting held on **05 February 2013***).

*Quoted:*

**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.*

Council on **28 February 2013** resolved to donate Erf 2771, Swakopmund to Messrs NamPower. The said erf measures **11 083m<sup>2</sup>** and the land was valued at **N\$1 108 000.00**.

Whereas Council sold a portion of land measuring **7 066m<sup>2</sup>**, of Portion 106 (a Portion of Portion B) of the farm Swakopmund Town and Townlands No 41 to Namibia Water Corporation Ltd at **N\$ 198 000.00** during 2009.

Council on **30 August 2007** approved the sale of a portion of land measuring **1 050m<sup>2</sup>** located in Extension 15, Swakopmund to Messrs Namibia Post and Telecom Holdings at a purchase price of **N\$ 184 800.00**.

The Transfer Agreement with Erongo RED does not deal with future erven to be created for electricity supply and erven being set aside for substations in the new townships.

At the Erongo RED summit held on **27 and 28 May 2013**, the Chief Executive Officer discussed the acquiring of erven by Erongo RED for the construction of substations in new residential areas with the Acting Chief Executive Officer of Erongo RED who confirmed the common practice is that these erven be donated to Erongo RED.

Should erven be sold to them, these fees will be recovered in the some way from Council. Whether this is possible at all and if possible, how it will be done, is unclear as Erongo RED operates on tariffs which are regulated. This principle is applied to all shareholders in the region and a letter from Erongo RED in this regard is awaited.

### 3. **Conclusion**

It should be noted that although Council is a shareholder of Erongo RED, Council can decide whether to donate or sell erven on which substations will be constructed to them.

Council is not a shareholder of NamPower (Pty) Ltd, Namibia Water Corporation and Namibia Post & Telecommunication Holdings.

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

### **RECOMMENDED:**

- (a) That Erf 3341, Swakopmund, measuring 196m<sup>2</sup> be donated to Messrs Erongo RED for the construction of the electrical substation for service provision to Block 5 of Messrs Rössing Uranium Limited.
  - (b) That in future land be donated to parastatals as new townships develop and that parastatals be required to provide the equivalent value as social responsibility.
  - (c) That all costs involved for the transfer and rezoning of these erven be for the account of the relevant parastatal.
  - (d) That Messrs Erongo RED be responsible for and attends to the rezoning and transfer of Erf 3341, Ocean View at their own cost.
-

11.1.10 **APPLICATION FOR THE RELAXATION OF BUILDING HEIGHT ON ERF 131 (Unit 3), VOGELSTRAND**

(C/M 2013/06/27 - M4 E 131)

**Ordinary Management Committee Meeting of 13 June 2013, Addendum 8.7 page 41 refers.**

---

**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 S T Mberirua for a proposed height relaxation on Erf 131 (Unit 3), 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. 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. 21/2013-05-24**) 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 8m to 10m on Erf 131 (Unit 3) Mile 4 ,Swakopmund be approved.**

---

11.1.11 **APPLICATION FOR PERMISSION TO OPERATE A NOXIOUS INDUSTRY - STORAGE OF MEAT ON ERF 3968 EXTENSION 10, SWAKOPMUND**

(C/M 2013/06/27 - E 3968)

**Ordinary Management Committee Meeting of 13 June 2013,**  
Addendum 8.8 page 70 refers.

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

**Attached** application was received for the registration of a noxious industry in terms of the Swakopmund Town Planning Regulations:

- *Erf 3968, Extension 10, Swakopmund (c/o Bohr and Einstein Street) - Danie Holloway t/a Messrs Banjo Properties - Noxious Industry - Storage of meat (Notice No. 21/2013-05-24)*

The property is zoned “General Industrial” and according to the Swakopmund Town Planning Scheme Regulations, with special consent from Council a noxious industry 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>
G	General Industrial	Dark Purple fill	Industrial Building, Scrap Yard, Warehouse, Building Yard, Dry Cleanette, Launderette, Light Industry	Service Stations, Office Building, Place of Instruction, Noxious Industry, Shop, Public Garage, Place of Amusement

Insert from the Town Planning Amendment Scheme No.12:

**“NOXIOUS BUILDING”** means an offensive use or another use which constituted a nuisance, without prejudice to the generality of the foregoing, such as:

*Chemical works, paint works, breweries and distilleries, sugar mills and sugar refineries, manure-, superphosphate- or fertilizer works; or premises used for the storing or mixing of manure, super phosphate or fertilizers or premises for storing, drying, preserving or other treatment of bones, horns or hoofs, premises used for the storing, sorting or treatment of hides and skins, other than in a dry and inoffensive condition, abattoirs, glue or size factories, entrails scraping and tripe boiling works; soap or candle works, fat and dripping works and any other similar works where meat, bones, blood, offal or other animal organic matter is handled, wool scouring or wool washing works, rock lobster or fish processing works, fish pickling or rock lobster and fish canning trades, whaling stations, premises or trades used for the storing or handling and processing of material originating from fish, whales and seals, paper-mills or paper factories, grinding or extract factories, destructors, depositing sites or other sites for the disposar processing of domestic refuse, trade refuse, street refuse, sewage or night-soil, lead melting works, oil refineries and other trades in connection with the processing on by-products or petroleum refining, paint and varnish works, quarries, asbestos cement-, bricks- and lime-works, metallurgical works, reduction and reprocessing works or any other works*

*or trade which the Competent Authority may declare as such by notice in the Government Gazette: Provided that upon production of a certificate by the Medical Officer of Health, in consultation with the Inspector of Factories, that the process to be used in the conduct of any of the said industries or factories listed above will eliminate nuisance or danger to health in neighbouring premises arising from:*

- (a) vapour or effluvia;*
- (b) liquid waste matters discharging from the premises, and if land treatment of such matters is proposed, the nature, slope and area of the land and its position in relation to buildings used for human habitation, streams or water courses;*
- (c) solid waste matters; the Council may consent to the erection and use of buildings for such industries in accordance with Table B, Zone G, in the defined industrial zone.*

All adjacent neighbours were contacted and no one objected. The proposed consent use was also advertised as per Clause 6 of the Swakopmund Town Planning Scheme Regulations (**Notice No. 21/2013-05-24**) and no objections were received.

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

**RECOMMENDED:**

- (a) That the application of Mr D Holloway t/a Messrs Banjo Properties for permission to operate a noxious industry, storage of meat on Erf 3968, Extension 10, Swakopmund be approved.**
  - (b) That Mr D Holloway t/a Messrs Banjo Properties register with the Health Services Department and the standard Health Regulations will apply.**
  - (c) That the consent use be subject to the following:**
    - That Council reserves the right, to cancel a consent use should there be valid complaints.*
    - That they must operate within the Town Planning Scheme regulations.*
    - That the consent is not transferable.*
    - That no on street parking will be tolerated.*
-

11.1.12 **APPLICATION TO OPERATE AN EDUCARE CENTRE (PRE-SCHOOL) FROM ERF 1275, KRAMERSDORF**

(C/M 2013/06/27 - E 1275)

**Ordinary Management Committee Meeting of 13 June 2013, Addendum 8.9 page 85 refers.**

---

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

Application was received from Messrs Son Shine Kids Pre-school for consent to operate an Educare centre (Pre-School) from Erf 1275, Kramersdorf.

Erf 1275 is zoned as *"Single Residential"* purposes and in terms of the Swakopmund Town Planning Scheme application can be made for consent to operate a *"Place of Instruction"* from the property.

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.

The proposed intentions were advertised in terms of Clause 6 of the Swakopmund Town Planning Scheme (**Notice No 21/2013-05-24**) and no objections were received from the general public. All relevant neighbours were contacted and one objection was received.

**Reasons for objection by Mr K Hoffmann Erf 1269, Kramersdorf**

Next to Erf 1275, I have rented the house in Aukas Street no. 13 to Mrs M Runge who is using it as a Guesthouse: Duneside Guesthouse. A kindergarden next to a guesthouse will be too noisy for the visitors to relax, sleep late while on holiday.

**Comments on the objections raised by Mr K Hoffmann**

It is the opinion that the owner of the property is raising concerns that would not impact him directly as he is renting the house out to tenants who is using the property as a *"Residential Guesthouse"*. The tenants were approached for their comments and they indicated that they have no objection with regard to the intentions of Messrs Son Shine Kids Pre-school. The impact of the school will only affect the tenants and when problems do occur Council still reserved the right to revoke any consent given in terms of Clause 6 of the Swakopmund Town Planning Scheme.

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

**RECOMMENDED:**

- (a) That the application of Ms A Jearey t/a Messrs Son Shine Kids Pre-school for consent to operate a *“Place of Instruction”* - Educare Centre (Pre-School) from Erf 1275, Kramersdorf, be approved.
  - (b) That the applicant registers 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 the applicant must operate within the Town Planning Scheme regulations.*
    - *That the consent is not transferable.*
    - *That sufficient parking will be provided on the premises.*
    - *That no on street parking will be tolerated.*
  - (d) That Mr K Hoffmann be informed of his right to object (in terms of Clause 8 of the Swakopmund Town Planning Scheme) to the Minister, within 28 days of this notice against Council's decision, provided that written notice of such an appeal shall be given to the Ministry, as well as the Council within the said period.
-

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

(C/M 2013/06/27 - T 1066)

Ordinary Management Committee Meeting of 13 June 2013, Addendum 8.10 page 97 refers.

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

**Attached** application has been received for the registration of an administrative office in terms of the Swakopmund Town Planning Scheme Regulations:

- Erf 1066, Tamariskia - Mr LR Nawa t/a Messrs Nawa Labour Practitioners CC - Administrative Office (Labour Law Consultancy)

The owner of the above-mentioned erf has requested Council for permission to operate an administrative office on his property. The property is zoned "Single Residential" and according to the 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

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 in the Namib Times on the 3<sup>rd</sup> and 10<sup>th</sup> May 2013 and a notice was also placed on the site. No objections were received.

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

**RECOMMENDED:**

- (a) **That the following application for permission to operate an administrative office be approved:**
- *Erf 1066, Tamariskia - Mr L R Nawa t/a Messrs Nawa Labour Practitioners CC - Administrative Office (Labour Law Consultancy)*
- (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.*
-

11.1.14 **APPLICATION TO OPERATE AN ADMINISTRATIVE OFFICE FROM UNIT 19 PALM GARDENS SITUATED ON ERF 1358, SWAKOPMUND**  
(C/M 2013/06/27 - E 1358)

Ordinary Management Committee Meeting of 13 June 2013, Addendum 8.11 page 113 refers.

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

Application was received from Messrs Magic Vibes Tours and Services CC for consent to operate an administrative office from unit 19 Palm Gardens situated on Erf 1358, Swakopmund.

Erf 1358 is zoned as “*Single Residential*” purposes and in terms of the Swakopmund Town Planning Scheme application can be made for consent to operate a “*Resident Occupation*” (Admin Office) from the property.

Insert from the Town Planning Amendment Scheme No.12:

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

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

The proposed intentions were advertised in terms of Clause 6 of the Swakopmund Town Planning Scheme (**Notice No 21/2013-05-24**) and no objections were received from the general public. All relevant neighbours were contacted and one objection was received.

**Reasons for objection by Mr N E Tolke, unit owner**

Atlantic Street closes with a gate with the reason controlling Vehicles and people entering and leaving the village. Also controlling the traffic and noise of the street because children are playing and people walking and doors of houses standing open. Our main concern is parkings and noise. There is only two parking per unit on Palm Gardens side other have to park outside the gate. If you can see in the picture **attached** Unit 19 have to park in front of the garage

because his garage is a workshop and no place for a vehicle and this means no space for clients or visitors and Unit 19 is only rented is not the owner. There for we all living in peace and silence in This Village together which we pay for.

#### **Comments on the objections raised by Mr N E Tolke**

It is not clear as to the reason for objection is with regard to gates controlling access etc. as the situation sketched by the objector is not any different from normal visitors visiting the complex. The objector indicates that his main concern is parking and noise. With regard to the parking he mentions that the applicant must park outside the garage due to it being a workshop. The applicant has the full right to utilise his garage as he sees fit provided that it is in line with the Swakopmund Town Planning Scheme. It should also be noted that the application is concerned with an administration office as opposed to business premises as indicated by the objector.

It is also indicated that the applicant does not expect any clients on the premises due to the application being only for an administration office. Council reserves the right to revoke any consent granted in terms of the Scheme should valid complaints be received from any resident in the complex being negatively affected. The applicant also provided a letter from the body corporate who indicated that they have no objection to the proposed intentions of the applicant.

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

##### **RECOMMENDED:**

- (a) That the application of Messrs Magic Vibes Tours and Services CC for consent to operate a “*Resident Occupation*” - Administrative office from Erf 1358, Unit 19, Swakopmund, be approved.
  - (b) That they register with the Health Services Department and the standard Health Regulations will apply.
  - (c) That the consent use be subject to the following:
    - *That Council reserves the right, to cancel a consent use should there be valid complaints.*
    - *That they must operate within the Town Planning Scheme regulations.*
    - *That the consent is not transferable.*
    - *That they provide sufficient parking on the premises.*
    - *That no on-site parking of clients will be tolerated.*
  - (d) That Mr N E Tolke be informed of his right to object (in terms of Clause 8 of the Swakopmund Town Planning Scheme) to the Minister, within 28 days of this notice against Council’s decision, provided that written notice of such an appeal shall be given to the Ministry, as well as the Council within the said period.
-

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

(C/M 2013/06/27 - E 4635, T 364, M 2279, E 5424)

**Ordinary Management Committee Meeting of 13 June 2013,**  
Addendum 8.12 page 131 refers.

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

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

- Erf 4635, Ext. 9 Swakopmund (c/o Agapanthus & 2 Rhododendron Street) - Ms P Engelbrecht t/a Messrs Design Architect - Administrative Office (Freelance Architectural Services)  
**(Notice No. 21/2013-05-24)**
- Erf 364, Tamariskia (c/o Franziska van Neel Street) - Mr I Shikongo, P Mundjangi, H N Abraham & Ms MN Mwatile t/a Messrs Phim Investments CC - Administrative Office  
**(Notice No. 21/2013-05-24)**
- Erf 2279, Mondesa (Kovambo Nuyoma Street) - Mr V Mufita, A Makili, H Nandjigwa & P S Mufita t/a Messrs VAP Investment CC - Administrative Office  
**(Notice No. 21/2013-05-24)**
- Erf 5424, Ext. 16 Swakopmund - Ms N van Staden & Ms A Nel t/a Messrs Nellie van Staden Properties Windhoek Pty (Ltd) - Estate Agent Office  
**(Notice No. 21/2013-05-24)**

The owners of the above-mentioned erven have requested Council for permission to operate administrative offices on their properties. The properties are zoned "Single Residential" and according to the Swakopmund Town Planning Scheme, 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:

- (i) The resident occupation shall be confined to one third of the total floor area of the said dwelling;
- (ii) The resident occupation must be carried out entirely within the dwelling to include the basement, outbuilding, garage, and/or attic of the dwelling.
- (iii) The home occupation must be clearly incidental and secondary to the residential use of the dwelling;

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

All adjacent neighbours were contacted and no objections were received. The proposed consent use was also advertised as per Clause 6 of the Swakopmund Town Planning Scheme (**Notice No. 21/2013-05-24**) 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 4635, Ext. 9 Swakopmund (c/o Agapanthus & 2 Rhododendron Street) - Ms P Engelbrecht t/a Messrs Design Architect - Administrative Office (Freelance Architectural Services)  
(Notice No. 21/2013-05-24)*
- *Erf 364, Tamariskia (c/o Franziska van Neel Street) - Mr I Shikongo, P Mundjangi, HN Abraham & Ms MN Mwatile t/a Messrs Phim Investments CC - Administrative Office  
(Notice No. 21/2013-05-24)*
- *Erf 2279, Mondesa (Kovambo Nuyoma Street) - Mr V Mufita, A Makili, H Nandjigwa & PS Mufita t/a Messrs VAP Investment CC - Administrative Office  
(Notice No. 21/2013-05-24)*
- *Erf 5424, Ext. 16 Swakopmund - Ms N van Staden & Ms A Nel t/a Messrs Nellie van Staden Properties Windhoek Pty (Ltd) - Estate Agent Office  
(Notice No. 21/2013-05-24)*

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

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

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

11.1.16 **REZONING OF ERF 2710, MONDESA EXTENSION 5 FROM “SINGLE RESIDENTIAL” WITH A DENSITY OF 1:300 TO “GENERAL RESIDENTIAL” WITH A DENSITY OF 1:100; CONSENT TO ERECT 3 ADDITIONAL DWELLING UNITS ON THE ERF WHILE THE REZONING IS IN PROGRESS**

(C/M 2013/06/27 - M 2710)

Ordinary Management Committee Meeting of 13 June 2013, Addendum 8.13 page 186 refers.

---

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

**Application** was received from Messrs Dunamis Consulting Town and Regional Planners on behalf of their clients, Mr E Eiseb and Ms M Eises, for the rezoning of Erf 2710, Mondesa from “*Residential*” with a density of 1:300 to “*General Residential*” with a density 1:100 and consent to erect 3 additional dwelling units on the erf while the rezoning is in progress.

Erf 2710, Mondesa, is situated in Mondesa Extension 5 and measures 415 m<sup>2</sup> in extent. Erf 2710 is zoned “*Single Residential*” and currently accommodates a single residential dwelling on the Erf.

It is the intention of the owner to rezone Erf 2710 from “Single Residential” with a density of 1: 300 to “*General Residential*” with the proposed density of 1: 100. This will allow for the erection of four dwelling units on the erf. The current dwelling unit will be demolished and replaced by the new development of the four duplex units.

The rezoning of Erf 2710 will have a negative impact on the surrounding area due to this area being preserved for “*Single Residential*” purposes only. Municipal services like sewage and water will also be affected due to an increase of occupants on this erf and these services were not designed to accommodate changes in erf density. Furthermore, if Council grants consent to the owner for the rezoning then every erf within the surrounding area should also be granted consent if an application is made for rezoning.

The applicant requested consent to use Erf 2710 for “*General Residential*” purposes with the new density while the rezoning process is in progress. This can unfortunately not be allowed. Ordinance 18 of 1954 states that the zoning only takes effect once the Minister has given his approval. Section 26.(2) of the ordinance states: “*After the approval of a scheme the Minister shall give notice of such approval in the Gazette and shall come into operation upon the publication of such notice, and thereafter be referred to as an approved scheme*”.

If consent is granted by Council and construction continues and for some unknown reason the rezoning is not supported by the Minister then the Municipality sits in the predicament whereby buildings are erected for a use that is not allowed on the property.

The intended rezoning was advertised in the New Era and Republikein on the 11<sup>th</sup> and 18<sup>th</sup> **February 2013**. 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 **5 March 2013** and no objections were received.

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

**RECOMMENDED:**

- (a) That the rezoning of Erf 2710, Mondesa Extension 5, from "*Residential*" with a density of 1: 300 to "*General Residential*" with a density of 1:100 not be approved.
  - (b) That the consent to start with construction while the rezoning is in progress not be approved.
-

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

(C/M 2013/06/27 - VS 15)

**Ordinary Management Committee Meeting of 13 June 2013,**  
Addendum 8.14 page 201 refers.

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

**Attached** application was received from Mr S J Nel t/a Messrs Shallow Water Mining (Pty) Ltd Guesthouse to operate a Residential Guesthouse on Erf 15 Vogelstrand.

According to the Swakopmund Town Planning Amendment Scheme the erf is zoned "*Single Residential*". The applicant may therefore apply for a residential guesthouse provided that they meet all the requirements as stated in the Swakopmund Town Planning Amendment Scheme.

A "*Residential Guest House*" **means** all pensions, guest houses, bed and breakfasts and backpacker's establishments operating from **private dwellings** with a maximum of nine bedrooms available for not more the 20 tourists, and where the owner/manager permanently resides in the house.

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

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

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

8 Rooms x 1.5 parking bays + 2 = 14 parking bays

**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	<i>Single Residential</i>	<i>Yellow fill</i>	<i>Dwelling house</i>	<i>Place of Public Worship, Place of Instruction, Resident Occupation, Residential Guest House</i>

In order to establish a Residential Guesthouse on Erf 15, Vogelstrand the applicant must also obtain approval from the Namibian Tourism Board stating that such an establishment meets all their requirements according to the Accommodation Establishment and Tourism Ordinance (Ord. 20 of 1973) and its Amendments.

All the surrounding neighbours have been contacted for comments. All the neighbours were informed as to the proposed consent required. No objections were received. The intended consent use was further advertised as per Clause 6 in the Namib Times on **14 September** and **25 September 2012** and no objections were received.

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

**RECOMMENDED:**

**That the application of Mr S J Nel t/a Messrs Shallow Water Mining (Pty) Ltd Guesthouse to operate a Residential Guesthouse on Erf 15, Vogelstrand be approved subject to the following:**

- *That final approval only be granted once permission from the Namibian Tourism Board has been received.*
  - *That they register with the Health Services Department and the standard health regulations will apply.*
  - *That the applicant adheres to Council's Accommodation Establishment policy at all times.*
  - *That Council reserves the right, to cancel a consent use should there be valid objections.*
  - *That the applicant provides a minimum of 2 plus 1.5 per room parking bays.*
  - *That the consent is not transferable.*
  - *That they must operate within the Town Planning Amendment Scheme Regulations.*
  - *That no on street parking will be tolerated.*
  - *That only 40% of the total floor area of the dwelling is allowed to be used for the residential guesthouse.*
-

11.1.18 **APPLICATION TO USE THE BEACH FRONT AREA AT THE MOLE AND REQUEST FOR EXEMPTION FROM PAYING MUNICIPAL USER FEES FOR JUNIOR COUNCIL**

(C/M 2013/06/27 - N 7/2/1)

**Ordinary Management Committee Meeting of 13 June 2013,**  
Addendum 8.16 page 217 refers.

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

**Attached** letter (**Annexure “A”**) was received from the Swakopmund Municipal Junior Council to utilize the beach front area at the Mole in order to host fund raising event on the **29 June 2013**. The Junior Council had initially planned to host the event on **15 June 2013**, however, it was decided, by Junior Council to host it at the end of the month.

The Junior Council is planning to raise funds for CHAIN – an organization that cares and educates children living with disabilities in Swakopmund. The initiative will offer participating teams and spectators various forms of entertainment such as performances by local artists. In addition, the following sport codes and activities have been planned:

- *Beach soccer*
- *Touch rugby*
- *Beach volleyball*
- *Bi-Athlon event (cycling and road running)*

Those who will form part of the Bi-Athlon event will cycle and run through the surrounding streets of the nearby suburbs. Permission for the Bi-Athlon will be sought from Traffic Services and residents notified in due course. The Junior Council's fundraising initiative is a fun filled family event, alcohol free and absolutely environmental friendly. Further, it is an educational fundraising event and promotes the spirit of giving and sharing. The residents who frequent the beach will have an opportunity to participate and have lots of fun.

Participating teams are required to pay N\$100.00 per code per team. The organizers are currently soliciting funding from different companies and they hope that the responses will be favourable.

The Junior Council is herewith requesting Council for exemption from paying user and deposit fees for the beach area and equipment. The total cost is set out in the table below:

No.	Item Description	Rental Fee (N\$)	Deposit Fee (N\$)	Total Cost (N\$)
1	Beach Front – open area	100.00	357.50	457.50
2	Mobile Pavilions x 6	462.00	594.00	1056.00
3	Chairs x 20	154.00	See item No. 2 for deposit	154.00
4	Transport Costs	1 998.20	-	1 998.20
5	Refuse Bins x 10	172.50	411.13	583.63
<b>Grand Total</b>				<b>4 429.33</b>

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

**RECOMMENDED:**

- (a) That the initiative by the Junior Town Council to utilize the beach front area at the Mole in order to host a fund raising event on 29 June 2013 be supported.
- (b) That the cost of N\$4 429.33, as displayed in the table below be defrayed from Publicity Vote 500510212700 where sufficient funds are available.

<i>No.</i>	<i>Item Description</i>	<i>Rental Fee (N\$)</i>	<i>Deposit Fee (N\$)</i>	<i>Total Cost (N\$)</i>
1	<i>Beach Front - open area</i>	100.00	357.50	457.50
2	<i>Mobile Pavilions x 6</i>	462.00	594.00	1056.00
3	<i>Chairs x 20</i>	154.00	<i>See item No. 2 for deposit</i>	154.00
4	<i>Transport Costs</i>	1 998.20	-	1 998.20
5	<i>Refuse Bins x 10</i>	172.50	411.13	583.63
<i>Grand Total</i>				<i>4 429.33</i>

- (c) That Council be indemnified against any claims that may arise from using the area (indemnity form to be attached, signed and returned to the Municipality).
  - (d) That the area be restored to its original condition after the event and to the satisfaction of the Health Services Department.
  - (e) That sound be restricted to the immediate surroundings. On receipt of any complaints due to noise or misbehaviour, the use of the area will be cancelled immediately.
  - (f) That the Health Services Department arranges for refuse bins and the removal thereof afterwards.
-

11.1.19 **CAREER PATH FOR NEW GRADUATED INCUMBENTS**

(C/M 2013/06/27 - B 1/4/11, B 1/1, B 1/11)

**Ordinary Management Committee Meeting of 13 June 2013,**  
Addendum 9.1 page 01 refers.

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

Paragraphs 7.5 and 7.6 of Council's Bursary Policy reads as follows:

7.5 *The bursary holder must be prepared to enter into employment with the Municipality of Swakopmund, within three months of graduation. Such employment with the Municipality of Swakopmund must continue for at least the same number of years as the student attended University or Technicon under the Municipality of Swakopmund's bursary or as determined by Council.*

7.6 *Should there be no suitable position in the Municipality of Swakopmund, the bursary holder will be released from the tie to the Municipality of Swakopmund and also be free of any financial obligations."*

This Career path was submitted to the Union on **8 April 2013** but no feedback yet been received.

There is currently no career path or a placement programme in place for bursary holders. The following are examples of how placement of newly graduated students in a career path should look like:

**ENGINEERING TECHNICIAN**

1. If the incumbent enters into service with a Diploma in Engineering (Dip.(ENG)) (T3 or S4) Level 6 **(360 NQF Credits):-**

*The incumbent will be placed at Engineering Service as Engineering Technician-in-Training: Level 1: Paterson C1: A Newly graduated incumbent without experience must gain 1 year general experience as Engineering Technician –in-Training and needs to cover any combination of scope work in the civil field (roads; water; sewer, storm water and architectural work).*

*The projects which are completed under each of the above levels must be documented in the form of a report sheet and signed off by the mentor for submission to the Engineering Council of Namibia.*

*Engineering Technician-in-Training: Level 2: Paterson C2:  
Experience of a year in the necessary variety and level of engineering responsibility is needed (Signed reports must be submitted as proof).*

*Engineering Technician-in-Training: Level 3: Paterson C3  
Experience of a year in the necessary variety and level of engineering responsibility is needed (Signed reports must be submitted as proof).*

*After the successful registration as Engineering Technician with the ECN, incumbent can apply for the position of Engineering Technician.*

2. If the incumbent enters into service with National Higher Diploma in Engineering (T4), the incumbent enters at Level 2.

3. Entry into service with National Technical Diploma in Engineering (N6):-

*Engineering Technician-in-Training: Level 1: Paterson C1: A Newly graduated incumbent without experience; must gain 2 years general experience as*

*Engineering Technician -in-Training and needs to cover any combination of scope of work in the civil field (roads; water; sewer; storm water and architectural work).*

*The projects which are completed under each of the above levels must be documented in a form of a report or report sheet and signed off by the mentor for submission to the Engineering Council of Namibia.*

*Engineering Technician-in-Training: Level 2: Paterson C2:  
Experience of 2 years in the necessary variety and level of engineering responsibility is needed (Signed reports must be submitted as proof).*

*Engineering Technician-in-Training: Level 3: Paterson C3  
Experience of a year in the necessary variety and level of engineering responsibility is needed (Signed reports must be submitted as proof).*

*After the successful registration as Engineering Technician with the ECN; the incumbent can apply for a suitable position within the organization.*

## **INCORPORATED ENGINEER**

If the incumbent enters into service with a B.Tech. (ENG) Level 7 **(480 NQF Credits):-**

The minimum period of In-Service Training after qualification for Incorporated Engineers is:

- *B Tech Degree with 3 years of experiential training is required.*
- *Master's Diploma in Technology (T5 or equivalent) with 3 years of experiential training is required.*

*The projects which are completed under each of the above levels must be documented in form of a report or report sheet and signed off by the mentor for submission to the ECN.*

*Incorporated Engineer-in-Training: Level 1: Paterson C2: A Newly graduated incumbent without experience; must gain 2 years general experience as Incorporated Engineer-in-Training and needs to cover any combination of scope of work in the civil field (roads; water; sewer and storm water).*

*Incorporated Engineer-in-Training: Level 2: Paterson C3:  
Experience of a year in the necessary variety and level of engineering responsibility is needed (Signed reports must be submitted as proof).*

*After registration as Incorporate Engineer with the ECN; the incumbent can apply for suitable position within the organization.*

## **PROFESSIONAL ENGINEER**

If the incumbent enters into service with a B.SC (ENG) or B.ENG Level 8 **(560 NQF Credits):-**

*Engineer-in-Training: Level 1: Paterson C2: A Newly graduated incumbent without experience; must gain 1 year general experience as an Engineering Technician -in-Training and needs to cover any combination of scope of work in the civil field (roads; water; sewer and storm water).*

*The projects which are completed under each of the above levels must be documented in form of a report or report sheet and signed off by the mentor for submission to the ECN.*

*Engineer-in-Training: Level 2 Paterson C3:  
Experience of 2 years in the necessary variety and level of engineering responsibility is needed (Signed reports must be submitted as proof).*

*After the successful registration as Professional Engineer with ECN; the incumbent can apply for a suitable position within the organization.*

## **TOWN PLANNER**

Entry into service with a BA Planning Level 7 **(480 NQF Credits):-**

Minimum period of Experiential Training after qualification for Town Planning is:

*Candidate has performed at least 2 years of Town/Regional planning work after having obtained such qualifications, which in the opinion of Council is of sufficient variety and of a satisfactory nature and standard.*

*Town Planner-in-Training: Level 1: Paterson C2: A Newly graduated incumbent without experience; needs to gain 1 year general experience in Town and Regional planning.*

*Town Planner-in-Training: Level 2: Paterson C3: With internship taken needs to gain 1 year general experience in Town and Regional planning.*

*After completion of 2 years experiential training, the incumbent can register as a Town Planner.*

*The above Career Path is desired for Council although it is based on the old requirements set by the old regional and Town Planning Board. There is no board in existence at the moment because the Minister has not appointed one.*

## **HEALTH PRACTITIONER**

Categories of Health Practitioners that may be accommodated in our organization:

Student EHP: means a student who is enrolled as a student EHP at an educational institution in Namibia.

*This applicant can be accommodated at the Municipality in terms of the Job Attachment Policy and in accordance with the related Policy.*

EHP: Intern: means any person registered as such for the purpose of completing training as an EHP Intern and holds the minimum qualification required for registration as an EHP. (THREE YEARS FULL TIME STUDY) but still has to do the internship for one year.

*This applicant can be accommodated at the Municipality in terms of our Job Attachment Policy and in accordance with the related Policy.*

EHP ASSISTANT: Minimum qualifications for registration: = Diploma in Environmental Health Science with full time study for a period of two years;

*This applicant is a qualified EHP ASSISTANT:  
Suggested: LEVEL ONE (C1)*

Conditionally Registered EHP: Is a qualified EHP that needs to meet the requirements to be registered but can be conditionally registered subject to meeting the requirements within a set time.

*This applicant is a qualified EHP that must still meet some requirements for registration AND IS IN POSSESSION OF A CONDITIONAL REG CERTIFICATE who can be accommodated at the Municipality subject to meeting the registration requirements at the Allied Health Professions Council (AHPC) within a set period.  
Suggested: LEVEL TWO (C2 minimum)*

Registered EHP:

*This applicant is a qualified EHP that must still meet some requirements for registration and can be accommodated at the Municipality subject to meeting the registration requirements at the Allied Health Professions Council ( AHPC).*

*Suggested: LEVEL TWO (C2 max) no experience needed.*

Registered EHP: LEVEL THREE

*This applicant is a qualified and registered EHP*

*Suggested: LEVEL THREE (C3 minimum) 1-2 years' experience.*

Registered EHP: LEVEL FOUR

*This applicant is a qualified and registered EHP with a related degree and 3-5 years experience.*

*Suggested: LEVEL FOUR (C4 minimum) 2-4 years experience.*

Registered EHP: LEVEL FIVE

*This applicant is a qualified and registered EHP with a related degree and 5-10 years experience.*

*Suggested: LEVEL FOUR (C4 middle) 5 plus years experience.*

*Title to change to Senior EHP.*

Registered EHP: LEVEL SIX

*This applicant is a qualified and registered EHP with a related degree and 10 years experience.*

*Suggested: LEVEL FOUR (C4 MAXIMUM) 10 plus years experience.*

*Title to change to Senior EHP.*

*General:*

EHP: *Any person who is the holder of one of the following documents may be registered as an EHP:*

- *National DIPLOMA for Health Inspectors*
- *Nat Dip in Public Health*
- *Nat Dip Environmental Health*
- *Bachelor of Science in HYGIENE( Full time study for not less than 3 years plus one year internship)*
- *Bachelor of Science in Environmental Health ( Full time study for not less than 3 years plus one year internship)*

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

**RECOMMENDED:**

**(a) That the career path/placement programme for newly graduated Engineering students be as follows:**

- ***At entry into service with a National Diploma without any work experience, a newly graduated student will be appointed in the relevant job related field in an "In-Training Level 1" capacity on Paterson Band C 1 for a year during which year the graduate obtains the necessary variety of experience in that particular field.***
- ***After completion of a year at Level 1, the graduate is promoted to Level 2 In-Training for another year Paterson Band C 2; Band C3 etc. After completion of the 2 or 3 years in-service training depending on the years' experience required for the relevant position, the graduate is appointed in his/her job related field and start with the registration process if applicable.***

- *The same process is applicable at the entry into service with a B Degree, but the newly graduated student will be appointed on Paterson Band C 2 and not C 1; and Band C3 etc. later apply for registration.*

**(b) That the career path/placement programme for newly graduated Health Practitioner be as follows:**

- *At entry into service with a Diploma in Environmental Health Science without any work experience, a newly graduated student will be appointed in the relevant job related field in an "In-Training Level 1" capacity on Paterson Band C 1.*
- *At entry a conditionally Registered EHP who still needs to meet some requirements for registration will be at Level 2 on Paterson Band C 2.*
- *At entry an EHP qualified and registered with 1 - 2 years' experience will be at Level 3 on a Paterson Band C 3 minimum.*
- *At entry with a related degree an EHP qualified and registered with 3 - 5 years' experience will be at Level 4 on a Paterson Band C 4 minimum.*
- *At entry an EHP qualified and registered with a related degree and 5 - 10 years' experience will be at Level 5 on a Paterson Band C 4 Middle.*
- *At entry an EHP qualified and registered with a related degree and 10 years' experience will be at Level 6 on a Paterson Band C 4 maximum.*

**(c) TOWN PLANNER**

- *Entry into service with a BA Planning Level 7 (480 NQF Credits)*
- *Minimum period of Experiential Training after qualification for Town Planning is:*
- *Candidate has performed at least 2 years of Town/Regional planning work after having obtained such qualifications, which in the opinion of Council is of sufficient variety and of a satisfactory nature and standard.*
- *Town Planner-in-Training: Level 1: Paterson C2: A Newly graduated incumbent without experience; needs to gain 1 year general experience in Town and Regional planning.*
- *Town Planner-in-Training: Level 2: Paterson C3: With internship taken needs to gain 1 year general experience in Town and Regional planning.*
- *After completion of 2 years experiential training, the incumbent can register as a Town Planner.*

**(d) That this career path / placement programme be incorporated into the Bursary Policy.**

---

11.1.20 **TAMARISKIA COMMITTEE - VARIOUS LETTERS**

① **BASIS OF OBJECTION (NOTICE 26/2013)**

② **OBJECTION AGAINST THE SALE OF ERVEN 5159 AND 5160**

③ **REQUEST FOR A MEETING WITH THE MUNICIPAL COUNCIL**

(C/M 2013/06/27 - I 1/1/5, G 3/9/1, G 3/9/2, G 3/9/7, G 4/1,  
E 5159, E 5160, A 3/3/1)

**Special Management Committee Meeting of 18 June 2013, Addendum 5.1 page 01 refers.**

---

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

This item was discussed at the Management Committee on **13 June 2012** and it was decided to invite the representatives of the Tamariskia Committee to the Special Management Committee Meeting scheduled for **18 June 2013**.

The item is herewith resubmitted for consideration:

---

**① BASIS OF OBJECTION (NOTICE 26/2013)**

As stated in **Item 7.8** of Agenda 2 of the Management Committee Meeting of **13 June 2013**, Mr F A van Wyk on behalf of the Tamariskia Community submitted his objection against the sale of erven cancelled after the auction of 3 August 2013 as was published per Notice 26/2013.

The objection against **Notice 26/2013** is attached as **Annexure "A"**.

Quoted from the attached letter dated **9 June 2013**:

*"Erven should be sold by a stationary price and not what the next buyer can offer."*

**Comments:** The erven are offered for sale at the price indicated in the notice.

*"This is bidding and does not justify the actual price its worth."*

**Comments:** The sale of these erven does not amount to bidding as it is sold at the price indicated in Notice 26/2013.

*"Thus corrupted deals can emerge from such procedures by ways of insiders."*

**Comments:** As the erven are sold at the price published it is impossible to result in corrupted transactions.

*"Secondly the non transparent price tagging of erven presently and those from previous auctions does not differentiate in price relation. Which means that erven are still sold for far more then its worth"*

**Comments:** The prices published are the prices obtained at the last auction, which represents a fair market value.

**PROPOSAL**

In terms of the Local Authorities Act, Act 23 of 1992, objections received must be submitted to the Honourable Minister of Regional and Local Government, Housing and Rural Development for a final decision.

Although there is a lot of interest in the erven on offer, few purchaser make the effort to obtain a letter from the bank stating that the bank is willing to finance the purchase of an erf. As only 2 of the 54 erven are actually sold, it is proposed as recommended below.

**In addition to the above, the purchase prices on offer for the sale of the erven per Notice 26/2013, the following:**

Please note that the 120 erven were offered at an upset price of **N\$ 222 / m<sup>2</sup>** but due to high demand for property in a free market system, the prices escalated to an average per square metre price of **N\$ 746.00** 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 who paid market related prices for their erven in the same extension, if the cancelled erven are now sold at the original upset price; thereby automatically influencing the value of their erven purchased at a higher price.

With reference to the sale of erven cancelled after an auction, Council's revised Property Policy reads as follows:

*1.6.3 That the erven cancelled be submitted to the Management Committee for consideration of the future method of sale thereof.*

The revised Property Policy is silent on the purchase price. Therefore, subject to the Honourable Minister's decision with reference to the objection received against Notice 26/2013, a reduction in the bid price can be proposed at a staggered price structure for the sale of the remaining erven:

- (i) *should 50% of the sales be cancelled, the purchase price be the upset price + 25%*
- (ii) *should 30% up and including 49% of the sales be cancelled, the purchase price be the upset price + 35%*
- (iii) *should 20% up and including 29% be cancelled, the purchase price be the upset price + 45%*
- (iv) *should less than 20% be cancelled, the purchase price be the price offered at the auction.*

The above proposal is in an effort not to penalise those bidders who complied with the conditions of the sale and paid the purchase prices offered by them, by drastically lowering the purchase prices of the neighbouring erven, but still providing some price relief to the public where prices were unrealistically inflated by bidders.

By applying this structure in future, care should also be taken not to create an opportunity for the public to sabotage a sale of erven by cancelling transactions after the sale with the option to thereby purchase these erven at much lower prices when advertised.

Illustrated with reference to the auction held on 03 August 2012:

Cost of Services	:	N\$167.00 / m <sup>2</sup>
Upset Price /m <sup>2</sup>	:	N\$222.00 / m <sup>2</sup>
Average Purchase Price /m <sup>2</sup>	:	N\$746.00 / m <sup>2</sup>

(i) 50% cancellation;                       $\text{upset price (N\$222.00/m}^2\text{) + 25\% (N\$55.50) = N\$280.00/m}^2\text{ (rounded off)}$

(ii) 30% up and including 49% cancellation;  $\text{upset price (N\$222.00/m}^2\text{) + 35\% (N\$77.70) = N\$300.00/m}^2\text{ (rounded off)}$

(iii) 20% up and including 29% cancellation; upset price (N\$222.00/m<sup>2</sup>) + 45% (N\$99.90) = N\$322.00/m<sup>2</sup> (rounded off)

(iv) should less than 20% be cancelled; the purchase price be the price offered at the auction.

In the case of closed bids or tenders, this process will not apply since if the highest bidder cancels, the property is offered sequentially to the next bidders.

## ② **OBJECTION AGAINST THE SALE OF ERVEN 5159 AND 5160**

This point refers to **Annexure “B”**, also a letter received from the Tamariskia Committee Representative dated **9 June 2013**.

This objection is against the sale of 2 *general residential* erven in Extension 15 by closed bid, as was resolved by Council on **28 February 2013**:

(c) That 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> be approved.

These erven are sold as follows:

<b>Erf No</b>	<b>Closing Date for Objections</b>	<b>Date of Closed Bid</b>	<b>Upset Price</b>
<i>Erf 5159, Swk</i>	<i>18 June 2013</i>	<i>21 June 2013</i>	<i>N\$ 2 189 250.00</i>
<i>Erf 5160, Swk</i>	<i>02 July 2013</i>	<i>05 July 2013</i>	<i>N\$ 2 396 730.00</i>

Quoted from the attached letter dated **9 June 2013**:

*“In the Namib Times dated the 7<sup>th</sup> May 2013, erven 5159 and erven 5160 are advertised to be sold by means of a closed bid. As already indicate on our former objection, this is specifying exactly what we are against. A window of opportunity for corrupted sale is open through this type of selling.”*

**Comments:** From the closed bid held on 7 June 2013 for the sale of 20 erven in Extension 17 (Dunes Estate), it could be seen that the closed bid process is completely transparent.

*“Surely according to the sizes of these erven the selling itemized for private developer which is in contradiction to your letter dated 15 May 2013 protest against highly priced erven.”*

**Comments:** The zoning for the erven is *General Residential*, meaning it is intended for blocks of flats. The size is consistent with other *General Residential* erven in town.

It is also pointed out that Council’s Property Policy is not in favour of the sale of large portions of unsubdivided land to private developers for township developments. Both the above erven are existing erven (forms part of an approved general plan) and are already serviced.

*“Price per square meter differs in huge amounts in comparison with previous erven advertised at the same area by the Municipality.”*

**Comments:** The upset price for the *single residential* erven sold on auction on **3 August 2012** was determined at N\$222.00/m<sup>2</sup>; whereas Council decided on an upset price of N\$210.00/m<sup>2</sup> and the sale is open to the general public, and not restricted to developers. It therefore not clear what is being referred to.

### **PROPOSAL**

It is proposed to continue with the sale of the 2 *General Residential* erven at the dates advertised, but that the bidders be informed of the possible delays that can be expected with reference to the objection received.

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

### **RECOMMENDED:**

- (a) That Council rejects the objection received against Notice 26/2013 and that the matter be forwarded to the Honourable Minister for a decision as per Section 63 of the Local Authorities Act, Act 23 of 1992, as amended.**
  - (b) That the Corporate Services and Human Resources Department proceeds with the sale of Erven 5159 and 5160, Swakopmund as advertised, but that the bidders be informed of the anticipated delay due to the objection received.**
-

11.1.21 **NEW INDUSTRIAL AREA: EXTENSION 10**

(C/M 2013/06/27 - G 4/1/3)

**Special Management Committee Meeting of 18 June 2013**, Addendum 5.4 page 41 refers.

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

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.

Following a submission on the development of the new industrial area of Extension 10, Council at its meeting of **28 February 2013** resolved:

- (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 ①General Business erven, ②Light Industrial and ③General 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.*

The services to the industrial erven in Extension 10, Swakopmund is virtually complete except for electricity which is anticipated to be complete around the end of **August 2013**. Council can still sell the properties on the dates mentioned below as transfer will only be given once all services are complete.

**Annexure "A"** indicates the list of erven and upset prices as well as those erven which will be excluded from the sale following previous Council resolutions e.g. requiring these erven to be rezoned or sold to purchasers at the average price obtained at the sale. They will be sold after the rezoning process is complete or an average price per m<sup>2</sup> for the land is determined.

A total of 76 erven ranging in size from 1004m<sup>2</sup> to 47 764m<sup>2</sup> which are zoned 'Light Industrial', 'General Industrial' and 'General Business' respectively are thus available for Council to sell.

Taking into consideration that Council would like to make available the much sought after industrial land to the public as soon as possible, it is proposed to have 2 separate closed bid sales for the 3 different zonings, namely:

- 29 General Business erven on **30 August 2013**.
- 41 Light Industrial erven and 6 General Industrial erven on **4 October 2013**.

The erven are normally sold in terms of Council's standard conditions of sale based on the provisions of the Property Policy. Further conditions for this particular closed bid sale will be those mentioned in Council's resolution of **28 February 2013**.

The development cost of the services has been determined at N\$ 80 /m<sup>2</sup> as per **Annexure "B"**. According to the provisions of the new Property Policy, the upset price for the sale of any property sold by commercial sale is determined by adding a 25% mark-up to the development costs. Due to the large size of

some of the erven, relatively less material was used for the development of services, resulting in a development price very much lower than the current market price for industrial erven.

A lower price has advantages in that more people can afford the erven but the disadvantage is that without proper conditions regulating the purchase, the low prices can be exploited by speculators. This may result in the industrial area lying unimproved for many years while speculators push up the price beyond the current market value and stifling development. If speculators buy all the erven, no new construction, retail or industrial jobs will be created. The sale of the erven is aimed at stimulating the local business community and attracting new Namibian and foreign investment thereby creating business and job opportunities and alleviating poverty.

It is therefore proposed to increase the mark up on the purchase price between 50% and 100%, i.e. instead of the 25% proposed in the new property policy and to add new conditions to this sale to encourage rapid development of erven and discourage speculation. Such conditions may include:

- (c) *The property is sold voetstoots or as is with the Council giving no warranty or guarantee, whether express or implied, oral or tacit, as to the suitability of the lay-out or situation or subterranean composition of the property or any improvements thereon. The Council also does not warrant that the services installed at the property are suitable for the use intended by the Purchaser. It is therefore the obligation of the purchaser to verify that the installed electricity, sewage and water connections are suitable for the intended use of the property.*
- (d) *That the purchaser must construct structural improvements worth at least 4 times the municipal valuation of the property. Structural improvements, for purposes of this condition, shall not include the construction of boundary walls or any changes to the subterranean composition of the property.*
- (e) *That the said improvements must be completed within 24 months from date of transfer. Transfer of the property shall be given to and taken by the purchaser within 90 days of the award of the bid to the purchaser in writing. No extension of the date of transfer of the property shall be considered. If the Purchaser cannot meet the deadline for the transfer of the property, the award of the bid shall fall away and become null and void, without the need to give any further notice to the Purchaser.*
- (f) *That the property may not be alienated within 24 months unless a completion certificate has been issued in respect of the structural improvements, referred to in 1 above, prior to the 24 months period. This restraint of alienation is to be registered against the title deed of the property.*
- (g) *That the property revert to Council if no completion certificate is issued or building work has not progressed beyond 80% completion according to the approved building plans on the expiry of 24 months period.*
- (h) *That if a property must revert to Council in terms of (5) above, the compensation payable to the purchaser shall be fixed at the original purchase price plus 50% of the value of any improvements.*
- (i) *That Council's sworn valuator shall determine the value of any incomplete improvements on the property. The purchaser shall be liable for the cost of the said sworn valuator.*
- (j) *That in the event that the purchaser of a property is a close corporation, a company or a trust, then, the members interest in the close corporation or shareholding in the company or interest in the trust, as the case may be, may not be changed without the prior written approval of Council.*
- (k) *That Council shall not tolerate under any circumstances any process whereby the purchaser of the property will be allowed to nominate a third party as the eventual purchaser of the property. To be more specific, the Council shall not tolerate any agent bidding on behalf of a principal or any nominee acting on behalf of a legal entity still to be incorporated.*
- (l) *That such caveats be registered against the title deed of the property to prevent any contravention of these conditions.*
- (m) *Connected parties defined as per the Income and VAT Act can only bid for one property.*

Messrs Kinghorn have been approached at short notice to assist with the vetting of the additional conditions to increase the enforceability of the conditions. The new wording will be provided to Council at the special Management Committee meeting on Tuesday **18 June 2013**.

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

**RECOMMENDED:**

- (a) That Council approves the sale of the 76 erven in the new industrial area of Extension 10 by closed bid auction as follows:
- (i) 29 General Business zoned erven on 30 August 2013.
  - (ii) 41 Light Industrial and 6 General Industrial zoned erven on 4 October 2013.
- (b) That the following conditions be added to the conditions of sale for this particular sale:
- (i) *The property is sold voetstoots or as is with the Council giving no warranty or guarantee, whether express or implied, oral or tacit, as to the suitability of the lay-out or situation or subterranean composition of the property or any improvements thereon. The Council also does not warrant that the services installed at the property are suitable for the use intended by the Purchaser. It is therefore the obligation of the purchaser to verify that the installed electricity, sewage and water connections are suitable for the intended use of the property.*
  - (ii) *That the purchaser must construct structural improvements worth at least 4 times the municipal valuation of the property. Structural improvements, for purposes of this condition, shall not include the construction of boundary walls or any changes to the subterranean composition of the property.*
  - (iii) *That the said improvements must be completed within 24 months from date of transfer. Transfer of the property shall be given to and taken by the purchaser within 90 days of the award of the bid to the purchaser in writing. No extension of the date of transfer of the property shall be considered. If the Purchaser cannot meet the deadline for the transfer of the property, the award of the bid shall fall away and become null and void, without the need to give any further notice to the Purchaser.*
  - (iv) *That the property may not be alienated within 24 months unless a completion certificate has been issued in respect of the structural improvements, referred to in 1 above, prior to the expiry of the said 24 month period. This restraint of alienation is to be registered against the title deed of the property.*
  - (v) *That the property shall revert to Council if no completion certificate is issued on the expiry of the 24 months period.*
  - (vi) *That if a property must revert to Council in terms of (v) above, the compensation payable to the purchaser shall be fixed at the original purchase price plus the value of any improvements.*
  - (vii) *That Council's sworn valuator shall determine the value of any incomplete improvements on the property. The purchaser shall be liable for the cost of the said sworn valuator.*
  - (viii) *That in the event that the purchaser of a property is a close corporation, a company or a trust, then, the members interest in the close corporation or shareholding in the company or interest in the trust, as the case may be, may not be changed without the prior written approval of Council.*
  - (ix) *That Council shall not tolerate under any circumstances any process whereby the purchaser of the property will be allowed to nominate a third party as the eventual purchaser of the property. To be more specific, the Council shall not tolerate any agent bidding on behalf of a principal or any nominee acting on behalf of a legal entity still to be incorporated.*
  - (x) *That such caveats be registered against the title deed of the property to prevent any contravention of these conditions.*
  - (xi) *Connected parties defined as per the Income and VAT Act can only bid for one property.*
- (c) That the income be shared with Erongo RED pro rata according to their contribution.
- (d) That erven 4800, 4807, 4817 and 4818 be reserved for motor vehicle dealership.

(e) That the upset prices of the erven be as follows:

<i>Erf No.</i>	<i>Size m²</i>	<i>Development cost N\$</i>	<i>@100% Mark-Up N\$</i>	<i>Zoning</i>
4792	1027	82,160.00	164,320.00	Light Industrial
4793	1127	90,160.00	180,320.00	Light Industrial
4794	1130	90,400.00	180,800.00	Light Industrial
4795	1040	83,200.00	166,400.00	Light Industrial
4796	1040	83,200.00	166,400.00	Light Industrial
4797	1040	83,200.00	166,400.00	Light Industrial
4798	1040	83,200.00	166,400.00	Light Industrial
4800	7167	573,360.00	1,146,720.00	Light Industrial
4801	2006	160,480.00	320,960.00	General Business
4802	1777	142,160.00	284,320.00	General Business
4803	1646	131,680.00	263,360.00	General Business
4804	1527	122,160.00	244,320.00	General Business
4805	1431	114,480.00	228,960.00	General Business
4806	1398	111,840.00	223,680.00	General Business
4807	8249	659,920.00	1,319,840.00	General Business
4808	1278	102,240.00	204,480.00	Light Industrial
4809	1040	83,200.00	166,400.00	Light Industrial
4810	1040	83,200.00	166,400.00	Light Industrial
4811	1052	84,160.00	168,320.00	Light Industrial
4812	3400	272,000.00	544,000.00	Light Industrial
4813	2930	234,400.00	468,800.00	Light Industrial
4814	2461	196,880.00	393,760.00	Light Industrial
4815	1970	157,600.00	315,200.00	Light Industrial
4816	2871	229,680.00	459,360.00	Light Industrial
4817	9721	777,680.00	1,555,360.00	General Business
4818	6276	502,080.00	1,004,160.00	General Business
4819	4406	352,480.00	704,960.00	General Business
4820	2150	172,000.00	344,000.00	General Business
4821	2150	172,000.00	344,000.00	General Business
4822	2151	172,080.00	344,160.00	General Business
4823	2138	171,040.00	342,080.00	General Business
4824	2052	164,160.00	328,320.00	General Business
4825	2338	187,040.00	374,080.00	General Business
4826	2761	220,880.00	441,760.00	General Business
4827	2641	211,280.00	422,560.00	General Business
4829	1220	97,600.00	195,200.00	Light Industrial
4830	1498	119,840.00	239,680.00	Light Industrial
4831	1180	94,400.00	188,800.00	Light Industrial
4832	1040	83,200.00	166,400.00	Light Industrial
4833	1040	83,200.00	166,400.00	Light Industrial
4834	1004	80,320.00	160,640.00	Light Industrial
4835	1135	90,800.00	181,600.00	Light Industrial
4836	1040	83,200.00	166,400.00	Light Industrial
4837	1575	126,000.00	252,000.00	Light Industrial

4838	1055	84,400.00	168,800.00	Light Industrial
4839	1030	82,400.00	164,800.00	Light Industrial
4840	1038	83,040.00	166,080.00	Light Industrial
4841	1046	83,680.00	167,360.00	Light Industrial
4842	1034	82,720.00	165,440.00	Light Industrial
4843	1678	134,240.00	268,480.00	Light Industrial
4844	1042	83,360.00	166,720.00	Light Industrial
4845	1042	83,360.00	166,720.00	Light Industrial
4846	1041	83,280.00	166,560.00	Light Industrial
4847	2233	178,640.00	357,280.00	Light Industrial
4848	1040	83,200.00	166,400.00	Light Industrial
4849	1040	83,200.00	166,400.00	Light Industrial
4850	1040	83,200.00	166,400.00	Light Industrial
4851	1130	90,400.00	180,800.00	Light Industrial
4852	9557	764,560.00	1,529,120.00	General Business
4853	1020	81,600.00	163,200.00	General Business
4854	1040	83,200.00	166,400.00	General Business
4855	1040	83,200.00	166,400.00	General Business
4856	1040	83,200.00	166,400.00	General Business
4857	1040	83,200.00	166,400.00	General Business
4858	1108	88,640.00	177,280.00	General Business
4859	1006	80,480.00	160,960.00	General Business
4860	18939	1,515,120.00	3,030,240.00	Light Industrial
4861	1416	113,280.00	226,560.00	General Business
4862	1411	112,880.00	225,760.00	General Business
4863	1507	120,560.00	241,120.00	General Business
4875	47764	3,821,120.00	7,642,240.00	General Industrial
4876	13049	1,043,920.00	2,087,840.00	General Industrial
4877	13054	1,044,320.00	2,088,640.00	General Industrial
4878	13055	1,044,400.00	2,088,800.00	General Industrial
4879	13033	1,042,640.00	2,085,280.00	General Industrial
4880	16801	1,344,080.00	2,688,160.00	General Industrial
4881	11400	912,000.00	1,824,000.00	Light Industrial

11.1.22 **APPLICATION FOR LAND: METAL AND ALLIED NAMIBIAN WORKERS UNION**

(C/M 2013/06/27 - H 5/8)

**Ordinary Management Committee Meeting of 13 June 2013,**  
Addendum 8.4 page 13 refers.

---

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

Written correspondence dated **18 February 2013** was received from the Metal and Allied Namibian Workers Union (MANWU) requesting the Council to make available residential land to them. The union plans to construct low-income housing and then offer this at a subsidized rate to its members.

A standard letter of reply which was previously also sent to all similar applicants was forwarded to Messrs MANWU on **7 March 2013** informing them that no large portions of land are currently available to offer and that all applications for such residential land sections are held in abeyance until such time as the Property Policy which was submitted to the Minister of Regional and Local Government, Housing and Rural Development on **1 February 2013**, has been approved. All applications of this nature can then thereafter be submitted to Council for consideration thereof.

A representation of Messrs MANWU then paid a visit to the office of the General Manager: Corporate Services & Human Resources on **12 April 2013** subsequent to this communication. The General Manager: Corporate Services and Human Resources again explained the current state of Council's position pertaining to applicants of large portions of land and its dependence on the approval by the line Ministry of the Property Policy before Council can make a decision on any further venture in this regard.

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

**RECOMMENDED:**

- (a) **That Messrs Metal and Allied Namibian Workers Union be informed that Council will only consider proposals for public private partnerships and large portions of land once the revised Property Policy is approved.**
  - (b) **That the application of Messrs Metal and Allied Namibia Workers Union be placed on record together with various other similar applications.**
-

11.1.23 **FEEDBACK: CANCELLATION OF THE TRANSACTION FOR THE SALE OF ERF 4326 (A PORTION OF ERF 63, MONDESA), MONDESA: MESSRS MONDESA PROPERTY INVESTMENT CC**

(C/M 2013/06/27 - M 4326)

**Ordinary Management Committee Meeting of 13 June 2013, Addendum 10.2 page 00 refers.**

---

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

The Management Committee on **16 May 2013**, under Item 7.23 resolved as follows:

*During the discussion of this item Councillor J Kambueshe declared his interest in the matter and recused himself from the discussion. Messrs Mondesa Property Investment CC gave a presentation to the Management Committee during the meeting. It was:-*

**RESOLVED:**

- (a) *That the interest declared by Councillor J Kambueshe and the fact that he left the chambers during the discussion be noted.*
- (b) *That the presentation given by Mr J Kambueshe of Messrs Mondesa Property Investment CC to Management Committee during the meeting be noted.*
- (c) *That the presentation by Mr J Kambueshe of Messrs Mondesa Property Investment CC be discussed at a Special Management Committee meeting to be arranged for 24 May 2013 at 08H00.*
- (d) *That Messrs Kinghorn be requested to attend the meeting and brief Council on the presentation given by Mr J Kambueshe.*

The verbatim minutes of Mr J Kambueshe of Messrs Mondesa Property Investment CC were provided to Messrs Kinghorn Associates in order to prepare for the Special Management Committee Meeting held on **27 May 2013** at 18:00; in order to respond to the statements made by Mr J Kambueshe and further advice Council.

Ms Ahrens of Messrs Kinghorn Associates attended the Special Management Committee meeting on **27 May 2013** to explain their opinion. During the discussion of this item Councillor N N Salomon stated that he will not be part on any other decision apart from the recommendation submitted by Messrs Kinghorn Associates.

Finance Department has confirmed that the purchase price was paid directly into Council's account on **23 May 2013**.

Messrs Conradie & Damaseb provided Council with an opinion to the effect that Council can revive an agreement which has lapsed already.

On **13 June 2013** during the discussion of this item at the Management Committee meeting, the Chief Executive Officer, the General Manager: Finance and the Manager: Corporate Services advised Council to follow the legal advice provided by Messrs Kinghorn Associates i.e. to cancel the transaction.

**Attached** for ease reference is the Deed of Sale and the feedback reports submitted regarding the transaction for the sale of Erf 4326 (A portion of Erf 63, Mondesa: Messrs Mondesa Property Investments):

<b>Annexure A</b>	-	Deed of Sale.
<b>Annexure B</b>	-	Feedback report dated <b>16 May 2013</b> .
<b>Annexure C</b>	-	Feedback report dated <b>27 May 2013</b> .
<b>Annexure D</b>	-	Feedback report dated <b>12 November 2012</b> .

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

**RECOMMENDED:**

- (a) That the legal opinions of Messrs Kinghorn Associates dated 06 May 2013 and Messrs Conradie and Damaseb dated 24 May 2013 be noted.
  - (b) That Council proceed with the sale of Erf 4326 (a portion of Erf 63, Mondesa) Mondesa to Messrs Mondesa Property Investment CC on the same terms and conditions as approved by Council based on the opinion expressed by Messrs Conradie & Damaseb Attorneys.
  - (c) That it be recorded that Councillor N N Salomon stated that he will not be part on any other decision apart from the recommendation submitted by Messrs Kinghorn Associates.
-