

# AGENDA

Ordinary Council Meeting

on

**THURSDAY**





**27 SEPTEMBER 2012**

at

**19:00**



**MUNICIPALITY OF SWAKOPMUND**

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Ref No        A 2/3/5

Enquiries:    A Gebhardt

19 September 2012

The Mayor and Councillors  
Municipality  
SWAKOPMUND

Dear Sir / Madam

**NOTICE:    ORDINARY COUNCIL MEETING**

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

**THURSDAY, 27 SEPTEMBER 2012 at 19:00,**

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

AG/-

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(C/M 2012/09/27 - A 2/3/5)

3.1 Minutes of an **Ordinary Council Meeting** held on **30 August 2012**.  
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None

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10 (A) **MINUTES OF A SPECIAL MANAGEMENT COMMITTEE MEETING  
HELD ON 04 SEPTEMBER 2012**

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5. **DISCUSSION POINTS**

5.1 **REQUEST FOR AUDIENCE WITH COUNCIL: PPP GROUPS**

(S/M/C 2012/09/04 - A 2/3/15)

During the discussion of this item, members representing all PPP Groups informed Council that their three (3) year contract lapses during June 2013 and requested Council to consider extending their contract for up to 6 (six) years or to appoint them on a permanent basis.

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

**RESOLVED:**

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

5.2 **INVITATION FOR DEVELOPMENT PROPOSALS FOR BUSINESS  
ERVEN AT THE PDA MONDESA**

(S/M/C 2012/09/04 - H 5/7)

During the discussion of this item, the following seven (7) applicants of business erven at the PDA presented their proposals:

- *Messrs The Namupala Family Enterprise*
- *Messrs Omakango Trading cc*
- *Mr Petrus Hangula*
- *Messrs Washikoko Builders and Services cc & Shetu Construction*
- *Mr Lukas Shilongo*
- *Messrs Ismael Abraham*
- *Mr Sam Halupe*

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

**RESOLVED:**

- (a) That the presentations by the following applicants of business erven in the PDA be noted:
- *Messrs The Namupala Family Enterprise*
  - *Messrs Omakango Trading cc*
  - *Mr Petrus Hangula*
  - *Messrs Washikoko Builders and Services cc & Shetu Construction*
  - *Mr Lukas Shilongo*
  - *Mr Ismael Abraham*
  - *Mr Sam Halupe*
- (b) That the item be resubmitted to the Management Committee for consideration.

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5.3 **PRESENTATION: THE YOUTH DEVELOPMENT 2012 WORK PLAN AND PROPOSED ACTIVITIES**

(S/M/C 2012/09/04 - B 1/1/12)

**RESOLVED:**

- (a) That this item be referred back.
- (b) That a workshop be arranged (at a date to be determined) after the Youth Development and Economic Development Officers have jointly studied the presentation in order to avoid duplication of projects, budgeting and execution.

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5.4 **INVITATION: NATIONAL FISH CONSUMPTION DAY 2012**

(S/M/C 2012/09/04 - A 2/3/2/1)

During the discussion of this item, the Acting Chief Executive Officer informed the meeting that all the tables have been taken and only a few seats are available.

**RESOLVED:**

- (a) That the report from the Acting Chief Executive Officer regarding the unavailability of tables at the National Fish Consumption Day 2012 be noted.
- (b) That the Deputy Mayor and the Chief Executive Officer attend the National Fish Consumption Day 2012 to be held on 07 September 2012 in Swakopmund, as invited guests.
- (c) That the expenses be defrayed from Council's Function & Entertainment Vote 100510208700 where N\$150 000.00 is available.
-

- 5.5 **INVITATION: TO RECEIVE THE SWISS TOURISM AWARD IN THE CITY OF LUGANO - SWITZERLAND**  
(S/M/C 2012/09/04 - A 2/3/2/1)

**RESOLVED:**

That the organisers of the Swiss Tourism Awards 2012 be informed that Council will not participate in the awards.

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- 10 (B) **MINUTES OF AN ORDINARY MANAGEMENT COMMITTEE MEETING HELD ON 18 SEPTEMBER 2012**
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2. **CONFIRMATION OF MINUTES**  
(M/C 2012/09/18 - A 2/3/5)

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

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

**RESOLVED:**

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

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- 2.2 **MINUTES OF A SPECIAL MANAGEMENT COMMITTEE MEETING HELD ON 04 SEPTEMBER 2012**

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

**RESOLVED:**

That the Minutes of a Special Management Committee meeting held on 04 September 2012 be confirmed as correct.

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5. **REPORTS: HEADS OF DEPARTMENTS**

- 5.5 **FINANCE**

- 5.5.1 **TOTAL EXPENDITURE**  
(M/C 2012/09/18 - D 7/3/2/1)

**RESOLVED:**

That the total expenditure of N\$28 843 206.35 for the period 01- 31 August 2012 be accepted and approved as correct.

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

7.2 **NOMINATIONS: ESTABLISHMENT OF A NAMING / RE-NAMING STREETS, PUBLIC PLACES, NATURAL AREAS AND COUNCIL-OWNED BUILDINGS, FACILITIES AND ARTEFACTS ADVISORY COMMITTEE**

(M/C 2012/09/18 - N 8/1/2, N 7/3/6/1)

**RESOLVED:**

- (a) That the Chief Executive Officer provides Councillors, before the next Council meeting, with names of the members who previously served on the Street Naming Committee.
- (b) That each Councillor submits 2 (two) names to the Chief Executive Officer for consideration as members of the Naming / Re-Naming Streets, Public Places, Natural Areas and Council-Owned Buildings, Facilities and Artefacts Advisory Committee.

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7.3 **PROPOSAL FOR A JOINT VENTURE AGREEMENT: NAMIBIA FILM COMMISSION // SWAKOPMUND MUNICIPALITY**

(M/C 2012/09/18 - K 7)

**RESOLVED:**

That Namibia Film Commission be advised to approach the local Namibia Chambers of Commerce and Industry Branch or the Ministry of Information Communication Technology for a possible joint venture agreement.

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7.11 **APPLICATION TO PURCHASE AN UNUSED PORTION OF RAKOTOKA STREET**

(M/C 2012/09/18 - (E 1608)

**RESOLVED:**

That this item be referred back for further investigation.

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7.14 **STRAND HOTEL DEVELOPMENT: FEEDBACK AND AMENDMENT TO DEVELOPMENT PLAN**

(M/C 2012/09/18 - (E 4743)

**RESOLVED:**

That this item be referred back and that the Chief Executive Officer arranges a meeting between Council and the Developer.

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- 7.18 **REQUEST FOR ADDITIONAL FUNDS: FORMULATION OF ARCHIVES POLICIES AND PROCEDURES**  
(M/C 2012/09/18 - (A 1/3/3)

**RESOLVED:**

That Messrs Document Warehouse be invited to give Management Committee a presentation during October (date to be determined but before submission to Tender Board) on their proposal before they submit the relevant policies and File Plan to the National Archives of Namibia.

- 
- 7.9 **FEEDBACK REPORT: INCOMPLETE HOUSES OF THE BUILD TOGETHER PROGRAMME**  
(M/C 2012/09/18 - H 5/3)

- 7.10 **SPECIAL STAKEHOLDERS MEETING BETWEEN MUNICIPALITY OF SWAKOPMUND AND REPRESENTATIVES OF THE MINISTRY OF REGIONAL LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT**  
(M/C 2012/09/18 - H 5/3)

During the discussion of this item, Councillor A N Bessinger requested that item 7.19 and 7.20 be discussed jointly. Councillor A N Bessinger briefed the meeting of a stakeholders meeting held with representatives of the Ministry of Regional Local Government, Housing and Rural Development regarding the Decentralized Build Together Programme, it was:-

**RESOLVED:**

- (a) That item 7.19 and 7.20 be jointly discussed.
- (b) That the General Manager: Community Development Services in consultation with the General Manager: Finance determines which Build Together Beneficiaries' loans should be increased taking into account their performances in terms of loan repayment and construction and submit to Management Committee.

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8. **POLICY MATTERS**

- 8.1 **PETITION FOR THE FORMALIZATION OF WATER AND SANITATION: DRC**  
(M/C 2012/09/18 - H 5/4)

During the discussion of this item, Councillor A N Bessinger informed the meeting that the petition received from the DRC Concerned Group does not meet the requirements as per the Local Authorities Act (Act 23 of 1992) since all the details of those who co-signed the petition are not reflected, it was:-

**RESOLVED:**

- (a) That the DRC Concerned Group be informed that their petition is not valid as it does not meet the requirements as prescribed in the Local Authorities Act (Act 23 of 1992) since all the details

i.e. residential addresses of those who co-signed the petition are not reflected.

- (b) That the Chief Executive Officer ensures that a Petition Form is designed which will be provided to petitioners.
- (c) That the DRC Concerned Group be encouraged to work together with the DRC Planning Committee which is recognized by Council.

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8.2 **DRAINAGE BLOCKAGE AT ERF 396, MONDESA**

(M/C 2012/09/18 - M 396)

**RESOLVED:**

- (a) That the Acting General Manager: Engineering Services investigates on the erf layout plan to determine as to whether the sewer line and manhole belong to the property owner or to Council.
- (b) That available Councillors and the Technician: Water & Sewerage (Mr C McClune) attend an in loco inspection at Erf 396, Mondesa on 19 September 2012 to assess the situation and report back to Management Committee.

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8.3 **REQUEST FOR DONATION FROM THE ALLIANCE OF MAYORS AND MUNICIPAL LEADERS ON HIV/AIDS IN AFRICA**

(M/C 2012/09/18 - B 1/12, D 5)

**RESOLVED:**

That the request for a donation by the Alliance of Mayors and Municipal Leaders on HIV/AIDS in Africa (AMICAALL) not be approved.

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8.4 **APPLICATION BY THE HOSPITALITY ASSOCIATION OF NAMIBIA TO LEASE THE GARAGE KNOWN AS "THE JETTY" SITUATED ON ERF 1308, IN THE WOERMANN HAUS**

(M/C 2012/09/18 - E 1/4/1, E 1308)

**RESOLVED:**

That this item be referred back and that the Chief Executive Officer arranges a meeting between Council, Hospitality Association of Namibia Coastal Taskgroup and the Regional Police Commissioner to discuss the application.

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8.5 **APPLICATION BY MESSRS METJE + ZIEGLER GROUP OF COMPANIES TO PURCHASE INDUSTRIAL LAND BY PRIVATE TREATY**

(M/C 2012/09/18 - (G 4/1/3, E 4807, E 4817)

**RESOLVED:**

That this item be referred back and the Chief Executive Officer investigates suitable development options for the new Industrial Area.

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9. **PERSONNEL MATTERS**

9.1 **CORPORATE FIT CHALLENGE**

(M/C 2012/09/18 - (B 1/1)

**RESOLVED:**

That the request for staff members and Councillors to participate in the Corporate Fit Challenge not be approved and that staff members be encouraged to visit relevant medical aid service providers for assistance.

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9.2 **FOLLOW-UP TRAINING FOR PRESENTATIONS AND SPEECH DELIVERY**

(M/C 2012/09/18 - (A 2/3/1/4)

**RESOLVED:**

That the proposal for Councillors to attend a follow-up training course to be offered by Messrs ProTrain CC in Swakopmund at a cost of N\$25 530.00 for a group of ten (10) participants not be approved.

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9.3 **PEACE OFFICER'S SKILLS WORKSHOP**

(M/C 2012/09/18 - (A 4/3/1/3)

**RESOLVED:**

(a) That permission be granted to the following staff members to attend In-House training to be offered by Messrs Business and Entrepreneurship Training Centre at a date to be determined:

- *Ms S Seraun*
- *Ms LC Du Plessis*
- *Mr D Uirab*
- *Mr B Khaibeb*
- *Mr R Dai*
- *Ms P Kasika*
- *Mr T Shindume*
- *Mr G Haraseb*
- *Chief Fire Brigade*
- *Deputy Chief Fire Brigade*
- *Building Inspectors*
- *Town Planning Officer*
- *Animal Control Officer*
- *All Environmental Health Practitioners*

- 9.5 **INVITATION TO THE EXECUTIVE MANAGEMENT COMMITTEE  
MEETING OF THE NAMIBIA NATIONAL MAYOR'S FORUM**  
(M/C 2012/09/18 - A 2/3/21)

- (a) That the permission granted to the Mayor to attend the Executive Management Committee meeting of the Namibia National Mayor's Forum on 16 August 2012 in Windhoek be condoned.
- (b) That subsistence and travelling allowance be defrayed from the Council's Conference Expenses Vote 100510206500 where N\$164 547.88 is available.

- 9.6 INVITATION TO JOIN NAMIBIA DELEGATION TO LUCERNE-SWITZERLAND FOR THE ATTA SUMMIT  
(M/C 2012/09/18 - A 2/3/2/1)

- (a) That approval be granted to the Mayor to attend the ATTA Summit to be held in Lucerne, Switzerland from 8-11 October 2012.
- (b) That subsistence and travelling allowance be defrayed from the Council's Conference Expenses Vote 100510206500 where N\$150 547.88 is available.

- 9.7 **INVITATION TO ONGWEDIVA ANNUAL TRADE FAIR AND OFFICIAL OPENING**  
(M/C 2012/09/18 - A 2/3/2/1)

- (a) That the permission granted to the Councillor R N Andreas-Noabes to attend the Ongwediva Annual Trade Fair 2012 and Official opening ceremony from 25-28 August 2012 in Ongwediva be condoned.
- (b) That subsistence and travelling allowance be defrayed from the Council's Conference Expenses Vote 100510206500 where N\$164 547.88 is available.

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

10.3 **DRAFT REGISTRATION FORMS**

(M/C 2012/09/18 - H 5/4, H 5, N 7/4/1)

During the discussion of this item, Councillor A N Bessinger distributed draft forms for the registration of residents for perusal and approval by Councillors, it was:-

**RESOLVED:**

**That Councillors peruse the following Draft Registration Forms for and provide feedback to the Chief Executive Officer:**

- *Legal DRC Residents*
  - *Illegal DRC Squatters*
  - *DRC Sublease Squatters*
  - *Mondesa Back Yard Shack Squatters*
  - *Homeless People in the CBD and Parks*
-

11. **RECOMMENDATIONS BY THE MANAGEMENT COMMITTEE**
- 11.1 **ORDINARY MANAGEMENT COMMITTEE MEETINGS HELD ON 18 SEPTEMBER 2012**
- 11.1.1 **NOMINATIONS: ESTABLISHMENT OF A NAMING / RE-NAMING STREETS, PUBLIC PLACES, NATURAL AREAS AND COUNCIL-OWNED BUILDINGS, FACILITIES AND ARTEFACTS ADVISORY COMMITTEE**  
(C/M 2012/09/27 - N 8/1/2, N 7/3/6/1)
- Ordinary Management Committee Meeting of 18 September 2012, Addendum 7.2 page 03 refers.**
- 

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

1. **Introduction**

Mr Jack Brown the Erongo Region SWAPO Party Elders Council, Secretary requested Council to name the Amphitheatre after Mr Thomas Amunyela.

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

2. **Background**

Management Committee on **16 August 2012** under item 7.2 resolved as follows:

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

3. **Discussion**

Swakopmund belongs to all its residents. Names need to reflect Swakopmund's rich and diverse heritage, and naming and re-naming will help to highlight the existence of our multicultural society.

The relevant Committee which should include experts (i.e. experts in the field of history, culture and linguistics) be given the brief of formulating a policy , and that it should further be authorized to investigate and make recommendations to Council on the question of streets, buildings, public places, and other public entities or institutions whose current names may cause offence.

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

**RECOMMENDED:**

- (a) That Councillor nominates members to serve on Council's Naming / Re-naming Streets, Public Places, Natural Areas and Council-Owned buildings, facilities and Artefacts Advisory Committee.**
  - (b) That the Advisory Committee formulates a policy guideline Naming / Re-naming Streets, Public Places, Natural Areas and Council-Owned buildings, facilities and Artefacts to be submitted to Council for approval.**
-

11.1.2 **INVITATION FOR BUSINESS PROPOSALS: RENTAL / OPERATION OF MUNICIPAL CAFETERIA**

(C/M 2012/09/27 - E 1/1)

**Ordinary Management Committee Meeting of 18 September 2012, Addendum 7.4 page 08 refers.**

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

1. Management Committee on **12 July 2012** under item 8.11 resolved as follows:

*That this item be referred back for further investigation by the Engineering Services Department regarding the flat rates for water and electricity and be resubmitted to the next Management Committee meeting.*

2. Business proposals were invited for the operation / rental of the Municipal Cafeteria. The following eleven (11) service providers showed interest in the venture:

No.	Name of Service Provider	Comment
1.	Megan's Catering	Qualifies.
2.	Afri Young Hoteliers Trading Academy cc & Pahula Trading Enterprises cc	Does not qualify. Annexures not initialled
3.	Waydees Caterers	Qualifies
4.	Esmajadi's Snack Attack	Does not qualify. Incomplete form submitted. No cover.
5.	Mrs Elaine de Canha	Does not qualify. Incomplete form submitted. Document not signed or initialled.
6.	Cape Kitchen	Does not qualify. Annexures not initialled
7.	E P C Events & Catering	Qualifies
8.	Mercy's	Does not qualify. Incomplete form submitted. No cover.
9.	Kashimba Trading Enterprises cc	Does not qualify. Only one menu provided.
10.	Virua Trading Enterprises cc	Qualifies
11.	Mund Cafe	Qualifies

3. The Cafeteria is 295.66m<sup>2</sup> (including the under roof public seating area) but excluding the outside seating area and the lease will include the following equipment:

- 1 x Anvil Axis - Sandwich Press
- 1 x Multi-power LF322/ ... Dishwasher
- 1 x Vulcan Deep Fryer (Model CDFF)
- 2 x Defy - Premium Chimney Hood
- 1 x Flat Top Hot Plate Stove (Without Oven)
- 1 x 3 Level - Trolley
- 1 x Dish Rack
- 1 x Dish Drip Tray
- 1 x Covered Food Display Tray
- There is no fridge, but there is room for a standard 600 x 600 fridge / freezer unit.

The lessee shall be responsible for the repair and maintenance of equipment, except for wear and tear.

4. Operating hours will be from 07:00 to 16:00 whilst trading hours will be from 07:00 to 07:30 and 13:00 - 14:00 (for staff members) during working days only. It is proposed that the cafeteria be open to the public in order to make the business viable since some staff members comes with their lunch boxes or goes home for lunch. The service provider will cater for Management Committee meetings, ad hoc orders for training and for special delegations or meetings.
5. The five (5) qualifying service providers offered healthy menus and prices are varied from item to item. In the main, it is a matter of individual preference and medical prescription as to what is healthy and not healthy. However, the saying of "*too much of anything is not good*" comes to mind.
6. Given the above, it was not easy to identify with certainty the best service providers amongst the valid offers received but the proposal received from Messrs E P C Events & Catering is impressive since it was supported by a DVD regarding their operations and colourful photos of their food displays. Messrs E P C Events & Catering indicated in their proposal that they will provide club cards (similar to bank credit cards) to interested staff members in order for them to manage their expenses effectively. Their prices were the lowest on many items and the variety was the greatest.
7. The proposals were submitted to the Planning Forum of **12 June 2012**, and it resolved as follows:

*That Messrs Megan's Catering and Messrs E P C Events & Catering be invited to the next Management Committee meeting to present their menu's.*

In line with the above resolution, the two (2) catering companies were invited and presented their menu's at a Special Plenary Meeting held on **15 June 2012** in the Management Committee Room and which was attended by Councillors and senior officials. Participants at this meeting were issued with scorecards to rate (on a scale of 1-4) the services in terms of variety, appearance, satisfaction, freshness / health. The service providers were anonymously identified as Caterer A and Caterer B and no representative from any of the caterers was present during the rating exercise.

The results on the rating exercise are as follows:

<i>Item</i>	<i>Megan's Catering</i>	<i>Messrs E P C Events &amp; Catering</i>
<i>Variety</i>	<i>59</i>	<i>63</i>
<i>Appearance</i>	<i>49</i>	<i>66</i>
<i>Satisfaction</i>	<i>54</i>	<i>61</i>
<i>Freshness / Health</i>	<i>59</i>	<i>65</i>
<b><i>TOTAL</i></b>	<b><i>221</i></b>	<b><i>255</i></b>

8. No similar ventures could be arrived at, where Council is to benefit from the service rendered by the lessee, hence a comparison could not be made with other leases by Council.

9. With regard to electricity consumption, the Engineering Services Department has estimated the cost for the installation of a separate electricity meter at ±N\$2 000.00.

Since water is difficult to meter separately, it is suggested to add an amount of N\$250.00 to the rental.

10. The operation hours are very limited and the service provider will mainly use the cafeteria as a dispensary for food already prepared. The rental of the cafeteria should be seen from a service provision point of view, in the sense that Council needs the service whilst the service provider will not generate much profit from the venture.

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

**RECOMMENDED:**

- (a) **That the proposal of Messrs E P C Events & Catering to operate the Municipal Cafeteria be approved, subject to the following:**

- (i) *Rental is fixed at N\$750.00 per month (including water), escalating with 10% annually on 1 July.*
- (ii) *The lessee must provide a two (2) week rotating menu consisting of a selection of healthy meals for breakfast, lunch and snacks. Also a standard platter for Management Committee meetings, ad hoc orders for training and for special delegations or meeting.*
- (iii) *Operating hours should be from 07:00 - 16:00 during working days.*
- (iv) *Trading hours should be from 07:00 - 07:30 (for staff only) and 13:00 - 14:00 during working days.*
- (v) *Furniture to be provided by Council.*
- (vi) *Fridge to be provided by the lessee.*
- (vii) *The Cafeteria is 295.66m<sup>2</sup> (including the under roof public seating area) but excluding the outside seating area.*
- (viii) *Lessee shall be responsible for the repair and maintenance of equipment except wear and tear.*
- (ix) *All Municipal regulations and or by-laws in force within the Municipal area will be applicable.*
- (x) *The lease will be valid for a period of 12 months.*
- (xi) *The cafeteria will be open to the public during trading hours mentioned in (iv) above.*

- (b) **That a separate electricity meter be installed by the Engineering Services Department at a cost of ±N\$2 000.00.**
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11.1.3 **APPLICATION FOR EXTENSION OF LEASE AGREEMENT OF MESSRS NAMWATER LTD - CONSTRUCTION SITE AT FARM 163**  
(C/M 2012/09/27 - G 4/1/1(19))

**Ordinary Management Committee Meeting of 18 September 2012,**  
Addendum 7.5 page 11 refers.

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

**1. Introduction**

The lease agreement entered into by and between the Swakopmund Municipality and **Messrs NamWater Ltd** who leases an unimproved portion of land measuring approximately 10 000m<sup>2</sup> located on Farm 163 of Swakopmund Town and Townlands No. 41, lapses on **31 October 2012**. The lease commenced **01 November 2010** for a period of two (2) years at a monthly rental tariff of N\$0.081/m<sup>2</sup>.

**2. Brief Background**

The lease area was required to develop a temporary construction site to accommodate ±15 people and various equipment.

Council on **30 September 2008** approved the lease of the above site; whereafter an extension of a further 2 year period was approved by Council on **30 September 2010**. Therefore the site has been leased for 4 years.

**3. Latest Council's Resolution**

Council passed the following resolution **30 September 2010**:

- (a) *That the extension of the lease agreement entered into with Messrs NamWater Ltd with a further two (2) year period at a monthly rental amount of N\$671.00 per month (excluding 15% VAT) be approved.*
- (b) *That the conditions of the agreement of lease be the same as the existing agreement of lease.*
- (c) *That approval be obtained from the Ministry of Regional and Local Government, Housing and Rural Development in terms of section 30 (1) (t) of the Local Authorities Act, Act 23 of 1992, as amended, to renew the lease for a further two (2) year period (the area being Townlands).*

**4. Application**

Subsequent to a notification letter, Messrs NamWater replied per letter dated **6 August 2012 (Annexure "A")** informing Council that they wish to renew the lease agreement for a further two (2) year period, with lapsing date being **31 October 2014**. As indicated in their letter they are still working on water supply projects in the Erongo Region and therefore needs the portion of land solely for the purpose of a temporary construction site and accommodation for the workers.

No complaints were received from the public regarding the construction camp and Messrs NamWater Ltd promptly pays the monthly rental.

5. **Proposal**

Seeing that the area has already been leased for 4 years as a temporary construction camp, it is proposed to support Messrs NamWater's application for the extension of the lease period for another two (2) years, since the camp is well managed, maintained and not visible from the main road.

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

**RECOMMENDED:**

- (a) That the lease agreement entered into with Messrs NamWater Ltd be extended with a further two (2) year lease period, subject to the same conditions as the existing lease agreement.
  - (b) That the lease be increased accordingly with 10 % on 01 July.
  - (c) That approval be obtained from the Ministry of Regional and Local Government, Housing and Rural Development in terms of section 30 (1) (t) of the Local Authorities Act, Act 23 of 1992, as amended, to renew the lease for a further two (2) year period (the area being Townlands).
-

11.1.4 **APPLICATION TO REGISTER ERF 2771, SWAKOPMUND IN NAMPOWER'S NAME**  
(C/M 2012/09/27 - E 2771)

**Ordinary Management Committee Meeting of 18 September 2012,**  
Addendum 7.6 page 14 refers.

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

1. **Introduction**

An application was received from Messrs NamPower (Pty) Ltd dated **12 June 2012** requesting Council to transfer Erf 2771, Swakopmund to them (**Annexure "A"**).

Erf 2771, Swakopmund is located in the industrial area, Extension 7, 37 Mandume Ya Ndemufayo Street (**Annexure "B"**).

The erf is zoned "authority" and measures 11 083m<sup>2</sup>.

The 2010 municipal valuation of the property is as follows:

- land = N\$1 108 000.00 (belongs to Council)
- improvements = N\$1 336 000.00 (belongs to NamPower)

Messrs NamPower (Pty) Ltd intends to construct a separate 11kV Switchgear Room to accommodate Erongo Red's outgoing feeders; and therefore requires ownership of Erf 2771, Swakopmund.

2. **Brief Background**

In terms of the Power Supply Agreement signed between Council and Messrs NamPower (Pty) Ltd (previously SWAWEK) on **31 August 1972**, Council undertook to provide free of charge a suitable erf and access thereto, for the construction of transformation, switching and/or metering equipment of a substation.

The suitable erf agreed on at the time, is Erf 2771, Swakopmund.

Council on **7 May 2002** signed an English version of the above agreement, which supersedes the memorandum of agreement signed on **31 August 1972** and its addendum signed on **17 June 1975**. The content is basically the same.

*Clause 3 is quoted: The Customer shall, at his own expense, provide a suitable site for NamPower's transformation, switching and / or metering equipment and shall maintain such site in good order. The said site shall be subject to the reasonable approval thereof by NamPower. The Customer shall afford NamPower reasonable access to the said site for the purpose of erecting and / or connecting up, inspecting, operating and maintaining the apparatus of NamPower therein.*

3. **Discussion**

As on **31 August 2012**, Messrs NamPower (Pty) Ltd will be using Erf 2771, Swakopmund for 40 years, without being levied any charges other than consumption.

It therefore seems reasonable to charge Messrs NamPower (Pty) Ltd a market related purchase price for the land and that all costs for the transaction be for the cost of Messrs NamPower (Pty) Ltd.

4. **Market Related Valuation of Industrial Land in the Vicinity of Erf 2771, Swakopmund**

Although it is proposed to obtain valuations from Council's appointed valuer and an additional valuer, assuming a zoning of "authority"; for comparison purposes, the following can be indicative of a valuation per square metre for land in the industrial area:

♦ ***Street Portion adjacent to Erf 1608, Swakopmund – Messrs Haida & Haida CC***

*As submitted to Council on 24 November 2011; the valuation of the portion which was obtained from Messrs Trust Estate Co (20 January 2010) being N\$500.00/m<sup>2</sup>, N\$500.00/m<sup>2</sup> + 10% annual escalation for 2011 and 2012 = N\$605.00 / m<sup>2</sup>.*

♦ ***Erf 3486, Swakopmund which is allocated to the SWAPO Party is zoned "light industrial" and measures 4 363m<sup>2</sup>.***

*As submitted to Council during January 2012, the following valuations were obtained for the land only at it's zoning of "light industrial":*

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

♦ ***Erf Sales in the industrial area for the following periods:***

- Jan ⇨ Dec 2011 = N\$ 382 / m<sup>2</sup>
- Jan ⇨ Jul 2012 = N\$ 232 / m<sup>2</sup>

5. **Requirements in terms of the Environmental Management Act, Act 7 of 2007**

It is also necessary that Messrs NamPower (Pty) Ltd be informed that their activities are listed in the new Environmental Management Act, as not permissible without an environmental clearance certificate. Section 1 is quoted below:

**ENERGY GENERATION, TRANSMISSION AND STORAGE ACTIVITIES**

1. *The construction of facilities for –*

- (a) *the generation of electricity;*
- (b) *the transmission and supply of electricity;*

In conclusion, it must be mentioned that once this property and the Tamarisk Station are sold, there will be no purpose for the Power Supply Agreement to remain in power and it should be proposed to Messrs NamPower (Pty) Ltd to terminate it.

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

**RECOMMENDED:**

- (a) That the sale of Erf 2771, Swakopmund to Messrs NamPower (Pty) Ltd be approved, subject to the following conditions:

(a) **IN PRINCIPLE APPROVAL BY COUNCIL**

- (i) *That the applicant takes note that no rights will accrue to him / her unless all the conditions are complied with in full and all the relevant authorities have given the necessary permission, if applicable.*
- (ii) *That the probable market valuation assuming the applicable zoning be obtained from Council's appointed municipal valuer and an additional valuer, for consideration and approval by Council.*

(b) **STATUTORY PROVISIONS**

- (i) *That Ministerial approval be applied for, for the sale of Erf 2771, Swakopmund to Messrs NamPower (Pty) Ltd in terms of section 30 (1) (t) of the Local Authorities Act, Act 23 of 1992 as amended.*
- (ii) *No development be permitted to commence until the statutory disciplines have been completed.*

(c) **AGREEMENT OF SALE AND TRANSFER**

- (i) *That the agreement of sale be concluded and signed within 12 months from Ministerial approval being granted.*
- (ii) *That the agreement of sale be signed and returned to the Swakopmund Municipality, by the purchaser / developer within 21 days of being requested to do so.*
- (iii) *That all costs relating to the transfer of this erf, (including but not limited to transfer duty, conveyancer's costs, compilation of Agreement of Sale, as well as any legal or other costs that may arise from this application), be for the applicant's account.*

(d) **PAYMENT OF PURCHASE PRICE**

*The purchase price and 15% VAT (if applicable) to be secured by means of a bank guarantee payable on date of transfer.*

(e) **GENERAL**

- (i) *As per (a) (i) above, Messrs NamPower (Pty) Ltd takes note of the requirements of the Environmental Management Act, Act 7 of 2007.*
- (ii) *That all developments be in line with the Town Planning Amendment Scheme.*
- (iii) *That the applicant indemnifies Council against any claims resulting from blasting.*

- (b) That Messrs NamPower (Pty) Ltd be requested to indicate whether they intend to purchase the Tamarisk Station; and that upon finalization of both transfers the Power Supply Agreement signed on 7 May 2002 be terminated.
-

11.1.5 **ANNUAL INCREASE IN BULK WATER TARIFFS**  
(C/M 2012/09/27 - D 2/1/1, N 10/1)

**Ordinary Management Committee Meeting of 18 September 2012,**  
Addendum 7.7 page 19 refers.

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

**Attached** letter dated **1 August 2012** was received from Messrs NamWater informing Council of the annual increase in the price of bulk water tariffs. All current rates for water purchases will be increased with 15% as from **1 October 2012** resulting in the following amendment to prices for Council:

Tariff	Swakopmund Rate		Smallholdings Rate	
	Current N\$6.00 per m <sup>3</sup>	Price as from 1 Oct. 2012	Current N\$6.95 per m <sup>3</sup>	Price as from 1 Oct. 2012
Basic: Including 8m <sup>3</sup> water	48.00	55.20	55.60	64.00
Plus meter rent 20mm/dia	5.90	5.90	5.90	5.90
<b>New Rate</b>	<b>53.90</b>	<b>61.10</b>	<b>61.50</b>	<b>69.90</b>

The basic tariff levied to consumers will thus have to be amended accordingly with a 15% increase as from **1 October 2012** to compensate for this price hike on the current bulk price for Swakopmund of N\$6.00 per m<sup>3</sup> and the smallholdings of N\$6.95 per m<sup>3</sup>. The new rate for Swakopmund will then be N\$6.90 per m<sup>3</sup> amounting to N\$55.20 (8m<sup>3</sup>) and for the smallholdings N\$8.00 per m<sup>3</sup> amounting to N\$64.00 (8m<sup>3</sup>)

It is however proposed that the current basic rate of N\$22.00 applicable to senior citizens be maintained and that the increase not be made applicable to this group.

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

**RECOMMENDED:**

- (a) That the basic water tariff applicable to all consumers be amended as from 1 October 2012 as follows:

Tariff	Swakopmund Rate		Smallholdings Rate	
	Current N\$6.00 per m <sup>3</sup>	Price as from 1 Oct. 2012	Current N\$6.95 per m <sup>3</sup>	Price as from 1 Oct. 2012
Basic: Including 8m <sup>3</sup> water	48.00	55.20	55.60	64.00
Plus meter rent 20mm/dia	5.90	5.90	5.90	5.90
<b>New Rate</b>	<b>53.90</b>	<b>61.10</b>	<b>61.50</b>	<b>69.90</b>

- (b) That the basic rate of N\$22.00 including 8m<sup>3</sup> water consumption plus N\$3.00 rent for meter rent (20mm/dia) applicable to senior citizens be maintained.

11.1.6 **APPLICATION BY MESSRS R & R KARTING FOR EXTENSION OF LEASE AGREEMENT WITH AN OPTION TO PURCHASE**  
(C/M 2012/09/27 - G 4/1/1 (1))

Ordinary Management Committee Meeting of 18 September 2012, Addendum 7.8 page 21 refers.

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

**1. Introduction**

The lease agreement entered into with **Messrs R & R Karting** to lease an unimproved portion of land measuring approximately 30 000m<sup>2</sup> located on Swakopmund Town and Townlands No. 41; lapses on **31 October 2012**. The lease was extended on **01 November 2010** for a period of two (2) years at a monthly rental tariff of N\$0.081/m<sup>2</sup>.

**2. Application for Extension of Lease Period and to Purchase**

2.1 In response to the notice of expiry dated **18 July 2012**, a reply dated **15 August 2012** with the following attachments being **Annexure "A"** was received:

- *an application letter*
- *a map of the go-kart track*
- *a proposal of the children's traffic park*
- *a road safety traffic park*
- *possible spots to put up a traffic park*
- *images of traffic parks around the world*

**Messrs R & R Karting** is requesting an extension of the lease period for a further five (5) years, whereafter they wish to purchase the portion of land.

2.2 Ms Roos Deege, a member of **Messrs R & R Karting** confirmed on **22 August 2012** that she cannot take up the option to purchase the land at this stage (Council's resolution of 6 November 2008), as she first wants to determine the financial viability of her additional activities (if approved by Council); before committing to purchase a large and expensive portion of land for an exclusive purpose.

**Reasons stated for the request for the extension of the lease period, being:**

- ***Messrs R & R Karting** wishes to continue leasing the ±30 000m<sup>2</sup> portion of land as they are looking to expand their business plan and transform the go-kart facility into a bigger entertainment facility for both kids and parents.*
- *As mentioned in their letter, their product has been proven to be an excellent entertainment facility for the locals in Swakopmund, the rest of Namibia as well as for the tourists. They also host various functions on the site such as birthday parties, company incentives and events like South African Cycle tour, etc.*

2.3 **Request for permission to utilise the lease portion of land for the following additional activities**

① **A Laser Game Facility** - At **Part A** at the back of their bar area (it's similar to paintball, but without the mess caused by the paint balls as laser lights are used). According to them this game is already practiced in Windhoek and seems to be a great success. No permanent structures are needed.

② **A Traffic Park for Kids** - At **Part B** on the map; in this regard they would like to combine efforts with the Traffic Section, Council, the industry and the local community. No permanent structures are needed.

2.4 **Below a summary of Messrs R & R Karting's initiative regarding the Road Safety Traffic Park for Kids**

They are of the opinion that this park will be ideal for kids to practise all the traffic rules and signs, and also in a playful manner teach road awareness and safety. Together with sponsors, the Ministry, Traffic Section, Fire Brigade and medical services they wish to establish a beautiful traffic park.

With all the necessary approvals obtained they intend to put up traffic lights, road signs, roadblocks, parking lots and possibly a small petrol station. In conjunction with the Traffic Section, these kids can then obtain junior drivers license. The park will be constructed with tyres, traffic lights and road signs. Peddle carts (trapskelters) will be imported from Europe as prefabs and are easy to assemble to be driven.

No accidents were reported since **Messrs R & R Karting** operates go- karts on this particular portion of land. As indicated in their letter that this venture is very successful around the world.

The global initiative is to decrease the number of car accidents over a period of nine (9) years, and possibly the Traffic Park is a good start for Namibia to join this global initiative.

**Messrs R & R Karting** is also open for discussions and or suggestions as indicated in their letter.

3. **Background**

During June and July 2007 letters for the lease and purchase of a portion of land east of the airport was received from **R & R Karting Namibia**. Council passed the following resolution on **30 August 2007**, under item 11.1.19:

*That the resolution taken by Council under item 11.1.25 on 31 October 2006 be repealed and replaced with the following.*

(a) *That Council in principle approves the alienation of a portion of land east of the airport (as indicated on the map on file) 30 000 m in extent to R & R Karting Namibia at a price to be determined for the purpose of conducting Kart races.*

(i) *That the purchase price of the said portion of land, be based on values received for the properties by three sworn valuers.*

- (ii) That the exact area be determined on site by the Engineer's Department.
  - (iii) The applicant to provide all infrastructures for services to the premises for its own account and to the specifications of Engineering Services and E-RED.
  - (iv) That the property be rezoned as "special" for the purposes of conducting kart races.
- (b) That for the interim period the said portion of land be leased to R & R Karting Namibia at a monthly rental of N\$1 725.00 per month (30 000m<sup>2</sup> (3ha) x N\$0.05/m + 15% VAT) escalating annually at 10% on 1 July, until the purchase transaction is finalised, and further subject to the following conditions:
- (i) That the requirements regarding the lease of immovable property as prescribed in the Local Authorities Act 23 of 1992, be dealt with successfully.
  - (c) That all costs related to the above transactions (advertising- subdivision, legal or any costs, etc. that may arise from this transaction) shall be borne by the applicant.
  - (d) That the applicant shall indemnify Council and keep Council indemnified against any public claims/liability related to the use of the above area.

The valuation for the land was obtained and submitted to Council who on **4 December 2007** under item 11.1.11 passed the following resolution:

- (a) That Council approves the valuation for the sale of a portion of land east of the airport as per plan (on file), for the selling price of N\$1 121 250.00 (N\$32.50/m<sup>2</sup> x 30 000m<sup>2</sup> x 15% VAT) to Messrs R R Karting Namibia.
- (b) That a deposit of N\$50 000-00 be paid by the applicant to cover all fees and costs to Council, prior to attending to the statutory processes.
- (c) Should a balance remain after Council's costs have been covered, it will be refunded to the applicant.
- (d) That the applicant be required to pay the above deposit within 90 days from the Council resolution approving the purchase price, failing which the Council resolution will automatically be revoked.
- (e) That the deed of sale shall be drafted and signed by all parties within 12 months from date of the relevant Council resolution.
- (f) That the exact area be determined on site by Engineering Services Department.
- (g) That the applicant provides all infrastructures for services to the premises for its own account and to the specifications of Engineering Services Department and Erongo - RED.
- (h) That the property be rezoned as "special" for the purposes of conducting kart races.
- (i) That all developments on the erf be in line with the Swakopmund Town Planning Scheme.
- (j) That all costs with regard to the transaction to be for the account of the applicant.

*(k) That the applicant shall indemnify Council and keep Council indemnified against any public claims / liability related to the use of the above area.*

At the time **Messrs R & R Karting** requested an extension of time (6 months), as a construction error by the contractor caused them to miss out on two weeks of high season business which caused them a big loss of income.

4. **Latest Council Resolution**

Since **Messrs R & R Karting** was not able to comply with the purchase requirements, they again requested Council on **30 September 2008** to extend their interim lease of 3 years (ending on **1 November 2010**), with another 2 years based on the same conditions, whereafter they still have the option to purchase the portion of land.

For ease of reference Council passed the following resolution on **6 November 2008** under item 11.1.7

- (a) That the lease agreement with Messrs R & R Karting for the portion of land east of the airport be extended with another 2 years after it has lapsed on 1 November 2010 and that the rental escalates annually with 10% on 1 July each year.*
- (b) That both Council's decisions of 04 December 2007 and 24 April 2008 be held in abeyance until the extended lease period has lapsed.*
- (c) That the applicant be informed that the purchase price will escalate with 5% annually until date of purchase.*

5. **Requirements in terms of the Environmental Management Act, Act 7 of 2007**

It is also necessary that **Messrs R & R Karting** be informed that their activities are listed in the new Environmental Management Act, as not permissible without an environmental clearance certificate. Section 10.1 is quoted below:

*10.1 The construction of -*

- (h) motor vehicle and motorcycle racing and test tracks;*  
*(i) the outdoor racing sites of motor powered vehicles including - ...;*

6. **Proposal**

It is proposed to:

- *support **Messrs R & R Karting's** application for the extension of the lease period for 5 years; without the option to purchase; subject to the same conditions as contained in the existing lease agreement.*
- *that the application to purchase as approved by Council on 6 November 2008 has lapsed seeing that the offer was not accepted as per the letter dated 15 August 2012 received from Messrs R & R Karting.*
- *That should Council consider approving the establishment of a road safety Traffic Park for kids on the leased portion of land east of the airport as well as the laser game facility, Messrs R & R Karting must consult with the various authorities to obtain the necessary approval.*

The lease area is located in Precinct 14 (vehicular recreation) of the Master Development Plan of 2008.

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

**RECOMMENDED:**

- (a) That the lease period of Messrs R & R Karting be extended to 5 years; for a portion of land measuring  $\pm 30\,000\text{m}^2$ , located on Swakopmund Town and Townlands No. 41, east of the airport, for the following activities:
- *go-cart track and racing;*
  - *traffic safety park for kids; and*
  - *laser game facility*
- (b) That the lease be 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) *That the rental amount shall be of  $\text{N\$}0.081/\text{m}^2 + 15\% \text{ VAT}$  ( $30\,000\text{m}^2 \times \text{N\$}0.081 = \text{N\$}2\,430.00$ ) + (15% VAT)  $\text{N\$}365.50 = \text{N\$}2\,794.50$  escalating at 10% per annum, annually on 01 July;*
  - (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;*
  - (v) *That Council has unrestricted right of access to the area;*
  - (vi) *That the site only be used for activities such as go-karts, a safety traffic park and a laser game facility;*
  - (vii) *That Messrs R & R Karting erects an acceptable perimeter fence (such as used tyres) and information signs to warn the public; and*
  - (viii) *That upon termination of the lease, Messrs R & R Karting be obliged to restore the lease area to its previous condition, failing which Council will restore the lease area to its previous condition for the account of the Messrs R & R Karting.*
- (c) That Messrs R & R Karting be informed that the resolution passed on 06 November 2008 to purchase the currently lease portion of land, has lapsed and that points (b) and (c) of Council's resolution passed on 6 November 2008 be repealed, as the offer to purchase was not taken up by Messrs R & R Karting as per point (a) of the said resolution.
- (d) That Messrs R & R Karting be informed that it is against Council's policy to reserve land for sale, therefore the option to purchase cannot be included in the lease agreement.
- (e) That Ministerial approval be obtained for the extension of the lease period in terms of section 30 (1) (t) of the Local Authority Act, Act 23 of 1992 as the lease portion is located on undivided Townlands.
- (f) That Messrs R & R Karting be informed of the requirements of the Environmental Management Act, Act 7 of 2007 that must be complied with.
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11.1.7 **RENEWAL OF LEASE AGREEMENT: OPEN AIR CAFÉ - MUSEUM**  
(C/M 2012/09/27 - E 1/5)

**Ordinary Management Committee Meeting of 18 September 2012,**  
Addendum 7.9 page 30 refers.

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

**1. Introduction**

**Messrs Scientific Society of Swakopmund** leases a certain portion of the sidewalk adjacent to the Museum (5m on the western boundary and 3m on the northern boundary) measuring  $\pm 135.50\text{m}^2$ ; of which the lease period lapses on **30 September 2012**. *(The description of the lease area might change due to a redesigned lay-out to be provided by the Engineering Department).*

**2. Background**

Following an application requesting approval to use the paving outside the Museum Coffee Shop for an open air café dated **26 September 2007**, Council passed the following resolution on **04 December 2007**:

- (a) *That the area described in (e) and (g) below be offered to the Scientific Society to sublet on behalf of the Museum, for a trial period of 1 year whereafter the lease period will be reviewed, for the use of a coffee shop/pub, at a nominal monthly rental of N\$11.50 per month (N\$10.00/m + 15% VAT) (exact area to be determined by Engineering Services Department) escalating annually with 10% on 1 July.*
- (b) *That the proposed lease be advertised in terms of the Local Authorities Act, (Act 23 of 1992) as amended.*
- (c) *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.*
- (d) *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.*
- (e) *That permission be granted for an encroachment of 5 metres wide onto the pedestrian walkway on the western boundary of the Museum to accommodate 4 tables throughout the year.*
- (f) *That the northern walkway adjoining the Museum be broadened by 1 metre and paved to the specifications of the Engineering Services Department at the cost of the Scientific Society.*
- (g) *That permission be granted for an encroachment of 3 metres wide onto the walkway of the northern boundary of the Museum to accommodate a maximum of 4 tables.*
- (h) *That the lease be retrospective to September 2007.*

A lease agreement for the said portion of the sidewalk adjacent to the Museum, measuring  $\pm 135.50\text{m}^2$  was entered into by and between **Messrs Scientific Society of Swakopmund** and the Swakopmund Municipality on **01 October 2008**, in terms of which the following is stated:

**DURATION:** *Irrespective of the date of signature of this agreement the parties record that the lease shall continue for a period of 1 year deemed to have commenced on **1 October 2008**, whereafter the lease period will be reviewed. The lease is terminable by either party giving or receiving three (3) months' notice.*

The above lease period lapsed on **30 September 2009**.

3. **Latest Council Resolution passed**

The lease period was reviewed as the above Council resolution made provision that the agreement must be reviewed after one (1) year. During the lease period no objections or complaints were received regarding the operation of the coffee shop / pub on the pavement outside the Museum Coffee Shop.

Council on **30 July 2009** approved that the nominal rental be amended to **N\$13.92/month**, being a market related rental since it was identified that the venture is a well establish business. The standard conditions applied, being a 10% annual escalation in July and an extended lease period of three (3) years.

For ease of reference, Council's resolution passed on **30 July 2009** under item 11.1.7, is quoted below:

- (a) That Council extend the current lease period for **three (3) years** on the existing terms and conditions as set-out in the lease agreement with the Scientific Society Swakopmund, Annexure "C" (on file) for the following two areas:
- ① for an encroachment of five (5) metres wide onto the pedestrian walkway on the western boundary of the Museum to accommodate four (4) tables throughout the year and
  - ② granted for an encroachment of three (3) metres wide onto the walkway of the northern boundary of the Museum to accommodate a maximum of four (4) tables for the use of a coffee shop / pub.
- (b) That the monthly rental tariff be N\$12.10/month (N\$13.92/month including 15% VAT) with a 10% annual escalation in July, on condition that the Scientific Society provides Council with a financial statement showing the benefit of the lease of the Museum Coffee Shop.
- (c) That the lease renewal be advertised in terms of the Local Authorities Act, (Act 23 of 1992) as amended.
- (d) 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.
- (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 pavement by the applicant.

4. **Application to lease pavement area**

A notice dated **26 June 2012** was forwarded to **Messrs Scientific Society of Swakopmund** to notify them of the expiry of the lease period being **30 September 2012**. A reply letter dated **04 July 2012** attached as **Annexure "A"** was received from **Messrs Scientific Society of Swakopmund** indicating that they wish to renew the lease period for the portion of the sidewalk adjacent to the Museum for another three year period.

5. **Council currently has the following pavement leases:**

① **Bundu n See** (Erf 211, Swk)

Lease Period	:	5 years 01 July 2008 ⇨ 30 June 2013
Lease Area	:	51.66m <sup>2</sup>
Lease Amount as on 01 Jul 12	:	N\$23.13/m <sup>2</sup> (+ 15% VAT)
Notice Period	:	6 months

② **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

③ **Immenhof Farm Kitchen** (Erf 228, C, Swakopmund)

Lease Period : 5 years 01 September 2010 ⇒ 31 August 2015  
Lease Area : 46.80m<sup>2</sup>  
Lease Amount as on 01 Jul 12 : N\$23.13/m<sup>2</sup> (+ 15% VAT)  
Notice Period : 3 months

④ **Messrs Tea Time CC** (Erf 5376, Swk, Altona Haus 2 B)

Lease Period : 12 months 01 Oct 11 ⇒ 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

⑤ **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

⑥ **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 09 : N\$23.13/m<sup>2</sup> (+ 15% VAT)  
Notice Period : 3 months

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

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

• **USE OF PROPERTY**

- > The LESSEE shall be permitted to sell food and liquor at the open-air café subject to the conditions contained in the applicable license required by the LESSOR and subject to the applicable Health Regulations.
- > The Lessee 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.

• **PROHIBITION AGAINST SUB-LETTING**

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

• **LESSOR'S RIGHT OF ACCESS**

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

- **INDEMNITY**

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

7. **Discussion**

In order to ensure that all lessees of outside seating areas pay a standard rental per square metre, it is proposed that the monthly rental amount for the renewed lease agreement be increased from N\$16.10 /m<sup>2</sup> to N\$23.13 /m<sup>2</sup>, i.e.:

$$135.50\text{m}^2 \times \text{N\$}16.10 = \text{N\$}2\ 181.55 + 15\% \text{ VAT, be increased to}$$
$$135.50\text{m}^2 \times \text{N\$}23.13 = \text{N\$}3\ 134.11 + 15\% \text{ VAT}$$

**Attached as Annexure "B"** is an income statement of the Scientific Society for the period ending **31 March 2012**.

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

**RECOMMENDED:**

- (a) That a certain portion of the sidewalk adjacent of the Museum (5m on the western boundary and 3m on the northern boundary) measuring  $\pm 135.50\text{m}^2$  be leased to Messrs Scientific Society for a further three (3) year period commencing on 01 October 2012, the identified area is as follows:
    - ① *for an encroachment of five (5) metres wide onto the pedestrian walkway on the western boundary of the Museum to accommodate 4 tables throughout the year and;*
    - ② *granted for an encroachment of three (3) metres wide onto the walkway of the northern boundary of the Museum to accommodate a maximum of four (4) tables.*
  - (b) That the lease amount be  $\text{N\$}23.13/\text{m}^2$  per month  $\times 135.50 \text{ m}^2 = \text{N\$}3\ 134.11 + \text{N\$}470.11$  (15% VAT) = **N\$3 604.22**, with an annual escalation of 10% starting 1 July 2013.
  - (c) That the lease be subject to the standard conditions and the following:
    - (i) *That a deposit equal to 1 months lease be paid in advance by the applicant.*
    - (ii) *That a notice of termination period of three (3) months for both parties be applicable.*
    - (iii) *That the demarcated area be barricaded by way of a non-permanent fixture, such as rope.*
    - (iv) *That the lessee not operates later than 22:00.*
  - (d) That the lease renewal be advertised in terms of the Local Authorities Act, (Act 23 of 1992) as amended.
  - (e) 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.
  - (f) 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.
-

11.1.8 **REQUEST FOR EXTENSION OF THE LEASE PERIOD AND TO PURCHASE THE PORTION OF LAND OF THE REFILLING STATION LOCATED CLOSE TO THE DRC INFORMAL SETTLEMENT**

(C/M 2012/09/27 - H 5/7, H 5/4)

**Ordinary Management Committee Meeting of 18 September 2012,**  
Addendum 7.10 page 42 refers.

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

**1. Introduction**

The lease agreement entered into by and between the Swakopmund Municipality and Mr M Dennis t/a Domestic Solution who leases an unimproved portion of land measuring approximately 300m<sup>2</sup> located on Swakopmund Town & Town Lands No 41, between the PDA and DRC, lapses on **31 October 2012**. The lease commenced on **01 November 2009** for a period of three (3) years at a monthly rental tariff of N\$0.20/m<sup>2</sup>.

**2. Purpose of Venture**

Mr M Dennis' intention is to bring affordable gas services closer to the residents of the DRC Informal Settlement and Mondesa.

**3. First Council Resolution as Brief Background**

Council passed the following resolution on **24 September 2009** regarding the application to lease land to operate a gas refilling station close to the DRC Informal Settlement:

- (a) *That a portion of land ±300m<sup>2</sup> in extent (exact size to be determined by Engineering Services) be leased to Mr M Dennis t/a Domestic Solution for a period of three (3) years subject to the following conditions:*
- (i) *That the rent amount shall be of N\$00.20m<sup>2</sup> + 15 % VAT (300m<sup>2</sup> x N\$0.20+15% VAT= N\$69.00) escalating at 10% per annum.*
  - (ii) *That the applicant be responsible for the payment of all municipal services provided on site.*
  - (iii) *That Council reserves the right to cancel the lease if valid objections from the public are received.*
  - (iv) *That the lease be advertised in terms of Section 63 (2) of the Local Authorities Act, Act 23 of 1992, (as amended).*
  - (v) *The lease is terminable by either party giving or receiving three (3) months notice.*
- (b) *That the applicant shall indemnify Council and keep Council indemnified during the full period of this agreement against possible claims, which may arise from the use of the leased area.*
- (c) *That no permanent structures be erected on the leased area.*
- (d) *That the area be reserved for informal Small Medium Entrepreneurs (SME's)*
- (e) *That the lease be submitted to Management Committee for review before the expiry period of 12 months.*

As per point (d), the Engineering Services Department was reminded per memo dated **15 August 2012** to make provision for SME erven to ensure a small nucleus of "local business" erven in this area, since there are very few business erven in the PDA, serving approximately 900 households.

With reference to point (e) of the above resolution an inspection was conducted at the time (2010) to determine whether the venture is fully operational; it was not.

Subsequent to a notification letter, Mr M Dennis replied and requested Council for extension of a year to establish a fully operational gas refilling station which was granted until **19 November 2011**.

4. **Latest Council Resolution**

With reference to Mr M Dennis' application for the extension of a year to establish a fully operational gas refilling station until **19 November 2011**; Council on **24 March 2011** approved the following under item 11.1.6:

- (a) *That the application of Mr M Dennis t/a Domestic Solutions to extend the one (1) year period to establish a gas refilling station until 19 November 2011 be approved.*
- (b) *That the lease term of the current lease agreement with Mr M Dennis t/a Domestic Solutions for operating a gas refilling station in Swakopmund Town & Town Lands No. 41, located between the PDA and DRC Informal Settlement area be extended with three (3) year period should Mr M Dennis obtain financial assistance prior to 19 November 2011, failing which the lease agreement be terminated.*

On request of Mr Dennis, as a proud SME, another inspection was conducted on **19 January 2012** to see how professionally he transformed the venture. (photo's attached) The Management Committee took note on **16 February 2012** of the report submitted under item 7.32.

5. **Application for Extension of Lease Period and to Purchase**

In response to the notice of expiry dated **26 July 2012**, a reply dated **30 July 2012** attached as **Annexure "A"** was received from Mr M Dennis t/a Domestic Solution requesting an extension of the lease period from three to five years, whereafter he wishes to purchase the portion of land.

Reasons being listed as below:

- *The business is growing extremely well and he built up an extensive clientele in and around Swakopmund.*
- *He concluded a partnership with LP Gas supplier to upgrade the depot.*
- *Once that is done he plans to employ and train more staff that will ease the current unemployment situation.*
- *Intend to train the community on how to safe gas.*
- *Good working relationship with the Swakopmund Fire Brigade as they certified that the depot complies with all safety standards.*

In addition to Mr M Dennis' application to purchase the current lease portion of land, *clause 5.8 (a) and (b)* of the existing lease agreement, is quoted:

- (a) *is hereby informed that the current township layout of DRC might change in future due to the formalisation of the area, and this in turn might call for the shifting of the various structures on the **PROPERTY**;*
- (b) *agrees to shift the structures as directed or required by the **LESSOR** as necessitated by the changes.*

In support of his application Mr M Dennis mention that as an aspiring SME entrepreneur he is of the opinion that his idea is feasible.

6. **Proposal**

It is proposed to support Mr M Dennis' application for the extension of the lease from a three (3) to a five (5) year lease period, i.e. until **31 October 2017**, subject to the same conditions as contained in the exiting lease agreement.

As per Council's resolution passed on 24 September 2009 provision will be made for SME erven where Mr M Dennis is located; it is suggested that the application to purchase be considered once the area is formalised and surveyed.

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

**RECOMMENDED:**

- (a) That the application of Mr M Dennis t/a Domestic Solutions to extend the lease period to a five (5) year lease period be approved, i.e. until 31 October 2017, subject to the same conditions as contained in the existing lease agreement.
  - (b) That the lease period of three (3) years per Council's Resolution passed on 24 March 2011 be repealed and be amended to read "five (5) years".
  - (c) That the application of Mr M Dennis t/a Domestic Solutions to purchase the currently lease portion of land once the area is formalised and surveyed, not be considered.
  - (d) That Mr M Dennis t/a Domestic Solutions be informed that it is against Council's policy to reserve land for sale, therefore the option to purchase cannot be included in the lease agreement.
  - (e) That Ministerial approval be obtained for the extension of the lease period in terms of section 30 (1) (t) of the Local Authority Act, Act 23 of 1992 as the lease portion is located on undivided Townlands.
-

11.1.9 **CLOSURE OF A PORTION OF ERF 923, SWAKOPMUND AS  
"STREET"**

C/M 2012/09/27 - E 4750)

Ordinary Management Committee Meeting of 18 September 2012,  
Addendum 7.12 page 58 refers.

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

**1. Sale of a Portion of Erf 923, Swakopmund to Messrs Fruit & Veg City Namibia (Pty) Ltd**

Council on **31 May 2011** approved the sale of a portion of Erf 923, Swakopmund to Messrs Fruit & Veg City Namibia (Pty) Ltd, quoted:

(a) *That Erf 923, Swakopmund, (exact size to be determined by the Engineering Services Department) be sold to Messrs Fruit & Veg City Namibia Pty Ltd for purposes of additional parking only.*

(b) *That Erf 923 be subdivided to make provision for the portion of the erf which falls in Mandume Ya Ndemufayo Street.*

(c) *That Messrs Fruit & Veg City Namibia Pty Ltd applies for the rezoning of Erf 923, Swakopmund from "Authority" to "Parking".*

(d) *That a 5m<sup>2</sup> sidewalk be provided and maintained by Messrs Fruit & Veg City Namibia Pty Ltd on the street front of Erf 923, Swakopmund.*

(e) *That a servitude be registered in favour of Council by and at the cost of Messrs Fruit & Veg City Namibia Pty as Municipal services cross Erf 923, Swakopmund.*

(f) *That egress and access to the erf be granted on condition that:*

(i) *No heavy vehicle will be allowed to make turning maneuvers in Mandume Ya Ndemufayo Street when offloading.*

(ii) *No permanent structure may be erected on Erf 923, Swakopmund.*

(iii) *Erf 923, Swakopmund may not be consolidated with Erf 4750, Swakopmund.*

(g) *That the sale further be subject to the following conditions:*

**1. IN PRINCIPLE APPROVAL BY COUNCIL**

(i) *That the applicant takes note that no rights will accrue to the him / her unless all the conditions are complied with in full and all the relevant authorities have given the necessary permission, if applicable.*

(ii) *That the probable market valuation assuming the applicable zoning be obtained from Council's appointed municipal valuer and an additional valuer, for consideration and approval by Council.*

(iii) *That a detailed layout plan be provided before any statutory procedures are started with.*

**2. STATUTORY PROVISIONS**

(i) *That the requirements regarding the alienation of immovable property as prescribed in the Local Authorities Act 23 of 1992, (as amended), and the Townships Ordinance 11 of 1963 respectively, be dealt with successfully.*

(ii) *Should there be objections against the proposed development, the 12 month period within which the transaction must be completed in terms of the Local Authorities Act 23 of 1992, as amended, will commence upon receipt of the Minister's favourable response.*

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

**3. AGREEMENT OF SALE AND TRANSFER**

- (i) *That the agreement of sale be concluded and signed within 12 months after the Council resolution approving the allocation is received by the applicant, failing which the resolution will lapse.*
- (ii) *That the agreement of sale be signed and returned to the Swakopmund Municipality, by the purchaser / developer within 21 days of being requested to do so.*
- (iii) *That all costs relating to the transfer of this erf, (including but not limited to transfer duty, conveyancer's costs, compilation of Agreement of Sale, as well as any legal or other costs that may arise from this application), be for the applicant's account.*

#### 4. PAYMENT OF PURCHASE PRICE AND VAT

- (i) *The purchase price and 15% VAT to be secured by means of a bank guarantee payable on date of transfer.*

#### 5. STATUTORY DISCIPLINES

- (i) *That the applicant be responsible for all statutory disciplines (if any) to be completed within 12 months from date of sale.*
- (iii) *That all costs related to this transaction (subdivision-, consolidation-, rezoning etc., if any) be borne by the applicant.*

#### 6. GENERAL

- (i) *Applicant is not permitted to cede, assign or alienate their right or interest in the property or alienate the property to a 3<sup>rd</sup> party in any way before all the relevant conditions contained in the agreement of sale are fulfilled.*
- (ii) *That the applicant takes note that Council does not reserve land and should the transaction not be concluded within the one year period from closing date for objections / ministerial approval in the case of objections received, the transaction be cancelled without the need for Council to inform the applicant.*

#### 7. INDEMNITY

- (i) *That the applicant indemnifies Council against any claims resulting from blasting.*

Council on **31 August 2011** approved a purchase price for the street portion in the amount of **N\$250 000.00**.

The sale was advertised and at the closing date being **18 October 2011** no objections were received.

## 2. Town Planning Issues

**Messrs Fruit & Veg City Namibia (Pty) Ltd** appointed Messrs Stubenrauch Planning Consultants to attend to the following:

- (i) *subdivision of Erf 923, Swakopmund into Erf A and Remainder*
- (ii) *permanent closure of Erf A of Erf 923, Swakopmund as a "street"*
- (iii) *rezoning of Erf A of Erf 923, Swakopmund from "authority" to "parking"*

Whilst attending to the above, Messrs Stubenrauch Planning Consultants noted that the zoning of Erf 923, Swakopmund is incorrectly reflected in Town Planning Amendment Scheme 12 as "*authority*"; and should instead be "*street*" as indicated in the title deed of the property as well as on the erf diagram.

In order to attend to the permanent closure of a portion of Erf 923, Swakopmund as "*street*", as required in terms of section 50 (2) the Local Authorities Act, Act 23 of 1992, as amended, a Council resolution to this effect must be in place.

3. **Proposal**

The following is proposed:

- *that point (c) of Council's resolution passed on **31 May 2011** be amended to read:*

*(c) That Messrs Fruit & Veg City Namibia Pty Ltd applies for the rezoning of Erf 923, Swakopmund from "**Street**" to "Parking".*

- *that Council approves the permanent closure of a portion of Erf 923, Swakopmund as street in terms of section 50 of the Local Authorities Act, Act 23 of 1992, as amended.*

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

**RECOMMENDED:**

- (a) **That point (c) of Council's resolution passed on 31 May 2011 be amended to read:**

**(c) That Messrs Fruit & Veg City Namibia Pty Ltd applies for the rezoning of Erf 923, Swakopmund from "**Street**" to "Parking".**

- (b) **That Council approves the permanent closure of a portion of Erf 923, Swakopmund as street in terms of section 50 of the Local Authorities Act, Act 23 of 1992, as amended.**

- (c) **That the applicant be responsible for the relocation/transfer of Municipal services crossing this particular portion.**
- 
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11.1.10 **CLOSURE OF TWO PORTIONS OF ERF 503, TAMARISKIA AS "PUBLIC OPEN SPACE"**

(C/M 2012/09/27 - T 503)

**Ordinary Management Committee Meeting of 18 September 2012,**  
Addendum 7.13 page 62 refers.

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

**1. Sale of a Portion to Messrs Erongo Development Foundation**

Council on **26 April 2012** approved the sale of a portion of Erf 503, Tamariskia to Messrs Erongo Development Foundation.

As required in terms of section 50 (2) the Local Authorities Act, Act 23 of 1992, as amended, a Council resolution is in place (point (b) (ii) of Council's resolution passed on **26 April 2012**) to permanently close the portion to be subdivided.

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

- (i) Subdivision of the portion;*
- (ii) Subsequent permanent closure thereof as a "Public Open Space", in terms of section 50 of the Local Authorities Act, Act 23 of 1992, as amended;*
- (iii) Rezoning to "Institutional" of the newly created erf;*
- (iv) Compliance with section 27 (1) and (2) of the Environmental Management Act, 2007 (Act No 7 of 2007); and*
- (v) "Consent use" as a house of safety.*

Following a request for a price reduction, Council passed the following resolution on **28 June 2012**:

*(b) That Messrs Erongo Development Foundation be advised that Council will reconsider the matter after the statutory processes have been finalised.*

*(b) That Council proceeds with the subdivision of the property whereafter the full costs be submitted to Council for consideration of the final purchase price.*

**2. Parking**

After considering an application by Messrs Happy Tots Day Care to purchase a portion of Erf 503, Tamariskia, Council passed the following resolution on **28 June 2012**:

*(a) That application of Messrs Happy Tots Day Care to purchase a portion of the remainder of Erf 503, Tamariskia to establish a day care centre, be turned down.*

*(b) That portion 8 (Erf 503, Tamariskia) be subdivided and rezoned for public "parking".*

In order to attend to point (b) of the above Council's resolution, a resolution is required clearly stating that Council approves the permanent closure in terms of section 50 of the Local Authorities Act, Act 23 of 1992, as amended.

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

The rezoning from an open space to any other land use is listed in the new Environmental Management Act as an activity requiring an environmental clearance certificate. Section 5 is quoted below:

LAND USE AND DEVELOPMENT ACTIVITIES

1. *The rezoning of land from -*

(d) *use for nature conservation or zoned open space to any other land use;*

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

**RECOMMENDED:**

(a) **That the permanent closure of Portion 8 of Erf 503, Tamariskia in terms of section 50 of the Local Authorities Act, Act 23 of 1992, as amended be approved.**

(b) **That Council complies with the requirements of the Environmental Management Act, Act 7 of 2007 when attending to the rezoning of:**

(i) *rezoning of a portion measuring 2 515m<sup>2</sup> to “institutional”*

(ii) *rezoning of Portion 8 to “parking”*

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11.1.11 **DOUBLE ALLOCATION OF ERVEN: DESERT BUNDU AND MIDDLE LOW INCOME GROUP**

(C/M 2012/09/27 - M 3651, M 3687, M 3688)

**Ordinary Management Committee Meeting of 18 September 2012,**  
Addendum 7.15 page 74 refers.

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

**1. INTRODUCTION**

Whilst preparing the erf files for the closed bid procedure scheduled for the Middle Low Income Group on Friday, **14 September 2012** it was noted that 2 of the 70 erven were already allocated to **Messrs Desert Bundu**, being Erven 3651 and 3688, Mondesa.

Council on **31 March 2009** passed the following resolution:

- (a) *That Messrs Desert Bundu and Eumbo Letu be allocated three (3) erven each for the construction of show houses.*
- (b) *That all other interested parties who wish to erect show houses must apply to Council.*
- (c) *That no erven be reserved for the applicants.*

The allocation formed part of The Southern African Housing Foundation's Regional Housing Conference which was held from **09 until 11 July 2009** in Swakopmund with the official opening of the Innovative Housing Show Village on **09 July 2009**.

Council approved the sale of these unserviced erven at N\$22.00/m<sup>2</sup>.

**2. MINISTERIAL APPROVAL**

Ministerial approval was granted on **27 March 2009** to proceed with the sale of the following erven to the various participants (**Annexure "A"**):

Private Developer	Erven Mondesa	Transferred	Completion Certificate Issued
SAHF	Erf 3665	transferred - 16/11/2011	
	Erf 3666	transferred - 18/02/2010	
	Erf 3667	transferred - 22/06/2010	
Fritze & Quelle	Erf 3698	transferred - 21/01/2010	
	Erf 3699	transferred - 20/07/2009	
	Erf 3700	transferred - 17/07/2009	
Berechiah	Erf 3695	transferred - 18/02/2010	
	Erf 3696	transferred - 23/02/2010	
	Erf 3697	transferred - 20/11/2009	
Eumbo	Erf 3648	transferred - 20/04/2011	

Private Developer	Erven Mondesa	Transferred	Completion Certificate Issued
Letu	Erf 3649	transferred - 20/04/2011	
	Erf 3650	transferred - 18/11/2011	
Desert Bundu	Erf 3651		
	Erf 3687		
	Erf 3688		
The Stiltz	Erf 3668	transferred - 06/07/2009	
	Erf 3669	transferred - 06/07/2009	
Weimann's	Erf 3670	transferred - 12/08/2008	
	Erf 3671	transferred - 12/08/2008	
Kavango Block	Erf 3672	transferred - 23/06/210	
	Erf 3647	transferred - 22/07/2010	
Dirk Brand Bouers	Erf 3693	transferred - 06/07/2009	
	Erf 3694	transferred - 06/07/2009	
Namib Prefab	Erf 3691	transferred - 27/07/2009	
	Erf 3692	transferred - 27/07/2009	
NamSpace	Erf 3689	transferred - 22/07/2009	
	Erf 3690	transferred - 22/07/2009	

In order to determine whether any of these erven are not yet developed (being 3 years after the date of the Housing Conference, the Engineering Services Department was requested on **2 May 2012** to indicate whether completion certificates were issued to these developers.

### 3. **Messrs Desert Bundu**

All attempts to contact **Messrs Desert Bundu** were in vain and no confirmed contact details are available, therefore no deeds of sale could be signed for the sale of the 3 erven allocated to them.

### 4. **Proposal**

It is proposed that point (a) of item 11.1.5 of Council's resolution passed on **31 March 2009** approving the allocation to **Messrs Desert Bundu** be repealed and the erven therefore be available for re-allocation.

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

**RESOLVED: (For Condonation By Council)**

- (a) That point (a) of Council's resolution passed under item 11.1.5 on 31 March 2009 be amended by deleting the name "*Desert Bundu*":

*That Messrs Desert Bundu and Eumbo Letu be allocated three (3) erven each for the construction of show houses.*

- (b) That the allocation of the following erven as per Council's Resolution of 29 March 2012 under item 11.1.1 be confirmed and be condoned:

- *Erven 3651 and 3688, Mondesa to the Middle Low Income Group Closed Bid held on 14 September 2012; and*
  - *Erf 3687, Mondesa to the Build Together Scheme.*
-

11.1.12 **TENDER NO 117/2010: PROVISION OF BULK SERVICES FOR  
BLOCK DEVELOPMENTS NORTH OF SWAKOPMUND – PHASE 2:  
EXTENSION OF TIME VS PENALTIES**

(C/M 2012/09/27 - G 3/9)

**Ordinary Management Committee Meeting of 18 September 2012,**  
Addendum 7.17 page 82 refers.

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

**1. Introduction**

The total contract value is N\$38 383 901.45. This project officially commenced on **17 January 2011**. The contract period stated by the tenderer in the tender document was 11 months. The contract is finally nearing completion, which leaves the question about the penalties to be charged.

The consulting engineers and project managers for the project is Messrs Windhoek Consulting Engineers (WCE). Several reminders were sent to the contractor to submit any claims for extension of time and this matter was addressed at every progress meeting. In line with the above Messrs WCE evaluated the validity of any claims.

The summary of their findings is **attached** in **Annexure “A”**. The contractor failed to adhere to the conditions of contract with respect to the timely claiming of extension of time and therefore has no claim. However, there are a few instances which would have warranted an extension of time.

The penalty rate is N\$3 838.39 / Calendar days (according to evaluation report done by Messrs WCE which is **attached** to this submission).

During the period from the targeted completion date of **17 December 2011** to **24 August 2012** the total penalty computes to 250 Number of days @ the above rate = N\$959 597.50.

**2. Discussion**

Messrs Salz-Gossow completed many projects for the Municipality. Mitigating circumstances can be justified and applied. Based on the evaluation given by Messrs WCE the penalties can be reduced by 12 weeks or 84 days for additional earth works, 3 weeks or 21 days for re-design of the sewer line at Mile 4 and the delay in moving the guard house 3 weeks or 21 days. Mention is made of a delay of 28 days caused by the unavailability of bitumen for delivery.

The latter circumstances can only be regarded as valid if all streets were already up to their final construction stage and awaiting the wearing cause. However, this was not the case.

Therefore at best only 126 days can be considered as fair and reasonable claim. Based on the above the total penalties may be reduced by 126 days x N\$3 838.39 (rate) = N\$ 483 637.14.

3. **Losses to Council**

When considering the application of penalties against the contractor the actual losses due to the delayed completion of the project to the client must be taken into consideration.

There, the maintenance of the temporary road to Mile 4 stands out. The municipal maintenance team watered, bladed and compacted the road during the 2011/12 holiday season. Still numerous calls were received complaining about the dust pollution as a result of the increased holiday traffic.

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

**RECOMMENDED:**

**That Council accepts the mitigating circumstances as contained in the report of Messrs Windhoek Consulting Engineers (WCE) and that the full amount of penalties be shared equally between Council and Messrs Salz-Gossow.**

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11.1.13 **REQUEST FOR ADDITIONAL FUNDS: FORMULATION OF ARCHIVES POLICIES AND PROCEDURES**

(C/M 2012/09/27 - A 1/3/3)

**Ordinary Management Committee Meeting of 18 September 2012, Addendum 7.18 page 86 refers.**

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

1. The Tender Board on **03 August 2012**, under item 8.7 amongst others resolved as follows:

- (a) ....
- (b) *That the General Manager: Corporate Services and Human Resources be exempted from the formal tender procedures in terms of the Tender Board Regulation 20 (1) (c) and be permitted to call for quotations for the Formulation of Archives Policies and Procedures.*
- (c) *That once quotations are received, they be submitted to the Tender Board for approval.*

2. In respect of the above resolution, quotations were invited for the Formulation of Archives Policies and Procedures. Quotations closed on **17 August 2012** at 11:00 and one (1) offer was received from the following supplier:

<b>Supplier</b>	<b>Amount</b>
<i>Messrs Document Warehouse</i>	<i>N\$384 077.00</i>

3. Messrs Document Warehouse submitted their offer for the total cost of N\$384 077.00 which exceeds the budgeted amount of N\$312 000.00.
4. Management Committee is therefore requested to approve additional funding to cover the shortfall of N\$72 077.00 from Council's Surplus Funds.

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

**RECOMMENDED:**

**That permission be granted to the General Manager: Finance to transfer the amount of N\$72 077.00 from Council's Surplus Funds to the File Plan Development Vote 102031517300 to cover the shortfall.**

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11.1.14 **APPLICATION BY MESSRS WOERMANN BROCK PROPERTIES (PTY) LTD TO PURCHASE A PORTION OF MANDUME YA NDEMUFAYO STREET TO ACCESS ERF 2759, SWAKOPMUND**  
(C/M 2012/09/27 - E 2759)

Ordinary Management Committee Meeting of 18 September 2012,  
Addendum 8.6 page 33 refers.

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

**1. Introduction**

An application dated **18 June 2012** was received from **Messrs Woermann Brock Properties (Pty) Ltd** to purchase a portion of Mandume Ndemufayo Street measuring approximately 20m<sup>2</sup> ⇔ 30m<sup>2</sup> and consolidate it with their Erf 2759, Swakopmund (**Annexure “B”**).

The portion applied for is indicated on the map attached (**Annexure “A”**).

As per their letter, they indicate that they want to use the portion for the purpose of entrance and exit to Erf 2759, Swakopmund via Mandume Ya Ndemufayo Street since it is no longer easily accessible due to the sale of a portion of Erf 923, Swakopmund to Messrs Fruit and Veg City Namibia Pty Ltd.

**2. Similar Application approved by Council**

Council on **31 May 2011** approved the sale of a portion of the neighbouring Erf 923, Swakopmund to Messrs Fruit and Veg City Namibia Pty Ltd for N\$250 000.00 for the purpose of additional parking.

Even though the following valuations were obtained, Council decided on a purchase price of **N\$250 000.00** for the 528m<sup>2</sup> portion of Erf 923, Swakopmund, i.e.: **N\$474.00 / m<sup>2</sup>**.

① The Trust & Estate Co (Pty) Ltd	: N\$100.00/m <sup>2</sup> x 528m <sup>2</sup>	=	N\$52 800.00
② Nasikama Prop Val & Consult	: N\$250.00/m <sup>2</sup> x 528m <sup>2</sup>	=	N\$132 000.00

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

<b>Average Purchase Price for Erf 923, Swakopmund</b>	<b>Highest Purchase Price for Erf 923, Swakopmund</b>	<b>Lowest Purchase Price for Erf 923, Swakopmund</b>
<b>N\$ 92 400.00</b> N\$ 175.00/m <sup>2</sup>	<b>N\$ 132 000.00</b> N\$ 250.00/m <sup>2</sup>	<b>N\$ 52 800.00</b> N\$100.00/m <sup>2</sup>

Erf 923, Swakopmund measures 927m<sup>2</sup> and it is zoned “Street”.

**3. Comments**

Comments were requested from the Engineering Services Department on **02 July 2012** on the following aspects:

- Sale of the proposed portion;
- Possible access or exit into Erf 2759, Swakopmund from Mandume Ya Ndemufayo street;
- If there are Municipal services crossing the proposed portion.

3.1 It appears from the map that the position where the portion is located; seems to be out of reach of vehicular movement as it is at the corner formed by the adjacent Erven 923 and 4750, Swakopmund. Therefore access / egress onto Erf 2759, Swakopmund is difficult.

3.2 The size of the street portion also appears to be large enough to be subdivided without affecting or obstructing the flow of traffic along Mandume Ya Ndemufayo Street.

4. **Conclusion**

Since no comments were received from Engineering Services Department and considering the location of the portion applied for, it is therefore assumed that the sale of a portion of Mandume Ya Ndemufayo Street to **Messrs Woermann Brock Properties (Pty) Ltd** will not have an impact / hamper the flow of traffic along the street.

It is furthermore proposed that the conditions of sale be the same as what was approved by Council on **31 May 2011** for the sale of the neighbouring street portion to Messrs Fruit & Veg City Namibia Pty Ltd.

The above was discussed by the Planning Forum on **28 August 2012**.

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

**RECOMMENDED:**

(a) That a portion of Mandume Ya Ndemufayo street measuring  $\pm 20 \Rightarrow 30\text{m}^2$  be sold to Messrs Woermann Brock Properties (Pty) Ltd at a purchase price of N\$474.00/m<sup>2</sup> and consolidate it with their Erf 2579, Swakopmund to have access via Mandume Ya Ndemufayo street.

(b) That the exact size and layout of the portion applied for be provided by the Engineering Services Department.

(c) That a servitude be registered in favour of Council by and at the cost of Messrs Woermann Brock Properties (Pty) Ltd ***if any*** municipal services cross the street portion.

(d) That the additional street portion be used for egress and access to Erf 2579, Swakopmund, on condition that:

(i) *No heavy vehicle will be allowed to make turning manoeuvres in Mandume Ya Ndemufayo Street when offloading.*

(ii) *No permanent structure may be erected on the street portion.*

(e) That the sale further be subject to the following conditions:

**1. IN PRINCIPLE APPROVAL BY COUNCIL**

(i) *That the applicant takes note that no rights will accrue to the him / her unless all the conditions are complied with in full and all the relevant authorities have given the necessary permission, if applicable.*

(iii) *That a detailed development plan be provided before any statutory procedures are started with.*

**2. STATUTORY PROVISIONS**

- (i) That Council's approval in terms of Section 50 (2) of the Local Authorities Act, 1992 as amended, be given for the permanent closure of the portion as "Street".*
- (ii) That the requirements regarding the alienation of immovable property as prescribed in the Local Authorities Act 23 of 1992, (as amended), and the Townships Ordinance 11 of 1963 respectively, be dealt with successfully.*
- (iii) Should there be objections against the proposed development, the 12 month period within which the transaction must be completed in terms of the Local Authorities Act 23 of 1992, as amended, will commence upon receipt of the Minister's favourable response.*
- (iv) That it is the responsibility of the applicant to appoint a town planner at his/her cost to attend to the street closure, subdivision and consolidation.*
- (v) No development be permitted to commence until the statutory disciplines have been completed.*

**3. AGREEMENT OF SALE AND TRANSFER**

- (i) That the agreement of sale be concluded and signed within 12 months after the Council resolution approving the allocation is received by the applicant, failing which the resolution will lapse.*
- (ii) That the agreement of sale be signed and returned to the Swakopmund Municipality, by the purchaser / developer within 21 days of being requested to do so.*
- (iii) That all costs relating to the transfer of this erf, (including but not limited to transfer duty, conveyancer's costs, compilation of Agreement of Sale, as well as any legal or other costs that may arise from this application), be for the applicant's account.*

**4. PAYMENT OF PURCHASE PRICE AND VAT**

- (i) The purchase price and 15% VAT to be secured by means of a bank guarantee payable on date of transfer.*

**5. STATUTORY DISCIPLINES**

- (i) That the applicant be responsible for all statutory disciplines (if any) to be completed within 12 months from date of sale.*
- (iii) That all costs related to this transaction (street closure, subdivision-, consolidation-, rezoning etc., if any) be borne by the applicant.*

**6. GENERAL**

- (i) Applicant is not permitted to cede, assign or alienate their right or interest in the property or alienate the property to a 3<sup>d</sup> party in any way before all the relevant conditions contained in the agreement of sale are fulfilled.*
- (ii) That the applicant takes note that Council does not reserve land and should the transaction not be concluded within the one year period from closing date for objections / ministerial approval in the case of objections received, the transaction be cancelled without the need for Council to inform the applicant.*

**7. INDEMNITY**

- (i) That the applicant indemnifies Council against any claims resulting from blasting.*
-

11.1.15 **APPLICATION TO PURCHASE A STREET PORTION ADJACENT TO ERF 4089, MONDESA**

(C/M 2012/09/27 - M 4089)

**Ordinary Management Committee Meeting of 18 September 2012, Addendum 8.7 page 38 refers.**

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

**1. Application**

- 1.1 An application was received on **16 January 2012** from Mr B Gerhard (owner of Erf 4089, Mondesa) to purchase a portion of land (street) adjoining his Erf 4089, Mondesa (**Annexure "A"**).
- 1.2 The portion applied for is indicated on the map attached as **Annexure "B"** and it measures approximately 360m<sup>2</sup> (two different size options were given – depending on the purchase price).
- 1.3 The intention of Mr B Gerhard is to invest his pension in constructing flats on the additional portion of land.

**2. Comments**

- 2.1 The application was discussed by the Planning Forum on **14 February 2012** and it was proposed that Erongo RED and Engineering Services Department be requested to provide the comments on the following aspects:

- *Municipal services crossing the portion applied for and the exact size;*
- *Electrical services crossing the portion;*
- *The density of portion.*

- 2.2 According to verbal comments from our Town Planning Assistant, he confirmed that there are no municipal services located on the portion applied for and that the access to Erf 1646, Mondesa will not be affected as no access is located on the erf boundary concerned.

- 2.3 With regard to the density of the area it was stated that, Erf 4089, Mondesa has a density of 1:600, therefore the applicant's proposed use cannot be accommodated on the erf.

No density change will be allowed to avoid similar applications in the future.

No comments were received from Erongo RED.

**3. Proposed Use of Land**

- 3.1 It was further proposed by the Planning Forum on **14 February 2012** that Mr B Gerhard be requested to indicate the intended purpose of acquiring the additional portion and be informed of cost estimates for acquiring the portion. The total estimated cost for acquiring the portion (street closure, purchase price, subdivision and consolidation, survey and transfer fees) amounts to **N\$103 873.39**.
- 3.2 A letter from Mr B Gerhard was received on **16 April 2012** stating that he intends to build flats (for renting) on the additional portion

and that he is willing to proceed with the transaction (**Annexure “C”**).

- 3.3 Erf 4089, Mondesa is zoned Single Residential and in terms of **Swakopmund Town Planning Amendment Scheme No. 12**, blocks of flats can only be allowed / permitted on a General Residential zoning. No rezoning will be allowed in this area.

Below is the table indicating the two respective zonings.

<b>ZONE</b>	<b>PURPOSES FOR WHICH LAND MAY BE USED</b>	<b>PURPOSES FOR WHICH LAND MAY BE USED AND BUILDINGS MAY BE ERECTED AND USED WITH THE SPECIAL CONSENT OF THE COUNCIL ONLY</b>
<i>General Residential</i>	<i>Industrial Building, Scrap Yard, Warehouse, Building Yard, Dry Cleanette, Launderette, Light Industry</i>	<i>Service Stations, Office Building, Place of Instruction, Noxious Industry, Shop, Public Garage Place of Amusement</i>
<i>Single Residential</i>	<i>Dwelling House/s, Blocks of Flats, Residential Buildings, Townhouses</i>	<i>Place of Instruction, Place of Worship, Institutional Buildings, Bed and Breakfast, Pensions, Licensed Hotels, Resident Occupation. Residential Guest House</i>

4. **Similar Application approved by Council**

Council on **25 February 2010** approved the sale of a portion of the street measuring  $\pm 147\text{m}^2$  situated adjacent to Erf 1946, Mondesa to Mr H Visagie to be consolidated with his “*single residential*” erf; at a purchase price of N\$50.00/m<sup>2</sup>.

5. **Conclusion**

Taking into consideration that the proposed development for the additional land cannot be permitted due to the zoning and the density of the area, it is therefore proposed that portion be sold to Mr B Gerhard being the owner of Erf 4089, Mondesa for the sole purpose of extending his house rather than constructing blocks of flats.

The above was discussed by the Planning Forum on **28 August 2012**.

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

**RECOMMENDED:**

**That the application of Mr B Gerhard to purchase a portion of land situated adjacent to Erf 4089, Mondesa measuring  $\pm 365\text{m}^2$  and to consolidated with Erf 4089, Mondesa for the purpose of building flats not be approved as the proposed use cannot be permitted on the additional portion of land due to zoning and density requirements of the area.**

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11.1.16 **CONSENT FOR THE ERECTION OF A SECOND DWELLING ON ERF 48, ROSSMUND**

(C/M 2012/09/27 - RM 48)

**Ordinary Management Committee Meeting of 18 September 2012, Addendum 8.8 page 44 refers.**

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

**Application** was received from the joint owners of Erf 48, Rossmund, for consent to erect a second dwelling on said property.

Rossmund does not currently have a density zoning since the township does not yet appear in any Town Planning Amendment Scheme. It is included in the proposed Town Planning Scheme 35.

According to the proposed densities as captured in Amendment Scheme 35 the erven in the area will have a density of 1:600m<sup>2</sup>. The property measures approximately 1681.55m<sup>2</sup> and it would thus be possible to allow the construction of a second dwelling on the property.

Although the size of the property and the proposed density will allow for such application to be considered it should be noted that the intention with the Rossmund Golf Estate was to create a high income low density development. It should also be noted that the proposed density is not yet approved by the Ministry as contained within Amendment Scheme 35.

If this decision is appealed by the Home Owners Association it might well be indicated to the Municipality that it finds itself in the same situation as with the situation concerning densities in Mile 4. The Ministry can then overrule the decision in favour of the Home Owners Association.

After consultation with Messrs Winplan it was indicated that the services were also designed only to accommodate a certain density. If one person is now allowed to construct a second dwelling on the property the Municipality might receive more of these as a precedent has already been created. It also became evident that numerous erven are larger than 1200m<sup>2</sup> and will also be able to apply for such consent if consent is granted to Erf 48.

The Home Owners Associations rules prohibit any of their property owners from rezone, subdivide or consolidate any of the erven without their approval. In this case none of these processes were done. The request is merely base upon the size and the proposed density which is ultimately regulated by the Local Authority in this case. No mention is made with regard to consent for the erection of a second dwelling in their rules and regulations.

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

**RECOMMENDED:**

**That the request for consent to erect a second dwelling on Erf 48, Rossmund, not be approved.**

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11.1.17 **REZONING OF ERF 1613, SWAKOPMUND, FROM “INSTITUTIONAL” TO “GENERAL BUSINESS”**

(C/M 2012/09/27 - E 1613)

**Ordinary Management Committee Meeting of 18 September 2012,**  
Addendum 8.9 page 49 refers.

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

**Application** was received from Messrs Winplan Town & Regional Planning Consultants on behalf of their client, Messrs Scientific Society Swakopmund, for the rezoning of Erf 1613, Swakopmund from “*Institutional*” to “*General Business*”.

Erf 1613 is located on the corner of Sam Nujoma Avenue and Windhuker Street. The Erf measures 1507m<sup>2</sup> in extent and is zoned “*Institutional*”. The Erf is in the main street of Swakopmund and ideally located for general business proposes. This area of Swakopmund is an integral part of the Swakopmund Business District and rezoning Erf 1613 to “*General Business*” will not have any negative impact on the current and future character of the area.

It is the intention of the client to use the newly zoned Erf for general business purposes since the current zoning does not allow them to use the Erf to its full potential.

The intended rezoning was advertised in the Namibian and Republikein on **4 and 11 June 2012**. Letters were also sent to the owners of the surrounding properties by means of registered mail to inform them of their client’s intentions. The closing date for objections was on **26 June 2012** and to date no objections were received.

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

**RECOMMENDED:**

- (a) That the rezoning of Erf 1613, Swakopmund from “*Institutional*” to “*General Business*” be approved.
  - (b) That the approved rezoning of Erf 1613, Swakopmund, be included in the next Amendment Scheme for final approval by the Ministry of Regional and Local Government, Housing and Rural Development.
-

11.1.18 **WRITING OFF: MAYORAL VEHICLE**

(C/M 2012/09/27 - L 5)

**Ordinary Management Committee Meeting of 18 September 2012,**  
Addendum **8.10** page **60** refers.

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

The Mayoral vehicle has become redundant and thus needs to be written off and sold at the next public auction.

<i>Reg. No.</i>	<i>Make</i>	<i>Model</i>
<i>N 9959 S</i>	<i>Renault Laguna</i>	<i>2002</i>

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

**RESOLVED: (For Condonation By Council)**

- (a) That the Mayoral vehicle be written off and sold at the next public auction.

<i>Reg. No.</i>	<i>Make</i>	<i>Model</i>
<i>N 9959 S</i>	<i>Renault Laguna</i>	<i>2002</i>

- (b) That the Chairperson of Management Committee, Chief Executive Office and the General Manager: Finance determines the upset price.
-

11.1.19 **OLD AND REDUNDANT EQUIPMENT: COMMUNITY DEVELOPMENT SERVICES, REST CAMP**

(C/M 2012/09/27 - N 7/3/1/2)

Ordinary Management Committee Meeting of 18 September 2012, Addendum 8.11 page 61 refers.

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

The following old and redundant equipment and material need to be written off and sold at the next public auction:

<i>Quantity</i>	<i>Description</i>
118	<i>Chairs</i>
22	<i>Poles</i>
9	<i>Wires</i>
25	<i>Semi Sofas</i>
26	<i>Dining Chairs</i>
6	<i>Sofas</i>
4	<i>Lounge Chairs</i>
2	<i>Sleeping Couches</i>
20	<i>Coffee Table</i>
4	<i>Pillow Cases</i>
28	<i>Fridges</i>
4	<i>Geysers</i>

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

**RESOLVED:** (For Condonation By Council)

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

<i>Quantity</i>	<i>Description</i>
118	<i>Chairs</i>
22	<i>Poles</i>
9	<i>Wires</i>
25	<i>Semi Sofas</i>
26	<i>Dining Chairs</i>
6	<i>Sofas</i>
4	<i>Lounge Chairs</i>
2	<i>Sleeping Couches</i>
20	<i>Coffee Table</i>
4	<i>Pillow Cases</i>
28	<i>Fridges</i>
4	<i>Geysers</i>

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

11.1.20 **INVITATION FROM THE COASTAL ENVIRONMENTAL SCHOLARSHIP FUND TO PARTICIPATE IN A FUNDRAISING GALA DINNER**

(C/M 2012/09/27 - D 5)

**Ordinary Management Committee Meeting of 18 September 2012, Addendum 10.1 page 00 refers.**

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

The Namibia Coast Conservation and Management (NACOMA) Project together with involved and concerned coastal stakeholders have established a Coastal Environment Scholarship Fund. The purpose of the fund is to financially support grants to post-graduate students who would like to further their studies with the aim of eventually specializing in Environmental Management, Environmental Resource Management or Natural Resource Management. It is expected that the student would be employed by a coastal institution or company, which would have an environmental section or department or that would require the services of a specialist in Environmental Management, Environmental Resource Management and Natural Resource Management.

The first funds were deposited after fund raising events in Swakopmund in **June 2010** and **July 2011**, during which coastal stakeholders pledged money and more revenue was generated by the auctioning of donated items.

In order to ensure that the Coastal Environment Scholarship Fund is utilized and managed in a responsible, transparent and accountable manner, a Board of Trustees, representing the most important sectors at the Namibian coast, has been appointed to oversee the Fund.

Therefore a fund raising Gala Dinner will be held in Walvis Bay on **19 September 2012** from 18H30 – 22H30. The aim of the Gala Dinner is to generate more funds for the Coastal Environmental Scholarship Fund. The first recipients of the grant namely the post-graduate students in environmental management will be announced at that evening.

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

**RECOMMENDED:**

**That an amount of N\$6 500.00 be donated towards the Coastal Environmental Scholarship Fundraising Gala Dinner to be held on 19 September 2012 in Walvis Bay.**

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11.1.21 **INCREASE IN AUTHORISATION LEVELS FOR THE REHABILITATION OF STREETS IN SWAKOPMUND**

(C/M 2012/09/27 - A 2/3/6)

Ordinary Management Committee Meeting of 18 September 2012, Addendum 10.2 page 00 refers.

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

The purpose of this submission is to seek Council's approval for an increase in authorisation levels for the above project only:

Council on **28 July 2011** under item 11.1.10 resolved as follows:

*That the delegated powers for acquisition of goods and services be increased as follows:*

<i>Authorisation level</i>	<i>Current (N\$)</i>	<i>Approved (N\$)</i>
<i>Formal quotation</i>	<i>2 000.00</i>	<i>5 000.00</i>
<i>General Managers</i>	<i>5 000.00</i>	<i>15 000.00</i> <i>In consultation with Chief Executive Officer</i>
<i>Chief Executive Officer</i>	<i>10 000.00</i>	<i>50 000.00</i> <i>In consultation with Chairperson of the Management Committee.</i>

We have commenced with the re-sealing of tarred roads in town by making use of small contractors who work closely with our operational department.

Council purchases the materials in line with approved authority levels, but higher authority levels are required from Council to be able to complete sections of streets between intersections with one contractor, e.g. Welwitschia Street from Tobias Hainyeko to Dr Boss Street or Aldridge Street from Vrede Rede Street to Dr Schwietering Street.

There is currently an amount of N\$10,000,000.00 available on the Capital Budget 2012/13 for the repair and resealing of bituminous streets in town. The resealing project has started and small contractors are currently appointed on a quotation basis for the labour part only, while material is supplied by Council. The bitumen emulsion is also purchased on a quotation basis.

The following streets need urgent attention.

	<b>STREETS TO BE RE-SEALED</b>	<b>FROM</b>	<b>TO</b>
1	<b>Mandume Ya Ndemufayo Street</b>	Nelson Mandela Avenue (robot, old Mondesa Offices)	Vrede Rede Avenue
2	<b>Independence Street</b>	Mandume Ya Ndemufayo Street	Vrede Rede Avenue
3	<b>Independence Street</b>	Vrede Rede Avenue	Mandume Ya Ndemufayo
4	<b>August Nangolo Street</b>	Mandume Ya Ndemufayo Street	Augustinus Garoeb Street
5	<b>Rakotoka Street</b>	Moses Garoeb Street (Intersection close to the new Municipal Office)	Nelson Mandela Avenue (Intersection at Harry's Garage)

1	<b>Hidipo Hamutenya Street</b>	Moses Garoeb Street (Old prison intersection)	Mandume Ya Ndemufayo (Intersection behind Hotel and Entertainment Centre)
2	<b>Mandume Ya Ndemufayo Street</b>	Moses Garoeb Street (Intersection Fruit&Veg)	Tobias Hainyeko Street (Intersection SPAR)
3	<b>Moses Garoeb Street</b>	Mandume Ya Ndemufayo Street (Intersection Fruit&Veg)	Nathanael Maxuili Street
4	<b>Ocks Laan</b>	Franziska van Neel Street	Rakotoka Street
5	<b>Tobias Hainyeko Street</b>	Moses Garoeb Street (Intersection close to the new Municipal Office)	Daniel Tjongarero Street (Old Municipal Offices)
6	<b>Daniel Kamho</b>	Circle Vrede Rede Avenue and Daniel Kamho	Sewage Works (where interlocks start)
7	<b>Aldridge Street</b>	Vrede Rede Avenue (Vineta W&Brock Supermarket intersection)	DR Schwietering Street

The appointment of contractors and the purchasing of material is difficult and is slowing down the project due to the N\$50 000.00 limit on the quotation procedure.

Permission is required to lift the limit on quotations from the amount of N\$50 000.00 for the labour content so that streets can be completed from one intersection to the next by one contractor at a time, based on the streets identified as per the table above.

It is furthermore requested that the N\$50 000.00 limit for the purchasing of the bitumen emulsion is increased to N\$150 000.00 for this project only.

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

**RECOMMENDED:**

- (a) That the authority level towards the labour portion for the rehabilitation of tarred roads be delegated as follows:

Authorisation Level	Current (N\$)	Approved (N\$)
Formal Quotation	5 000.00	Unlimited In consultation with the Chief Executive Officer

- (b) That the labour content be exempted from the N\$50 000.00 ceiling for the following streets only:

	STREETS TO BE RE-SEALED	FROM	TO
1	Mandume Ya Ndemufayo Street	Nelson Mandela Avenue (robot, old Mondesa Offices)	Vrede Rede Avenue
2	Independence Street	Mandume Ya Ndemufayo Street	Vrede Rede Avenue
3	Independence Street	Vrede Rede Avenue	Mandume Ya Ndemufayo
4	August Nangolo Street	Mandume Ya Ndemufayo Street	Augustinus Garoeb Street
5	Rakotoka Street	Moses Garoeb Street (Intersection close to the new Municipal Office)	Nelson Mandela Avenue (Intersection at Harry's Garage)

1	<i>Hidipo Hamutenya Street</i>	<i>Moses Garoeb Street (Old prison intersection)</i>	<i>Mandume Ya Ndemufayo (Intersection behind Hotel and Entertainment Centre)</i>
2	<i>Mandume Ya Ndemufayo Street</i>	<i>Moses Garoeb Street (Intersection Fruit&amp;Veg)</i>	<i>Tobias Hainyeko Street (Intersection SPAR)</i>
3	<i>Moses Garoeb Street</i>	<i>Mandume Ya Ndemufayo Street (Intersection Fruit&amp;Veg)</i>	<i>Nathanael Maxuilili Street</i>
4	<i>Ocks Laan</i>	<i>Franziska van Neel Street</i>	<i>Rakotoka Street</i>
5	<i>Tobias Hainyeko Street</i>	<i>Moses Garoeb Street (Intersection close to the new Municipal Office)</i>	<i>Daniel Tjongarero Street (Old Municipal Offices)</i>
6	<i>Daniel Kamho</i>	<i>Circle Vrede Rede Avenue and Daniel Kamho</i>	<i>Sewage Works (where interlocks start)</i>
7	<i>Aldridge Street</i>	<i>Vrede Rede Avenue (Vineta W&amp;Brock Supermarket intersection)</i>	<i>DR Schwietering Street</i>

- (c) That the purchasing level for bitumen for the resealing of streets be increased to N\$150 000.00 only.
- (d) That the above authority levels be submitted to the Tender Board to revise its authority levels delegated to the Chairperson of the Tender Board.
-

11.1.22 **FUNDING AND PLACING OF A NAME PLAQUE AT THE AMPHITHEATRE**

(C/M 2012/09/27 - N 7/3/6/1)

**Ordinary Management Committee Meeting of 18 September 2012, Addendum 7.1 page 01 refers.**

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

Council on **30 August 2012** resolved as follows:

*That the proposal and motivation by Mr J Brown, secretary of the Erongo Region SWAPO Party Elders Council, to rename the Amphitheatre after Mr Thomas Amunyela be approved.*

Mr J Brown made a subsequent visit to the office of the General Manager: Finance (who is currently also acting in the capacity as Chief Executive Officer) requesting Council to also fund a plaque to be put up at the Amphitheatre indicating the new name as well as for a naming ceremony to be organised, funded and held by Council on **5 October 2012**, being the birthday of Mr Thomas Amunyela.

The request for the plaque, funding and ceremony was not requested in Mr J Brown's letter dated **17 October 2011** and hence not considered and no resolution passed by Council at the previous consideration of the matter.

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

**RECOMMENDED:**

**That Mr J Brown, Secretary of the Erongo Region SWAPO Party Elders Council, be informed to source for funds for the placing of a name plaque and naming ceremony at the Amphitheatre.**

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11.1.23 **ROTATION OF LEGAL PRACTITIONERS**

(C/M 2012/09/27 - A 2/1/5)

**Ordinary Management Committee Meeting of 18 September 2012,**  
Addendum **7.16** page **78** refers.

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

**1. Introduction**

Council makes use of the following two legal practitioners to attend to, among other, conveyancing of fixed property:

- *Conradie & Damaseb*
- *Kinghorn Associates*

Currently Council's resolution passed on **24 August 2006** regulates the dispensation of work:

- (a) *That all legal work emanating from the extensions to the east of Daniël Kamho Avenue and Nathaniël Maxiulili Street be for the attention of Messrs Kinghorn & Associates.*
- (b) *That all legal work emanating from the extensions to the west of Daniël Kamho Avenue and Nathaniël Maxiulili Street be for the attention of Messrs Conradie & Damaseb.*
- (c) *That both parties be required to provide Council with a written undertaking not to litigate against Council or to accept work which would require of them to act against Council.*
- (d) *That the above agreement be effective for 1 (one) year whereafter the work set out in (a) and (b) above be exchanged between the firms.*
- (e) *That Messrs Conradie & Damaseb be informed that no travelling fees will be applicable as they have an office in Swakopmund.*

**2. Unequal distribution of Conveyancing Instructions**

As the above resolution was implemented with immediate effect at the time, the 1 year rotation period commenced on **1 September 2006** and lapses annually on **31 August**.

As from **1 September 2006** the arrangement was as follows:

✓	<b>Conradie &amp; Damaseb</b>	-	<b><u>WEST</u></b> of Daniël Kamho Avenue and Nathaniël Maxiulili Street.
✓	<b>Kinghorn Associates</b>	-	<b><u>EAST</u></b> of Daniël Kamho Avenue and Nathaniël Maxiulili Street

As per Council's decision passed on **31 October 2006**, the date of the sale determines the allocation of the conveyancing instruction:

- (b) *That instructions to transfer property be based on the date of alienation of the erven i.e. the auction date.*

The date of sale is usually dependent on the completion of services.

- 2.1 Following is a table indicating the transfer instructions of **auctions** held since **1 September 2006**:

<b>Date of the Auction</b>	<b>Conradie &amp; Damaseb</b>	<b>Kinghorn Associates</b>
1 September 2006 Even in Mondesa	n/a	47 erven
8 December 2006 Erven in Mondesa	n/a	43 erven
27 July 2007 Small Holdings	20 small holdings	n/a

2.2 Instructions for the transfer of **closed bids**:

<b>Date of Instruction</b>	<b>Conradie &amp; Damaseb</b>	<b>Kinghorn Associates</b>
07 January 2009	Erf 4079, Swk	n/a
30 October 2008	Erf 4080, Swk	n/a
29 October 2008	Erf 4081, Swk	n/a
20 October 2008	n/a	Prt 77
20 October 2008	n/a	Prt 96
29 October 2008	Erf 737, Swk	n/a
18 June 2009	n/a	Erf 3688, Swk
20 October 2009	Erf 3690, Swk	n/a
04 February 2009	n/a	Erf 3691, Swk
14 April 2009	n/a	Erf 3954, Swk
11 August 2009	n/a	Prt 78
01 August 2009	Erf 4505, Swk	n/a

2.3 Instructions to transfer **hotel / lodge developments**:

	<b>Conradie &amp; Damaseb</b>	<b>Kinghorn Associates</b>
05 January 2011	Desert Breeze Project	n/a
	Santiago Property Developers	n/a
	Swakop River Eco Consortium	n/a

2.4 Instructions to transfer **residential block developments**:

	<b>Conradie &amp; Damaseb</b>	<b>Kinghorn Associates</b>
1 August 2009	draft deeds of sale for 8 block erf developments and subsequent transfers	n/a
2 November 2009	draft deed of sale for Dunes Property transaction and subsequent transfer (1 + 49)	n/a
10 August 2009	n/a	draft deed of sale for Block 1 - Tutangeni
23 July 2010	n/a	draft deed of sale for Block 2 – RUL
27 January 2012	Messrs Eddy Angula Trust	n/a

2.5 Instructions to transfer **Build Together** erven:

	<b>Conradie &amp; Damaseb</b>	<b>Kinghorn Associates</b>
2010	66	122

## 2.6 Miscellaneous transfers:

	<b>Conradie &amp; Damaseb</b>	<b>Kinghorn Associates</b>
14 January 2009		draft deed of sale for Erf 1251, T - NIP
16 January 2009		draft deed of sale for Erf 1250, T - Little Foot Nursery
1 April 2009		Instruction to transfer portion to horse riding centre
09 July 2009		Instruction to attend to transfer of Erf 4747 and 5372, S - swimming pool transaction
12 September 2011	Erf 1111, Tamariska	n/a
August 2012	14 staff erven in Mondesa	n/a

## 2.7 Show House Village:

	<b>Conradie &amp; Damaseb</b>	<b>Kinghorn Associates</b>
04 December 2009	3 erven	n/a
April, May, June & July 2009		21 erven

The above is merely a summary and shows the following results:

✚	Conradie & Damaseb	=	172
✚	Kinghorn Associates	=	246

Furthermore, as per the current arrangement, Messrs Kinghorn Associates will attend to all transfers **EAST** of Daniël Kamho Avenue and Nathaniël Maxiulili Street as from **01 September 2012 until 31 August 2013**.

- ⇒ at the time of the public auction of **4 August 2012**, Messrs Kinghorn Associates attended to the conveyancing of land **WEST** of Daniël Kamho Avenue and Nathaniël Maxiulili Street and will therefore attend to the transfer of the **120 erven** and also the transfer of the 8 staff erven allocated on **30 July 2012**.
- ⇒ the **100 erven** sold by closed bid scheduled for **7 and 14 September 2012** will also be attended to by Messrs Kinghorn Associates;
- ⇒ the **30 erven** approved for sale to NHE on **29 March 2012** will also be attended to by Messrs Kinghorn Associates (deed of sale must still be compiled, date of sale is the date of signing the deed of sale);
- ⇒ it is envisaged that Council will receive the title deeds of the 30% of the erven created by the Dunes Property Development and it might be that an auction can be scheduled for **December 2012** – Kinghorn Associates will attend to the transfer of the approximately **20 erven**; and
- ⇒ the new industrial erven might also be ready for sale before the area rotates to Messrs Conradie & Damaseb Attorneys – Kinghorn Associates will attend to the transfer of approximately **112 erven**.

The above amounting to approximately **290 transfers** for the time Messrs Kinghorn Associates will be attending to the area **EAST** of Daniël Kamho Avenue and Nathaniël Maxiulili Street.

3. **Other relevant Council Resolutions (quoted)**

3.1 **Council resolution of 31 October 2006:**

- (a) *That Council takes note of the undertakings by Messrs Kinghorn Associates and Conradie & Damaseb.*
- (b) *That instructions to transfer property be based on the date of alienation of the erven i.e. the auction date.*
- (c) *That instructions not emanating from a geographical area or covering more than one area, be allocated to attorneys as decided by Management Committee.*

3.2 **Management Committee resolution of 14 July 2011:**

*That the General Manager: Corporate Services and Human Resources informs Council's legal representatives to always declare interest and to inform Council should they be required to represent both the client and Council.*

4. **Proposal**

In order to ensure a more equal dispensation of legal work, the following is proposed

- ① *that the rotation period of the geographical areas be effective from **1 January until 31 December annually**; therefore, as from **1 January 2013** Messrs Conradie & Damaseb will be responsible for all work **EAST** of Daniël Kamho Avenue and Nathaniël Maxiulili Street; and*
- ② *that point (b) of Council's resolution dated **31 October 2006** be repealed, i.e.:*

*(b) That instructions to transfer property be based on the date of alienation of the erven i.e. the auction date.*

and be replaced with

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

5. The possibility of employing more attorney firms was also discussed, but it was felt that the *status quo* was sufficient.

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

**RECOMMENDED:**

**(a) That Council considers the following in order to ensure a more equal dispensation of legal work:**

① *that the rotation period of the geographical areas be effective from 1 January until 31 December annually; therefore, as from 1 January 2013 Messrs Conradie & Damaseb will be responsible for all work EAST of Daniël Kamho Avenue and Nathaniël Maxiulili Street; and*

② *that point (b) of Council's resolution dated 31 October 2006 be repealed, i.e.:*

*(b) That instructions to transfer property be based on the date of alienation of the erven i.e. the auction date.*

**and be replaced with**

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

**(b) That with reference to point (a) ② above, Messrs Conradie & Damaseb Attorneys be given the instruction to transfer the 100 erven to be sold on the closed bids scheduled for Fridays, 07 and 14 September 2012, as well as the transfer of the 30 erven to National Housing Enterprise.**

**(c) That the rotation of legal practitioners be reviewed towards the end of 2013.**

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11.1.24 **UPDATED REQUIREMENTS FOR POSITIONS**

(C/M 2012/09/27 - B 1/1)

**Ordinary Management Committee Meeting of 18 September 2012,**  
Addendum 9.4 page 20 refers.

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

Position classification standards encourage uniformity and equity in the classification of positions by providing an established requirement for common reference and use in different areas of employment. This “*sorting out*” and recording of like duties and responsibilities provides a basis for job requirements as it helps with recruiting, placing, compensating, training, reassigning, promoting, and separating employees.

With this in mind the requirement for a position if it is a Grade 10/12 certificate, the certificate does not indicate if a person passed or failed. On this basis the standard classification requirements for the Grade 10/12 should thus be adjusted to be more specific.

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

**RECOMMENDED:**

- (a) That where a Grade 10/12 certificate is a requirement for a position it should be specified to read as follows in future:

*“Grade 12 (pass mark of 20 points) / Grade 10 (pass mark of 23 points)”*

- (b) That the following table be used during short listing for guideline purposes:

<b>POINTS (Per Subject)</b>	<b>IGCSE</b>	<b>HIGCSE</b>	<b>STD 10: HG</b>	<b>SG</b>	<b>LG</b>
12					
11					
10		1	A		
9		2	B		
8	A & A*2	3	C	A	
7	B	4	D	B	
6	C		E	C	
5	D			D	A
4	E			E	B
3	F			F	C
2	G				D
1					E & F

- (c) That the requirements to be appointed in a Grade 12/STD 10 position be Grade 12/STD 10 Certificate with:

- Should have got at least an E symbol for English IGCSE/Ordinary Level or a 4 on English HIGCSE/Higher Level.
- Should at least have 20 points over 5 subjects which must include English

- (d) That requirement to be appointed in Grade 10/STD 8 positions are Grade 10/STD 8 Certificate with 23 points over 6 subjects and a D symbol in English/STD 8.

