

**MINUTES**

of an **Ordinary Council Meeting** held in the Council Chambers, Municipal Head Office, Swakopmund on **Thursday, 28 June 2018 at 19:10.**

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**PRESENT:**

Councillor P N D Nashilundo	:	Mayor
Councillor M Elago	:	Deputy Mayor
Councillor E Shitana	:	Chairperson of M/C
Councillor K N Jason	:	Alternate Chairperson of M/C
Councillor A M Marsh	:	Member of Management Committee
Councillor N N Salomon	:	Member of Management Committee
Councillor U Kaapehi	:	Member of Council
Councillor W O Groenewald	:	Member of Council

**OFFICIALS:**

Mr M P C Swarts	:	Acting Chief Executive Officer
Mr C McClune	:	GM: Engineering Services
Mr H !Naruseb	:	GM: Finance
Mr A Plaatjie	:	Acting GM: Corporate Services & HR
Mr M Cloete	:	Acting GM: Community Development Services
Mr V Kaulinge	:	Manager: Community Development Services
Mr M Amedick	:	Manager: Design & Building Control
Mr R Kubirske	:	Manager: Sewerage
Ms M Bahr	:	Manager: Human Resources
Ms L Mutenda	:	Manager: Health Services
Ms A Gebhardt	:	Corporate Officer: M& C
Ms C Puteho	:	Intern: Marketing & Communication
Mr U Tjiurutue	:	Corporate Officer: Administration
Ms I Ortner	:	Personal Assistant to the Mayor
Ms A Kahuika	:	Administration Officer: Administration

**ALSO PRESENT:**

Also present was a delegation of the Jwaneng Town Council, Constituency Councillor Honourable Juuso Kambushe, The Regional Co-ordinator of the SWAPO Party of Namibia Comrade Daniel Mhuura , Two (2) staff members receiving long service awards, one (1) representative from the Media and Thirty-one (31) members of the public.

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**1. OPENING BY PRAYER**

Pastor M Van Niekerk opened the meeting with a scripture reading and prayer.

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2. **ADOPTION OF THE AGENDA OF THE MEETING OF COUNCIL**

On proposal of Councillor K N Jason seconded by Councillor W O Groenewald it was:

**RESOLVED:**

**That the agenda be adopted.**

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3. **APPLICATIONS FOR LEAVE OF ABSENCE AND DECLARATION OF INTEREST BY MEMBERS OF COUNCIL**

3.1 Application for leave of absence:

*Councillor E K Hangula* - *Approved*  
*Councillor N //Khoaseb* - *Approved*

3.2 Declaration of interest:

None.

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4. **CONFIRMATION OF MINUTES**

(C/M 2018/06/28 - A 2/3/5)

4.1 **MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 31 MAY 2018**

On proposal of Councillor K N Jason seconded by Councillor W O Groenewald it was:

**RESOLVED:**

**That the minutes of the Ordinary Council Meeting held on 31 May 2018, be confirmed as correct.**

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

(C/M 2018/06/28 - A 2/3/5)

5.1 Her Worship, the Mayor, also announced as follows:

*Council Meeting 28 June 2018*

*Honourable Councillors, His Worship the Mayor, Honourable Obed Monkge, Delegation of Honourable Councillors and Chief Executive of Jwaneng Town Council present, Pastor Martin van Niekerk, Honourable Councillors, The Acting Chief Executive Officer, Mr Marco Swarts, General Managers, Managers, Officials, Members of the Community, Members of the Media, Ladies and Gentlemen, All Protocol observed*

*Good evening and welcome to our sixth Ordinary Council meeting. Allow me extend a warm welcome to our special visitors from Jwaneng Town Council, Botswana for choosing Swakopmund to establish strategic partnership. I am sure that you have enjoyed the hospitality of our town and the friendliness of the residents.*

*Before I proceed with my speech, allow me to quote from the book of wisdom; out of Psalm 133:1 "How good and pleasant it is when God's people live together in unity."*

***Honourable Councillors, Ladies and Gentlemen***

The office of the Mayor had the following commitments that were attended by myself or by my fellow Councillors:

- Myself and the deputy mayor honourable councillor Maria Elago attended the Woman's Conference held by Greater Life Ministries Swakopmund with the aim to uplift, encourage and empower women of different denominations. I delivered the Welcoming Remarks and my deputy the vote of thanks. The event was held under the Theme: **"Embracing the Women within"**
- We attended the Walvis Bay Mayoral Gala Dinner, raising funds to address or assist the needy within the community of Walvis Bay.
- I delivered the Welcoming Remarks at the Public Enterprises Forum Annual General Meeting held at Strand Hotel.
- Me, the chairperson of MC honourable Shitana as well as member of MC honourable Assertha Marsh attended the Public Enterprises Chief Executive Officers Gala Dinner in Walvis Bay.
- We attended the opening of the Forum Sport Day games in Walvis Bay.
- We attended the ERONGO RED tariff information session at the Management Committee Room to be informed of the new tariffs.
- The Deputy Mayor graced the German connects at private school Swakopmund private school.
- The Deputy Mayor attended the lunch and a round-table discussion with The Ambassador of the Federal Republic of Germany, Christian Matthias Schlaga on the topic of the importance of the German Language for Erongo Region.
- We attended the Coastal Buy-A-Brick Outreach Challenge & Handover of Funds, officiated by Minister of Urban Rural Development, Dr Peya Mushelenga at Standard Bank Mondesa.
- Cllr Assertha Marsh attended the Launch of Italian Menu farmhouse Deli at Strand Hotel.
- We attended the memorial service of late Dr. Wotan Swiegers and I delivered a message of condolences .
- The Deputy Mayor attended the Kūska Karneval Prinzeball night and delivered a speech.
- I delivered the speech at the Gender Base Violence discussion at the Multi-purpose center.
- I attended the Naming and Advisory Committee Meeting.
- We attended the update of COSDEF, COSDEF Arts and Crafts Centre and COSDEC activities Swakopmund and discuss possible ways of collaboration or areas where support is needed.
- I attended the HAN Annual Congress, that took place in Swakopmund where the SADC travel agents with an interest in promoting the trans-frontier travel and inter-regional tourism in our region has being invited.
- I received back the town key from the Prince and Princess of Kūska Karneval.
- Cllr Salomon attended the Cgals Chamber Choir of Namibia Concert in Swakopmund.
- We addressed the Local Church Ministers on the Council Annual Senior Citizens event.
- I also attended in-house meetings.

Again thank you Honourable Councillors for the team work and the support.

### **Ladies and Gentleman**

#### Council Agenda's distribution

As you are aware, the Council Agenda is distributed in hard copy and it is a voluminous document, hence increasing the production cost.

Soon, the Council Agenda will be distributed electronically and that would tremendously cut our production costs.

The implementation of the paperless Agenda will be executed in the following manner:

- The Council Agenda will be distributed electronically to Councillors and staff members.
- The Council Agenda for the public will be made available after each meeting on the Facebook page of Council and Swakopmund Municipal website.
- The public will be provided with the index and a **document link** to download the document during the meeting. Of course, it expected that there might be teething problems in the initial stages, however, all shortcomings will be addressed speedily.

### **Ladies and Gentleman**

#### Signing of Twinning Memorandum of Understanding with Jwaneng Town Council (Botswana)

Tonight, we are signing the Twinning Memorandum of Understanding with Jwaneng Town Council (Botswana) to establish strategic partnership in the following areas:

- To collaborate and connect the two urban regions through a tourist route as well as subsequent tourism related ventures.
- To enhance knowledge sharing (heritage and mining) and branding of the town.
- To exchange sustenance ideas during and post mining development.
- To learn from Swakopmund's advanced waste management and public health.
- To share ideas and collaborate on Local Economic Development in both towns.

Good twinning partnership brings many benefits to our community such as bringing people together from different parts of the Southern African Development Community (SADC), which will not only boost the town's economy but will give an opportunity to draw on a wider pool of technical expertise. This will create a long-term stability and impact, achieving greater 'reach' by being efficient and effective means an expanded sustainable development impact. However it is increasingly clear that partnering is not a low-cost, quick fix or risk-free option, but a continuous partnership development.

**Ladies and Gentleman**

**Registration of Senior Citizens within Swakopmund Constituency**

The Municipality of Swakopmund is requesting information from different establishments of Senior Citizens as well as churches in order to plan for Council's Annual Senior Citizens event. I am calling on the different religious denominations to make announcement to the senior members in your congregation to provide you with their names, identification card as well as their pension card copies in order to make it easier for us to identify them. Couples must be registered as one person (e.g. **Husband and wife must be registered as one person**) in order to reach out to more elderly.

The list with pensioner's names should be submitted to the office of the Mayor (Ms I Ortner) on or before **Friday, 10 August 2018**. For any further enquiries, please contact Ms Immaculata Ortner during office hours at 064-4104103.

6. **INTERVIEWS WITH DEPUTATIONS OR PERSONS SUMMONED OR REQUESTED TO ATTEND THE MEETING OF COUNCIL**

6.1 Long Service Awards

*Honorable Councillors, Ladies and Gentlemen*

Long Service Awards

Today we will acknowledge the following staff members for their commitment and dedication to the Municipality of Swakopmund:

- **Mr Richard Swartbooi** - **15 years of Service**
- **Mr Alpheus Ndiweteko** - **30 years of Service**

We as Council appreciate your hard work and dedication towards services rendering of our town. To Mr Simon Andreas who served Council for **40 years**; we wish you good health and a well deserved retirement. God bless you with good health and strength. I thank you for your kind attention.

7. **PETITIONS**

None.

8. **MOTIONS OF MEMBERS**

None.

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

None.

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10. **REPORT OF THE MANAGEMENT COMMITTEE REFERRED TO IN SECTION 26(1)(E) OF THE ACT**

10.1 **MINUTES OF MANAGEMENT COMMITTEE MEETINGS HELD DURING MAY 2018**

(C/M 2018/05/31 - A 2/3/5)

**RESOLVED:**

That the minutes of the Ordinary Management Committee meeting held on 14 June 2018 and Special Management Committee meeting held on 07 May 2018, be noted.

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11. **RECOMMENDATIONS BY THE MANAGEMENT COMMITTEE**

11.1 **ORDINARY MANAGEMENT COMMITTEE MEETING HELD ON 14 JUNE 2018**

11.1.1 **ERF 1416, MONDESA - REINTEGRATION OF LAND**

(C/M 2018/06/28 - M 1416)

**RESOLVED:**

- (a) That Council regards the matter as concluded with no further claims from either side.
- (b) That no completion or partial completion be granted for any current or new building works unless the non-compliant structure has been removed.
- (c) That the Acting Chief Executive Officer be authorised to obtain legal advice on the installation of service infrastructure on private erven as practiced in the past and for the future, especially with respect to electrical services which now resort under the responsibility of Erongo Regional Electricity Distributor.
- (d) That should Mr and Mrs Rheis contest that rate and taxes are levied on the lump sum valuation of a property and are thus independent of the exact square meters of an Erf, Council will seek legal advice on the matter.

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11.1.2 **ERF 4336, MONDESA: RENOVATION COST AND PROPOSED RENTAL / SALE FOR BUILDING LOCATED ON ERF 4336, MONDESA**

(C/M 2018/06/28 - M 4336)

**RESOLVED:**

- (a) That Council offers Erf 4336, Mondesa to the twelve applicants on file, “voetstoots” at an upset price of N\$756.30/m<sup>2</sup> x 1 785m<sup>2</sup> = **N\$1 350 000.00.**

**(b) That Erf 4336, Mondesa be sold together with Erven 4327, 4330, 4341 and 4342, Mondesa at a closed bid sale as resolved by Council on 28 September 2017 under item 11.1.8.:**

**(a) That sale be subject to the conditions:**

- (i) The property is sold “voetstoots” or “as is” with the Council giving no warranty or guarantee, whether express or implied, oral or tacit, as to the suitability of the lay-out or situation or subterranean composition of the property or any improvements thereon. The Council also does not warrant that the services installed at the property are suitable for the use intended by the Purchaser. It is therefore the obligation of the purchaser to verify that the installed electricity, sewage and water connections are suitable for the intended use of the property;**
- (ii) That the purchase price be secured by bank guarantee or be paid in cash within 120 days from the date of sale;**
- (iii) Failure to pay the purchase price in cash or secure payment by formal guarantee on the 120<sup>th</sup> day will result in the transaction being cancelled without the need to place the purchaser on terms, should the purchase price be secured by a bank guarantee the transfer must be effected on or before the 120<sup>th</sup> day, else interest will be levied as from the date of sale until the date of registration of transfer at a rate as confirmed with Council’s bank on the date of sale;**
- (iv) Council shall not accept under any circumstances any process whereby the purchaser of the property will be allowed to nominate a third party as the eventual purchaser of the property. To be more specific, the Council shall not accept any agent bidding on behalf of a principal or any nominee acting on behalf of a legal entity still to be incorporated;**
- (v) The Municipality of Swakopmund shall not accept any responsibility for any upgrading work of the property; and**
- (vi) Availability services plus the relevant property taxes will be payable by the purchaser as from the month following the allocation of the erf.**

**(c) That all applicants be informed to participate at the Closed Bid Sale together with the general public on a date to be determined.**

11.1.3

**DETERMINATION OF THE PURCHASE PRICE FOR THE SALE OF ERF 406, EXTENSION 1, MILE 4 - TRECON DEVELOPMENT (PTY) LTD**

(C/M 2018/06/28 - M4 E406)

**RESOLVED:**

- (a) That Council approves the purchase price of Erf 406, Mile 4 at N\$1 800.00 x 4 203m<sup>2</sup> = N\$7 565 400.00 to Messrs Namibia Trecon Development (Pty) Ltd.**
- (b) That point (d) (i) of Council resolution of 27 April 2017, item 11.1.35 be repealed and replaced with the following:**

**Current wording:**

- (d) (i) That the purchaser pay a deposit of N\$10 000.00 towards the statutory costs relating to the transaction including, but not limited to advertising cost, compilation of the agreement of sale, as well as any legal costs that may arise from this transaction.**

**Amended wording:**

*(d)(i) That the purchaser shall be required to pay the deposit of N\$10 000.00 towards the statutory costs relating to the transaction including but not limited to advertising costs, compilation of the agreement of sale as well as any legal costs that may arise from this transaction, within 90 days from the Council resolution approving the purchase price, failing which Council's resolution will be revoked at the next Council meeting following after the expiry of the 90 days.*

11.1.4 **PARTICIPATION AT THE 6<sup>th</sup> NCCI SWAKOPMUND INTERNATIONAL TRADE EXPO (SWAITEK)**

C/M 2018/06/28 - J 3, D 5)

**RESOLVED:**

- (a) That Council supports the Swakopmund International Trade Expo (SWAITEK) that will be hosted by Messrs Namibia Chamber of Commerce and Industry (NCCI Swakopmund) from 10-13 October 2018 at the Swakopmund Indoor Sport Centre.**
- (b) That Council pays N\$100 000.00 (during September 2018) for the Gold Sponsor Package and that the funds be defrayed from NCCI - SWAITEK Trade Fair Vote 100510207717.**
- (c) That Council takes note and utilizes the following benefits that the Gold Sponsor package offers:**
  - *SWAITEK Category Sponsorship (Motor show or Property Development).*
  - *1 Expo stalls (9x3) corner stall near entrance (N\$15 500.00).*
  - *1 x Speaking platform at the Erongo Economic Conference.*
  - *10 seats at Erongo Economic Conference VIP table (N\$15 000.00).*
  - *10 x seats @ NCCI Business Gala Dinner (N\$15 0000.00).*
  - *1 Full Pages Editorial in the SWAITEK Handbook (10-13 October 2018)*
  - *Logo placement in Newspapers Advertising for SWAITEK Partners (3 Months leading up to the event)*
  - *Radio advertising with NBC Radio for SWAITEK partner (3 months leading up to the event)*
  - *3 x TV Interviews with Company Representatives with NBC TV (August - October)*
  - *5-10% Special discounted advertising rates with SWAITEK Media Partners (NMH & Namib Times)*
- (d) That Council reserves three (3) in door Corporate and Government stands (9x3m) before the due date.**
- (e) That the Heads of Departments who will participate at the SWAITEK 2018 indicate to the Acting General Manager: Corporate Services and Human Resources by end of June 2018 for registration purposes.**
- (f) That Council attend the events organized by Messrs NCCI when dates are confirmed.**
- (g) That NCCI Swakopmund be informed to apply and pay for all the other services and refundable deposits required from Council which are as follows:**

① **The land surrounding the Swakopmund Indoor Sport Centre - Erf 5374 for exhibiting purposes**

*Lease of public areas larger than 16m<sup>2</sup> at N\$125.00 / week (15% VAT excl) ⇒ 3 areas x N\$125.00 weekly = N\$375.00 and a refundable deposit of N\$357.50.*

② **The portion of land next to Daniël Kamho Avenue - Erf 5370 for exhibiting purposes**

*As per point ① above, the weekly tariff for an area larger than 16m<sup>2</sup> = N\$125.00 (15% VAT excl) and the refundable deposit in the amount of N\$357.50.*

**(h) That in addition to the above, the following standard arrangements will apply to the applicant (Messrs NCCI):**

- *Applicant to arrange with the Health Services Department for the dustbins and the collection thereof afterwards, amounting to N\$25.30 (+15% VAT) per bin and N\$604.90 (+15% VAT) per truckload for the removal. The following cost is estimated:*

<i>100 x bins at N\$25.30 (+15% VAT)</i>	<i>=</i>	<i>N\$2530.00 (+15% VAT)</i>
<i>6 x truck load removals</i>	<i>=</i>	<i>N\$3629.40(+15% VAT)</i>
<i>Total</i>	<i>=</i>	<i>N\$6 159.40</i>

- *Applicant to arrange and provide for ablution facilities at their cost.*
- *Applicant to arrange with Erongo RED for electrical connections at their cost.*
- *Applicant to restore the areas to a proper condition after their expo.*
- *Applicant must indemnify Council against any incidents / accidents.*
- *Applicant to register with the Health Services Department for the food stalls.*

**(i) That permission be granted to the Fire Brigade to be on standby on site during the event, at the applicable standard rate.**

**11.1.5 APPLICATIONS RECEIVED FOR LAND TO ESTABLISH UNIVERSITIES / TERTIARY INSTITUTIONS**

(C/M 2018/06/28 - G 4/1/1)

**RESOLVED:**

- (a) That the Council takes note of the various applications received for land for the construction of tertiary institutions.**
- (b) That the Engineering Services Department determines the most suitable location zoning and size for a university keeping mind future extensions; and attends to the subdivision of such portion.**
- (c) That the applicants in (a) above be informed that once Council decided on conditions of sale, proposals for the construction and management of such will be publicly invited.**

**11.1.6 DELEGATION OF AUTHORITY, APPROVAL AND SIGNING OF TOWN PLANNING AND BUILDING PLAN APPLICATIONS AND ASSOCIATED DOCUMENTATION BY THE CHIEF EXECUTIVE OFFICER**

(C/M 2018/06/28 - G 3/2/2)

**RECOMMENDED:**

**That the Council resolution of the 27 March 2008, under item 11.1.25 as well as point (e) of the Council resolution of 28 September 2017, under item**



11.1.13, be repealed but the remainder of the Council resolution of 28 September 2017, under item 11.1.13 be retained and that the aforesaid repealed resolutions be replaced with the following:

- (a) That Council delegates to the General Manager: Engineering Services the powers to relax in terms of the requirements of the Swakopmund Town Planning Scheme, the following stipulations:
  - (i) *Relaxation of the lateral and rear building lines, with the permission of the direct neighbour, up to zero meters (0m).*
  - (ii) *Relaxation of the street building line up to 1m for buildings and garages as long as no interference with the amenities of the neighbourhood will result.*
- (b) That approval for applications pertaining to relaxation of garages in terms of both number and area, provided that no interference with the amenities of the neighbourhood will result, be vested in the Manager: Town Planning.
- (c) That approval for applications pertaining to relaxation of accesses, parking bays position and dimensions and loading zones be vested in the Manager: Projects.
- (d) That approval for applications to erect windows on lateral and rear boundaries where the Erf shares a common border with a “Public Open Space” be vested in the Manager: Design Office and Building Control.
- (e) That approval for relaxation applications pertaining to cantilever slab projections over street boundaries on erven zoned “General Business”, “Local Business”, and “Office” be vested in the Manager: Design Office and Building Control.
- (f) That approval for applications pertaining to scrap yards that are deemed to visually distract the character of the area be vested in the Manager: Design Office and Building Control.
- (g) That approval for applications for relaxation pertaining to construction material for boundary walls, permission to erect plastic coated wire fences, side and rear boundary wall height, street boundary wall height, and permission to erect neat and consistent timber fences be vested in the Manager: Design Office and Building Control.
- (h) That approval for applications pertaining to relaxing or waiving of the regulation in terms of minimum water absorption characteristics, provided that the wall is weather resistant, consistent to the whole wall and neat in workmanship and appearance be vested in the Manager: Design Office and Building Control.
- (i) That applications for building line relaxation and access points be combined with the application for building plan application to become part of one application procedure.
- (j) That the approval of applications pertaining to sectional titles, closure certificates and the issuing of powers of attorneys be vested in the General Manager: Engineering Services and in his absence the Manager: Town Planning.
- (k) That authority to issue zoning certificates which is a confirmation of land use rights be vested in all town planning officials.
- (l) That the approval of applications identified under points (c), (d), (e), (f), (g), (h), (i) and (j) be verified by the General Manager: Engineering Services.

- (m) That all applicable forms and documents be amended accordingly.
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11.1.7 **BRANDING PROPOSAL FROM MTC: MUNICIPAL WATER TOWER**

(C/M 2018/06/28 - G 4/2/2/2, N 8/1/3, N 6/1/3)

**RESOLVED:**

- (a) That Council takes note of the proposal from Messrs Mobile Telecommunications Limited (MTC) to brand the Water Tower at the reticulation treatment plant and the wall at the “*Single Quarters*” in Mondesa, Swakopmund.
  - (b) That permission be granted to MTC to brand the Water Tower at their own costs and that local painters be used (where possible).
  - (c) That MTC’s request to brand the walls of residential erven in Mandume Ya Ndemufayo Street “*Single Quarters*” in Mondesa and on the walls of various Municipal premises be turned down because Council’s Advertising Policy does not allow such advertisements.
  - (d) That solar lighting be installed on the Water Tower at the reticulation treatment plant to ensure that the tower is illuminated and visible at night.
  - (e) That Council leases the surface areas mentioned to MTC for a period of three (3) years and that they be informed to maintain the tower every six (6) months.
  - (f) That should any repair be done by Council which might affect the branding on the Tower, for example, equipment, cables, signage, paint, etc., then Council should not be held liable but MTC must reinstate the branding at their own cost.
  - (g) That it be noted that MTC is willing to support the SWAITEX to the tune of N\$20 000.00 annually.
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11.1.8 **TOURISM PICTURE FRAME**

(C/M 2018/06/28 - N 7/3/6/1; G 3/10/2)

**RESOLVED:**

- (a) That Council approves the following conditions:
  - (i) *That Swakopmund Tourism Information CC (Swakop Info) carries all costs for erecting and maintaining the proposed “Tourist Picture Frame” in the vicinity of the Thomas Amunjela Amphitheatre and a second frame between the Tug Restaurant and Sea Rescue with view of the Jetty.*
  - (ii) *That the exact positions will be determined by the General Manager: Engineering Services.*
  - (iii) *That the detailed design by a structural engineer especially with respect to integrity of the structure and proper anchoring of the foundations be submitted to the General Manager: Engineering Services for approval.*
  - (iv) *That Swakop Info either takes out a public liability insurance for these frames or adds them to an existing insurance policy and that proof thereof be submitted to the Chief Executive Officer of the Municipality.*
  - (v) *That Council reserves the right to instruct Swakop Info to have the frames removed should there be valid objections from the public or should the signs fall into neglect.*

- (b) That no lease be charged as part of Council's contribution since the frames are a form of branding Swakopmund.
- (c) That should this concept prove to be popular the General Manager: Engineering Services may approve locations for additional frames under the same conditions under a) above.

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11.1.9 **REZONING OF ERVEN 7067 AND 7068 SWAKOPMUND EXTENSION 26, FROM "GENERAL RESIDENTIAL 2" WITH A DENSITY OF 1:250M<sup>2</sup> TO "GENERAL BUSINESS" AND CONSOLIDATION OF ERVEN 7067 AND 7068 SWAKOPMUND EXTENSION 26, INTO A NEWLY CONSOLIDATED ERF "X"**

(C/M 2018/06/28 - E 7067, E 7068)

**RESOLVED:**

- (a) That Erven 7067 and 7068, Swakopmund, Extension 26 be rezoned from "General Residential" with a density of 1:250m<sup>2</sup> to "General Business."
- (b) That Erven 7067 and 7068, Swakopmund, Extension 26 be consolidated into Erf X.
- (c) That the rezoning of Erven 7067 and 7068, Swakopmund, Extension 26 be included in the next Swakopmund Amendment Scheme.
- (d) That all the parking be provide on-site in line with the Swakopmund Town Planning Scheme.
- (e) That Council waives the betterment fees since the erven were sold based on a "General Business" zoning.

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11.1.10 **APPLICATION FOR RELAXATION OF PARKING REQUIREMENTS ON ERF 3738, MONDESA (EXTENSION 8)**

(C/M 2018/06/28 - M 3738)

**RESOLVED:**

- (a) That the application for relaxation of parking requirement on Erf 3738, Mondesa be approved.
- (b) That Council approves the relaxation of the required parking bays as stipulated in the Swakopmund Town Planning Scheme (Admendment Scheme No. 12) from 19 parking bays to 13 parking bays on Erf 3738, Mondesa for the sole reason to ensure that movement of motorist and pedestrians are safe.
- (c) That the shortfall of 6 parking bays required on Erf 3738, Mondesa be accommodated in close proximity to Erf 3738, Mondesa in the road reserve.
- (d) The creation / upgrading / construction of the required shortfall parking to be for the account of the owner of Erf 3738, Mondesa.

- (e) That the usage of the required shortfall parking be subject to the applicable Swakopmund tariff for the lease of street space / Municipal Land, whichever is applicable, for the duration that these required shortfall parking will be required by the owner for his operations on Erf 3738, Mondesa.
- (f) That the General Manager: Engineering Services be permitted and authorised to apply the principle of relaxing the parking requirement when the arrangement of the parking or vehicular movement is posing a safety risk to traffic and pedestrian movement for existing and future similar cases.
- (g) That the General Manager: Engineering Services applies the same principle for the cost of creation / upgrading / construction of additional parking bays to be for the account of the owner(s) and that the usage of these additional parking bays be subject to an applicable Swakopmund tariff for lease of street space / Municipal Land, whichever is applicable.

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11.1.11 **IDENTIFIED PLACES TO TRADE FOR MAKALANI TRADERS IN SWAKOPMUND**  
(C/M 2018/06/28 - F 21)

**RESOLVED:**

- (a) That Council approves the following areas where the Makalanis can operate:
  - *Aquarium & Jetty,*
  - *Kavita Park,*
  - *Old Swimming Pool Area,*
  - *Swakop Info & Café Anton Stairs.*
- (b) That the General Manager: Health Services request ten (10) Special Field Force members to assist with the patrol in the town.
- (c) That Traffic Officers be directed to prevent members of the public from urinating in public and to issue fines accordingly.

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11.1.12 **NALAO ANNUAL MEMBERSHIP FEE ADJUSTMENTS FOR LOCAL AUTHORITIES**  
(C/M 2018/06/28 - A 4/3/1/5)

**RESOLVED:**

- (a) That Council takes note of the changes in the annual membership fees proposed by NALAO.
- (b) That Council approves the payment of the annual membership fees to the amount of N\$80 000.00 which must be defrayed from Vote: 000010211300 (Various Subscription & Membership Fees) of the departments, where N\$148 188.95 is available.

11.1.13 **CESSION OF THE RIGHT TO HANGAR 24 TO A SUCCESSOR-IN-TITLE**  
(C/M 2018/06/28 - N 9/1, H 24)

**RESOLVED:**

- (a) That Council approves the cession of the rights of Hangar 24 from Mr Hermias Cornelius Coetzee to Messrs Namibia Base Aviation CC, subject to the standard lease conditions for the hangars at the aerodrome.
- (b) That the approval be subject to Mr Hermias Cornelius Coetzee's lease account being paid up to date.

11.1.14 **OLD AND REDUNDANT ITEMS / EQUIPMENT: COMMUNITY DEVELOPMENT SERVICES, REST CAMP**  
(C/M 2018/06/28 - N 7/3/1/2)

**RESOLVED:**

- (a) That the following redundant items need to be written off and sold at the next Public Auction.

<b>Quantity</b>	<b>Descriptions</b>
73	Meat/Fish Storage Boxes
51	Hot plates
15	Fridges
8	Wooden Chairs
128	Chair Cushions (Foams)
2	Stoves
22	Wooden Chair Covers
6	Curtains
2	Duvet Covers Single
4	Fitted Sheets
16	Pillow Cases
4	Table clothes
1	Wooden Tables
105	Chair Cushions ( thin)
105	Chair Cushions ( thick)
118	Chairs
16	Tables
6	Wooden doors
1	Centurion Metal Safe
2	Microwave ovens
1	Samsung Television
2	Monitors
1	Overhead Projector
1	Electrical Urn
	Redundant roof material ( old roof felt)
	Roofing wood
8	Gutter
4	Gutter running water pipes
7	Gurley Trip Pipes
45	Old Taps
6	Shower head parts
59	Angle valves

- (b) That the Chief Executive Officer and the Chairperson of the Management Committee determine the upset prices for the above mentioned redundant equipment's and materials.
- (c) That the Acting Chief Executive Officer and the Mayor select usable chairs and tables to be donated to local schools.
- (d) That all Councillors be notified of the auction dates.

11.1.15 **UNUSABLE AND REDUNDANT STOCK ITEMS: FINANCE DEPARTMENT: STORES**

(C/M 2018/06/28 - D 12/1)

**RESOLVED:**

- (a) That all stock items listed under 1 and 2 be written off from the Councils Stores stock register.
- (b) That the total value of N\$8 388.76 (N\$2 709.95 + N\$5 678.81) be set off the redundant stock item vote number 963032103009.
- (c) That permission granted to the General Manager Finance to destroy the below listed stock items 1 and 2 due to the confidentiality of these books and forms used by Council in the past.

1. **Unusable items: Total value of N\$2 709.95**

<u>Quantity</u>	<u>Descriptions</u>	<u>Reason</u>	<u>Item number</u>	<u>Value VAT exclusive</u>
30	Fax Thermal Paper	Unusable	0321613	N\$ 417.43
34	Dorps be Planning Regulasies	Unusable	0330515	N\$ 0.00
12	Gift & Benefit books cp584-0	Unusable	0331317	N\$ 644.40
1	Envelops with emblem c 6 b	Unusable	0335822	N\$ 147.12
1000	J175 Summons (1 X box)	Unusable	0311260	N\$ 1 500.00

2. **Redundant items: Total value of N\$5 678.81**

<u>Quantity</u>	<u>Descriptions</u>	<u>Reason</u>	<u>Item Number</u>	<u>Value VAT Excl</u>
1006	Box File Stickers	Redundant	0313017	N\$ 118.89
5	Mini Data Cartridges	Redundant	0321516	N\$ 390.14
32	Desktop calendar	Redundant	0331015	N\$ 1 568.00
3	Statements Swakopmund	Redundant	0332518	N\$ 1 156.19
1	Pay Slips 3 Part	Redundant	0332920	N\$ 1 463.58
5	Expenditure Vouchers	Redundant	0333417	N\$ 254.91
3	Mt 660 Printer Ribbor	Redundant	0335260	N\$ 330.00
10	Lapel En Pet Wapen	Redundant	0411817	N\$ 29.27
1	Computer Paper 4 Part I-Line	Redundant	0335711	N\$ 367.83

- (d) That all Councillors be notified of the auction dates.

11.1.16 **MESSRS HAFENI TOURISM GROUP (PTY) LTD: DETERMINATION OF PURCHASE PRICE FOR A PORTION OF LAND ON ERF 4326 MONDESA TO BUILD MONDESA HOTEL AND TRADITIONAL RESTAURANT**

(C/M 2018/06/28 - M 4326)

**RESOLVED:**

- (a) That Council approves the purchase price of N\$ 975 000.00 (N\$325.00/m<sup>2</sup> x 3 000m<sup>2</sup> = N\$975 000.00), 15% VAT excluded for the sale of a portion of Erf 4326, Mondesa to Hafeni Tourism Group (Pty) Ltd to development a Mondesa Hotel and Traditional Restaurant subject to the condition as approved by Council on 27 April 2017 under item 11.1.16.

- (b) That in terms of point (a) the purchaser is paying a purchase priced calculated and based on the assumption that the erf is zoned “*General Business*” it is not necessary to charge a betterment fee, it is therefore required to amend by deletion the following points of Council’s resolution passed on 27 April 2017 under item 11.1.6:

- (f) *That valuations be obtained from 3 valuers based on a “General Business” zoning ~~and that the betterment fee be levied accordingly.~~*
- (g) *That the purchase price, ~~the relevant betterment fee~~ and the conditions of sale be submitted for consideration.*

- (c) That the Engineering Services Department finalize the following statutory processes as resolved by Council on 27 April 2017 under item 11.1.16:

- (i) *Subdivision of Erf 4326, Mondesa into a newly created Erf .*
- (ii) *Rezoning of the newly created Erf be “General Business with a bulk of 2.0”.*

- (d) That once the statutory processes is finalized, the sale of a portion of Erf 4326, Mondesa to Messrs Hafeni Tourism Group (Pty) be advertised for possible objections as required in terms of the Local Authorities Act, Act 23 of 1992 as amended.

- (e) That the following standard conditions be applicable:

- (i) *That the purchaser pay a deposit of N\$10 000.00 towards the statutory costs relating to the transaction including, but not limited to advertising cost, compilation of the agreement of sale, as well as any legal costs that may arise from this transaction.*
- (ii) *That any remainder of the deposit in (i) above be refunded to the purchaser on completion of the related statutory processes.*
- (iii) *That the purchaser accept that no rights will accrue to him from Council’s resolution unless all the relevant conditions of the Property Policy are complied with in full and all the relevant authorities have given the necessary permission, if applicable.*
- (iv) *The erf is sold “voetstoots” or “as is” with the Council giving no warranty or guarantee, whether express or implied, oral or tacit, as to the suitability of the lay-out or situation or subterranean composition of the property or any improvements thereon. The Council also does not warrant that the services installed at the property are suitable for the use intended by the Purchaser. It is therefore the obligation of the purchaser to verify that the installed electricity, sewage and water connections are suitable for the intended use of the property.*
- (v) *Failure to pay the purchase price in cash or secure payment by formal bank guarantee on the 120<sup>th</sup> day will result in the transaction being cancelled without the need to place the purchaser on terms, should the purchase price be secured by a formal bank guarantee the transfer must be effected on or before the 120<sup>th</sup> day, else interest will be levied as from the date of allocation or Ministerial approval until the date of registration of transfer at a rate as confirmed with Council’s bank on the date of sale.*
- (vi) *That the purchaser must construct structural improvements worth at least 4 times the municipal valuation of the property. Structural improvements, for purposes of this condition, shall not include the construction of boundary walls or any changes to the subterranean composition of the property;*
- (vii) *That the said improvements must be completed within 24 months (2 years) from date of transfer.*
- (viii) *That the property may not be alienated within 24 months (2 years) unless a completion certificate is issued in respect of the structural improvements,*

*referred to in (vi) above. This restraint of alienation is to be registered against the title deed of the property.*

- (ix) *No development or construction will be permitted to commence until the statutory processes have been completed and the erven are transferred.*
- (x) *The agreement of sale be signed and returned to the Swakopmund Municipality, by the purchaser within 21 days of receipt thereof.*
- (xi) *That the purchaser indemnifies Council against any claims resulting from blasting, should blasting need to be done.*

11.1.17 **APPLICATION FOR CONSENT TO OPERATE A SELF-CATERING ACCOMMODATION ESTABLISHMENT ON ERF 172, VOGELSTRAND**  
(C/M 2018/06/28 - VS 172)

**RESOLVED:**

- (a) That the applicant is advised to apply to the Health Services Department for registration as a business, and internal procedures be determined by affected parties.
- (b) That the applicant be advised that the Swakopmund Town Planning Scheme does not require registration of self-catering rental accommodation where the whole residential unit as shown on approved building plans, is to be rented out.
- (c) That the objector be advised to submit a complaint to the relevant department and that should the objector believe that the health and security complaints remain valid that the objector be advised to file an official complaint with the Police.
- (d) That property owner(s) wishing to use their properties for self-catering establishments be advised to submit applications to the Health Services Department for business registration as provided for in terms of the General Health Regulations.

11.1.18 **SALE OF ERF 4883, SWAKOPMUND TO MESSRS O'B DAVIDS PROPERTIES CC: COMPARISON WITH TWO TRANSACTIONS LOCATED IN PROXIMITY**  
(C/M 2018/06/28 - E 4883, E 4886, E 4884)

**RESOLVED:**

- (a) That the sale of Erf 4883, Swakopmund to Messrs O'B Davids Properties CC be approved at a purchase price of N\$3 572 052.60 (N\$ 354.30/m<sup>2</sup> x 10 082m<sup>2</sup>) + 15% VAT in the amount of N\$ 535 807.89; amounting to a total amount of N\$ 4 107 860.49.
- (b) That the following three Council resolutions be amended as per the conditions below:
  - 27 February 2014 under item 11.1.8
  - 27 October 2016 under item 11.1.2
  - 30 November 2017 under item 11.1.2
- (c) That Messrs O'B Davids Properties CC be informed that Erf 4883 is zoned "*General Industrial*" and that brickmaking is regarded as



a noxious industry and should brickmaking be their intended venture, they must apply for consent use.

- (d) That all costs relating to the transaction be for Messrs OB Davids Properties CC, including but not limited to the advertising cost, compilation of the agreement of sale, as well as any legal costs that may arise from this transaction.
- (e) That upon acceptance of the purchase price for the erf by Messrs O'B Davids Properties CC, Council's intention to sell Erf 4883, Swakopmund to Messrs O'B Davids Properties CC be advertised for possible objections as required in terms of the Local Authorities Act, Act 23 of 1992, as amended, at the cost of the purchaser.
- (f) That the property may not be alienated within 48 months from date of transfer or a completion certificate is issued in respect of the structural improvements, whichever is the earlier. This restraint of alienation is to be registered against the title deed of the property. In this case, "*alienate*" shall include the alienation of the equity in the corporate entity, or any part thereof, or the beneficiaries, but not the registration of the bond in favour of a bank.
- (g) That the following standard conditions be applicable:
  - (i) *That Messrs O'B Davids Properties CC must accept that no rights will accrue to them from Council's resolution unless all the relevant conditions of the Property Policy are complied with in full and all the relevant authorities have given the necessary permission, if applicable.*
  - (ii) *That the property be sold voetstoots or "as is" with Council giving no warranty or guarantee, whether express or implied, oral or tacit, as to the suitability of the lay-out or situation or subterranean composition of the property or any improvements thereon.*
  - (iii) *That Council does not warrant that the services installed at the property is suitable for the use intended by the purchaser.*
  - (iv) *That the purchaser verifies that the installed electricity, sewage and water connections are suitable for the intended use of the property.*
  - (v) *No development or construction will be permitted to commence until the statutory processes have been completed and the erf transferred.*
  - (vi) *The agreement of sale must be concluded and signed within:*
    - (a) *12 months from the closing date for objections, should none be received; or within*
    - (b) *3 months from date of approval of the transaction by the Minister of Urban and Rural Development, in cases where objections were received; failing which Council's offer will lapse.*
  - (vii) *The agreement of sale be signed and returned to the Swakopmund Municipality, by the purchaser within 21 days of being requested to do so.*
  - (viii) *The purchase prices and 15% VAT shall be secured by means of a bank guarantee payable on date of transfer; should transfer not be registered on / before the 120<sup>th</sup> day interest shall accrue from date of sale until date of transfer.*
  - (ix) *The purchaser 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,*
  - (x) *That purchaser indemnifies Council against any claims resulting from blasting, should blasting need to be done.*
- (h) That the lease agreement for Erf 4883, Swakopmund with Messrs O'B Davids Properties CC lapses on date of transfer of the Erf.

The meeting adjourned: **20:09**

Minutes confirmed on: **26 July 2018**

**Councillor P N D Nashilundo**  
**MAYOR**

*AK-*

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