

MINUTES

of an **Ordinary Council Meeting** held in the Council Chambers, Municipal Head Office Building, Swakopmund on **Thursday, 28 November 2013** at **19:00**.

PRESENT:

Councillor J Kambueshe	:	Mayor (Chairperson of Council)
Alderwoman R //Hoabes	:	Chairperson of Management Committee
Councillor R N Andreas-Noabes	:	Alternate Chairperson of MC
Councillor N N Salomon	:	Member of Management Committee
Councillor U Kaapehi	:	Member of Council
Councillor P V Steinkopff	:	Member of Council
Alderman E //Khoaseb	:	Member of Council

OFFICIALS:

Mr E Demasius	:	Chief Executive Officer
Mr H !Naruseb	:	GM: Finance
Mr M P C Swarts	:	GM: Corporate Services & HR
Mr D Duvenhage	:	GM: Engineering Services
Ms L Mutenda	:	Acting GM: Health Services
Mr I !Gonteb	:	Manager: Finance
Mr A Plaatjie	:	Manager: Corporate Services
Mr M Bahr	:	Manager: Human Resources
Mr M Cloete	:	Manager: Traffic Services
Mr M Amedick	:	Manager: Planning
Ms S Bruwer	:	Corporate Officer: Properties
Ms I Ortner	:	PA to the Mayor
Ms A Gebhardt	:	Administrative Officer: Administration

ALSO PRESENT:

One (1) representative each from the Namibian, Namib Times, Namib Independent and the Namibian Broadcasting Corporation attended the meeting. Also in attendance were 26 (twenty six) members of the public, members of the Junior Town Council and 3 (three) staff members received Long Service and Retirement Awards.

1. **OPENING**

Pastor Diergaardt opened the meeting with scripture reading and a prayer.

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

2.1 Application for leave of absence

Councillor L M Tlhabanello-Madi	-	Approved
Councillor A N Bessinger	-	Approved
Councillor F Hamukwaya	-	Approved

2.2 Declaration of interest - None

3. **CONFIRMATION OF MINUTES**
(C/M 2013/11/28 - A 2/3/5)

3.1 **MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 31 OCTOBER 2013**

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

RESOLVED:

That the minutes of the Ordinary Council Meeting held on 31 October 2013, be confirmed.

3.2 **MINUTES OF A SPECIAL COUNCIL MEETING HELD ON 11 NOVEMBER 2013**

RESOLVED:

That the minutes of the Special Council Meeting held on 11 November 2013, be noted.

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

None.

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

5.1 **ANNOUNCEMENTS BY HIS WORSHIP THE MAYOR AND CHAIRPERSON OF COUNCIL**

(C/M 2013/11/28 - A 2/3/5)

His Worship the Mayor welcomed everybody to the meeting and delivered his monthly announcements.

Councillor U Kaapehi, Council's Sports representative introduced Mr Gotlieb Ndokosho, as boxer from Swakopmund who won the International Featherweight Title in boxing recently. He said that Swakopmunders should be proud to have achievers like Mr Gotlieb Ndokosho and that they should support him throughout his fights.

5.2 **LONG SERVICE AWARDS**

(C/M 2013/11/28 - B 1/8)

His Worship, the Mayor, also announced as follows:

QUOTED

Long Service Awards:

The following staff members received Long Service Awards:

- R Kandovazo - 35 Years
- T Heydenrych - 5 Years, 8 months and retirement.
- S Shiwedha - 38 Years, 4 months and retirement

6. **PETITIONS**

None.

7. **MOTIONS OF MEMBERS**

None.

8. **ANSWERS TO QUESTIONS FROM MEMBERS OF WHICH NOTICE HAS BEEN GIVEN**

None.

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

- 9.1 The feedback on the resolutions taken by Council on 31 October 2013 was noted.

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

10.1 **MINUTES OF MANAGEMENT COMMITTEE MEETING HELD DURING NOVEMBER 2013**

(C/M 2013/11/28 - A 2/3/5)

RESOLVED:

That the resolutions taken at an Ordinary Management Committee Meeting held on 19 November 2013 be noted.

11. **RECOMMENDATIONS BY THE MANAGEMENT COMMITTEE**
- 11.1 **ORDINARY MANAGEMENT COMMITTEE MEETING HELD ON 17 OCTOBER 2013**
- 11.1.1 **REQUEST FOR ASSISTANCE: ACCOMMODATION FOR POLICE OFFICERS DURING THE FESTIVE SEASON**
(C/M 2013/11/28 - A 1/3/20, A 2/3/2/1/3)

RESOLVED:

- (a) That an amount of N\$18 700.00 be donated, in kind, towards the Namibian Special Police Force for the accommodation of the officers who will be assisting with crime prevention in Swakopmund during the 2013/2014 festive seasons.
- (b) That an invoice and bank details be provided for the payment of accommodation and kitchen facilities at the Ernst Rumpf Hostel.
- (c) That the General Manager: Finance source the funding of the additional N\$13 700.00 which is required for the cost and the amount be defrayed from the Donations by Mayor Vote 100510207706 where N\$5 000.00 is available.
- (d) That consideration be given to enlarge the budget amount and that it be budgeted for under an identified vote in future for this purpose.

-
- 11.1.2 **AMENDMENTS TO HANGAR LEASE AGREEMENTS: SWAKOPMUND AERODROME**
(C/M 2013/11/28 - N 9/1)

RESOLVED:

- (a) That all existing lease agreements be terminated and that hangar owners be issued with new lease agreements incorporating the changes in (b) (i) to (viii) below and that this new agreement replaces the existing lease agreement as valid contract reflecting the terms and conditions of lease between Council and all hangar lessees at the Swakopmund Aerodrome.
- (b) That the amendment of the following terms of the lease agreement pertaining to the leases of the hangars at the Swakopmund Aerodrome be approved as follows:
 - (i) *That the current lease period of 9 years and 11 months be maintained.*
 - (ii) *That the 6 month's bilateral notice period to cancel the lease agreement be maintained.*
 - (iii) *That clause 3.4 be reworded as follows: "The Lessee shall pay a deposit of N\$ to the Lessor on date of signature hereof. The Lessee shall adjust the deposit annually on the anniversary of the commencement date of the lease, so that the deposit shall at all times be equal to one month's rental. The Lessor shall be entitled to apply the whole or portion thereof to the payment of the rental or settlement of any other liability for which the Lessee is responsible in terms of this lease. If any portion of the deposit is so applied, the Lessee shall forthwith on demand thereof by the Lessor reinstate the deposit in full. The deposit shall be retained by the Lessor until termination of the lease, the vacation of the premises by the Lessee and the complete discharge of the Lessee's obligations to the Lessor arising from this lease, whereafter it shall be refunded to the Lessee. The Lessee shall not be entitled to set-off against the*

deposit any rental or any other moneys payable by it in terms of the provisions of this lease."

- (iv) *That the wording 'complete satisfaction' in clause 6.1 be replaced with 'reasonable satisfaction'.*
- (v) *That clause 7.1 be left unchanged.*
- (vi) *That the wording 'which approval will not be withheld unreasonably' be added to the end of clause 7.3.1*
- (vii) *That clause 8.2 be amended to read: "The Lessee hereby indemnifies and undertakes to keep the Lessor indemnified against any claim for loss or damages of property or person or any claim whatsoever which may be made against the Lessor by any person visiting, employed or present at the premises for whatsoever reason or any conduct or omission occurring at the premises or as a result of any conditions present at the premises irrespective of whether such act committed or omission occasioned by the Lessee, any person or animal for whose action it is in law liable for, or by any other party whatsoever or any claim made against the Lessor."*
- (viii) *That clause 8.3 be reworded as follows: "This indemnity extends to any order, expense or cost which may be given against or incurred by the Lessor in relation to any claim referred to in this clause 8 and the Lessee shall forthwith on demand thereto by the Lessor, settle any such expense or cost or refund the Lessor in respect of same, as the case may be."*
- (ix) *That clause 8.4 be deleted.*
- (x) *That clause 13.1.2 be reworded as follows: "subject to the provisions of clause 13.1.3, the LESSOR shall not cancel on the ground of the LESSEE'S breach or the LESSEE permitting a breach of any of the provisions of this lease (other than the provisions of clause 4 above), without first having given 14 (fourteen) days' notice in writing calling upon the LESSEE to rectify such breach or to cause the rectification of such breach (as the case may be) and the LESSEE failing to comply with the notice;*

11.1.3 **CLOSED BID SALE OF 7 JUNE 2013: RESALE OF ERF 5627, EXTENSION 17, DUNES ESTATE**
(C/M 2013/11/28 - E 5627)

RESOLVED:

- (a) That it be noted that Erf 5627, Swakopmund was not sold at the Closed Bid Sale of 7 June 2013.
 - (b) That Erf 5627, Swakopmund be sold by means of the Cost Limited Average Price method at a Closed Bid Sale in 2014 together with the remaining unsold Industrial erven.
 - (c) That the Cost Limited Average Price method be adopted and incorporated into Council's Property Policy.
 - (d) That staff members be trained to administer the Cost Limited Average Price.
-

11.1.4 **CLOSED BID SALE OF ERF 4884, SWAKOPMUND**
(C/M 2013/11/28 - E 4884)

RESOLVED:

- (a) That the cancellation of the sale of Erf 4884, Swakopmund to Messrs HHH Investment be noted.
 - (b) That Council invokes it's right to not offer the property for sale to the 2nd highest bidder.
 - (c) That Erf 4884, Swakopmund be offered for sale by means of a Closed Bid sale once the rezoning of the property to "*General Industrial*" has been finalised.
-

11.1.5 **LIFE SAVING AT THE MOLE BEACH**
(C/M 2013/11/28 - N 7/2/41)

RESOLVED:

- (a) That Messrs Sea Rescue Institute of Namibia be permitted to assist with the life guard duties at the beach during the upcoming festive season.
 - (b) That an amount of N\$15 000.00 be paid to Sea Rescue Institute for life saving initiative and that the expenses be defrayed from Life Savers Vote 104010102700 where N\$15 000. 00 is available.
 - (c) That Messrs Sea Rescue Institute of Namibia be informed to submit a report after the festive season.
 - (d) That Messrs Sea Rescue Institute of Namibia be informed that they are working under the auspices of the Fire Brigade.
 - (e) That Messrs Sea Rescue Institute of Namibia be provided with clear identified responsibilities.
-

11.1.6 **INVITATION FOR BUSINESS PROPOSALS TO LEASE TWO KIOSKS AT ERVEN 503, TAMARISKIA AND 3701, MONDESA**
(C/M 2013/11/28 - T 503, M 3701)

RESOLVED:

- (a) That the following applicants be disqualified for failing to submit required documents as stipulated in the proposal document:
 - (i) *Messrs Clive's Printing Solutions - no proof of voters registration card / declaration of residentship. There is no proof that the applicant is a resident of Mondesa.*
 - (ii) *Messrs Swakopmund Youth With a Vision - no proof of voters' registration card / declaration of residentship. There is no proof that the applicant is a resident of Mondesa. Did not clearly specify preferred kiosk.*
 - (iii) *Messrs Tifanny Kavita - did not specify preferred kiosk.*

- (b) That Council approves the following applicants for a period of 2 (two) years at a cost of N\$10.00 per month which will escalate with 10% annually from 1 July:

APPLICANT	ERF NO. OF LESSEE	PROPOSAL
Messrs Hanganene Grounds Café	Erf 503, Tamariskia	<i>Take away selling snacks and light meals such as hotdogs, soft drinks, newspapers and prepaid airtime.</i>
Messrs Zelda Trading Enterprises	Erf 3701, Mondesa	<i>Will sell daily needs such as bread, buns, soft drinks, sweets, chips, hotdogs, pie, hamburger, newspapers, cigarette, coffee and tea and airtime.</i>

- (c) That the following conditions apply:

- (i) The LESSEE shall be expected to:
- *Clean (rake) the area around the kiosk*
 - *Clean (rake) the nearby playground*
 - *See to the cleanliness of the nearby playground*
 - *Clean the toilets (inside and outside)*
 - *Control the use of toilets, but does not derive any income from the use thereof*
- (ii) Selling of alcohol beverages or overnighting on the premises will not be allowed.
- (iii) The LESSEE must specify his/her trading hours.

11.1.7 **FINANCIAL YEAR END: 2012/2013**
(C/M 2013/11/28 - D 2/1)

RESOLVED:

- (a) That the additional funds to the value of N\$3 973 060.00 required for payment to Messrs NamWater for bulk water purchases be approved.
- (b) That the additional funds to the value of N\$139 000.00 required for payment to Messrs Erongo Regional Council for payment of the supplementary 5% Assessment Rates be approved.
- (c) That the additional funds to the value of N\$1 481 357.22 for the Leave Reserve Fund be approved.
- (d) That the additional funds to the value of N\$18 000.00 for payment of the increase valuation costs be approved.
- (e) That the over expenditure amounting to N\$1 734 847.43 as per Annexure "A" (on file) be approved.
- (f) That the General Manager: Finance provides additional explanation for over expenditures in future.

11.1.8 **DETERMINATION OF CONDITIONS OF ALIENATION OF LAND TO TRANSNAMIB HOLDINGS LIMITED TO RELOCATE THE RAILWAY STATION**

(C/M 2013/11/28 - E 466, G 4/2/1/2)

RESOLVED:

- (a) That the Engineering Services Department in collaboration with Messrs TransNamib Limited determine the relevant portion of the Remainder of Portion B of the Swakopmund Town and Townlands No. 41 that would be required for the establishment of a railway line and railway siding.
- (b) That the portion of the Remainder of Portion B of the Swakopmund Town and Townlands No 41. established in (a) be donated to Messrs TransNamib Limited.
- (c) That the newly created erf be rezoned "*Authority*" at the cost of Messrs TransNamib Limited.
- (d) That Messrs TransNamib Limited be required to provide the equivalent value of the portion donated to them in terms of (b) above as social responsibility based on the size as per the erf diagram and at a rate of N\$20.00/m²
- (e) That a submission be tabled to Council in 2014 to define what Council considers within the scope of 'social responsibility' together with the relevant guidelines and rules to be made applicable in the enforcement hereof;
- (f) That should Messrs TransNamib Limited require any other portion of the Remainder of Portion B of the Swakopmund Town and Townlands No 41 that such application be submitted to Council for approval.
- (g) That the relevant portion identified in (f) be sold at a rate of N\$20.00/m².
- (h) That Messrs TransNamib Limited 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.
- (i) That the requirements regarding the alienation of immovable property as prescribed in terms of the Local Authorities Act 23 of 1992, as amended, and the Townships Ordinance 11 of 1963 respectively, must be complied with in full.
- (j) That no development or construction will be permitted to commence until the statutory processes have been completed.
- (k) That all costs relating to the availing of the portion of land, transfer of the erf, (including but not limited to transfer duty, conveyancer's costs, compilation of Agreement of Sale, the required town planning procedures, alienation cost and provision of services as well as any legal or other costs that may arise from this application), shall be for Messrs TransNamib Limited's account.

- (l) That Messrs TransNamib Limited shall submit layout plans, indicating the civil services infrastructure, building plans, as well as the service demand for the intended project for approval by the General Manager: Engineering Services prior to commencement of installation of the said services.
- (m) That internal and external services must be completed within 24 months from date of sale, being the date of signing the deed of sale.
- (n) That Messrs TransNamib Limited shall supply designs for all civil services infrastructure for its own account and to the specifications of the Engineering Services Department and Erongo RED. All costs with regard to the provision of municipal services required for any development shall be paid by Messrs TransNamib Limited prior to any such services being provided by Council.
- (o) That no subdivision and sale of any portion of the new erf will be considered.
- (p) That should Messrs TransNamib Limited no longer need the land or wish to sell it:
 - (i) *the donated land must be retransferred to Council and the beneficially useful improvements thereon can be purchased by Council at the market value thereof;*
 - (ii) *any land purchased by Messrs TransNamib Limited must be offered to Council at the original purchase price and beneficially useful improvements be sold at the market value.*

11.1.9 **OBJECTION RECEIVED AGAINST THE LEASE OF A PORTION OF ERF 2747, AND ERF 1316, SWAKOPMUND TO MESSRS KAZAK AFRICAN EXPERIENCE CULTURAL TOURISM CC**
(C/M 2013/11/28 - E 2747)

RESOLVED:

- (a) That it be noted that Messrs Kazak African Experience Tourism is registered as a Close Corporation, therefore the name of the sole proprietary as it appears in all Council's previous resolutions regarding leasing a portion of land situated on Erf 2747 and 1316, Swakopmund be replaced with Messrs Kazak African Experience Cultural Tourism CC.
- (b) That Council rejects the objections received and submit same together with Council's motivation to the Honourable Minister of Regional and Local Government, Housing and Rural Development as required in terms of Section 63 of the Local Authorities Act, Act 23 of 1992, as amended.
- (c) That Council applies to the Honourable Minister of Regional and Local Government, Housing and Rural Development for permission in terms of Section 48 (a) (i) of the Town Planning Ordinance 18 of 1954 to proceed with the lease of the area to Messrs Kazak African Experience Cultural Tourism CC located on Erf 2747, Swakopmund and Erf 1316, Swakopmund while the rezoning is in progress; and to continue with the following lease agreements:

	Lessee	Lease Period
1	Swakopmund Paintball Adventure Centre	1 Nov 2010 until 30 Sep 2020
2	Desert Tavern	1 Aug 2009 until 30 Jun 2019
3	Fiscon Investments 108 CC	1 Dec 2012 until 30 Nov 2017

11.1.10 **INVITATION FOR BUSINESS PROPOSALS TO LEASE AND MANAGE THE TAXI RANK ON ERF 4353, MONDESA**

(C/M 2013/11/28 - M 4353)

RESOLVED:

- (a) That the management of the Taxi Rank on Erf 4353, Mondesa be awarded to Messrs Seibeb Trading Enterprises which met all the requirements as outlined in the invitation documents, at the offered price of N\$ 2,100.00 per month.
- (b) That the lease agreement be for the period of three (3) years, whereby the Lessee is responsible for the following:
 - (i) *The upkeep including cleaning and maintenance of the area concerned (loading zones and car wash).*
 - (ii) *Providing security to ensure an orderly and safe site for the parking of taxis and buses embarking and disembarking of passengers as well as the loading and offloading of goods.*
 - (iii) *Providing ancillary services to passengers as required and ensures the proper running and management of the taxi rank.*
 - (iv) *Providing clear sets of rules, guidelines and a pricelist for the use of the property by taxis or buses operators.*
 - (v) *Ensuring that the users, viz. taxi drivers/owners, passengers, employees and members of the public adhere to the rules and regulations for the use of the property (loading zone and car wash).*

11.1.11 **APPLICATION BY CREATOR'S CABIN TO ADMINISTER ACCESS TO AND EXIT FROM THE DAMARA TOWER SITUATED IN THE WOERMANN HAUS**

(C/M 2013/11/28 - E 1/4/1, E 1308)

RESOLVED:

- (a) That the proposal of Messrs Creator's Cabin to administer the access to the Tower and exit from the Tower not be approved due to the poor condition of the balustrade on top of the Tower, staircases that lead to the tower and also future renovations that will take place.
- (b) That Mr & Mrs Swart of Creator's Cabin be informed to participate when proposals are invited from the public once renovations are finalised.
- (c) That the Engineering Services Department install boards at the entrance of the door, displaying the words "no unauthorised access and *"enter at own risk"*.
- (d) That the Works Section of the Engineering Services Department replaces the lock of the entrance door and therefore eliminate unauthorised people from entering the tower; and provide a copy of the key to the following lessees in the Tower:
 - Room 20 - Ms M Heuschneider-Hofer
 - Room 18 - Swakopmund Youth Development & Arts Centre
 - Room 21 - Swakopmund Arts Association

- (e) That the tower be locked and that access to the public only be limited to the deck area for viewing.
- (f) That the keys to the tower be handed over to the Corporate Services and Human Resources Department immediately.

11.1.12 **REQUEST FOR RENTAL OF THE WATER TOWER INFRASTRUCTURE AT THE WASTE WATER WORKS**
(C/M 2013/11/28 - G 4/2/2/2)

RESOLVED:

- (a) That Council enters into a lease agreement with Messrs Linx Swakopmund CCTV & Security Services allowing them to mount a maximum of four antennae on the water tower at the Waste Water Works in Daniel Kamho Street.
- (b) That the lease tariff be determined at N\$1 000.00 per month (15% VAT excluded) per antenna.
- (c) That the lease be for a period of 5 years.
- (d) That the area on the water tower be leased on the explicit condition that the lessee indemnifies Council against any claim for damages whatsoever resulting from its occupation and usage.
- (e) That Messrs Linx Swakopmund CCTV & Security Services installs their own electrical meter so that any related expenses and costs generated be allocated to them.
- (f) That the proposed lease be advertised in terms of Section 63 of the Local Authorities Act, (Act 23 of 1992), as amended at the cost of Messrs Linx Swakopmund CCTV & Security Services.
- (g) That Council's standard conditions as approved on 30 August 2012 be made applicable for the rental of a portion of the water tower.
- (h) That the lease tariff for antennae fixed against Council's existing structures be set at N\$1 000.00 per month per antennae.
- (i) That an annual escalation of 10% be made applicable to the rental.
- (j) That all costs relating to the lease, including, but not limited to advertising costs, be for the account of the lessee.
- (k) That the antennae and related cabling be mounted on the water tower with prior approval and supervision of the Engineering Services Department.
- (l) That Council will not reimburse Messrs Linx Swakopmund CCTV & Security Services for any costs relating to the installation or damage or loss of its antennae or related cabling during or after the termination of the lease agreement.
- (m) That any damages that may be caused to the water tower (including pipes, etc.) as a result of Messrs Linx Swakopmund

CCTV & Security Services' lease of the tower shall be repaired at their cost and on demand.

- (n) That if it be determined that the signal transmitted by the antennae of Messrs Linx Swakopmund CCTV & Security Services' in any way interferes with any existing installations, the lease be cancelled and antennae removed at their cost should no solution to the satisfaction of Council be offered.
- (o) That Messrs Linx Swakopmund CCTV & Security Services will be responsible for the proper maintenance of the equipment and should such equipment not be well maintained and thus rust and become unsightly, the lease be cancelled and equipment removed at the cost of the lessee.
- (p) That on the termination of the lease, Messrs Linx Swakopmund CCTV & Security Services be required to remove any antennae and cabling placed by them on the tower at their cost and to the satisfaction of the Engineering Services Department failing which, Council shall have it removed for their account.
- (q) That the Engineering Services Department makes the necessary arrangements to allow Messrs Linx Swakopmund CCTV & Security Services access to the tower.

-
- 11.1.13 1. **CANCELLATION: SALE OF ERF 5338, SWAKOPMUND TO MESSRS ZILLA CALEB TRADING ENTERPRISES CC**
 2. **NOTICE OF DELAYED TRANSFER: MR A SHIIMI**
 (C/M 2013/11/28 - E 5338, E 5304)

RESOLVED:

- (a) That the sale of Erf 5338, Swakopmund to Messrs Zilla Calleb Trading Enterprises CC be cancelled.
 - (b) That Council does not invoke the forfeiture clause but that the amount of N\$133 000.00 paid to Council be refunded to Messrs Zilla Calleb Trading Enterprises CC.
 - (c) That the N\$5 000.00 deposit paid by Messrs Zilla Calleb Trading Enterprises CC be forfeited.
 - (d) That Erf 5338, Swakopmund be sold together with the other cancelled erven in Extension 15, once the Ministerial approval has been granted.
 - (e) That the delayed transfer of Erf 5304, Swakopmund be noted and that Mr A Shiimi be given an opportunity to finalize the transfer by end of February 2014 failing which the transaction be cancelled.
-

- 11.1.14 **APPLICATION FOR PERMISSION TO USE A CONTAINER AT ERF 118, SWAKOPMUND**
(C/M 2013/11/28 - E 118)

RESOLVED:

- (a) That the application of Mr S K Kakoma to use a container at Erf 118, Swakopmund be approved as a temporary measure.
- (b) That Mr S K Kakoma be informed to provide storage facilities to the other hawkers on Erf 118, Swakopmund at a cost.
- (c) That Erf 118, Swakopmund be rezoned from "Public Open Space" to "Public Parking".
- (d) That a design be prepared by Engineering Services Department regarding the parking area on Erf 118, Swakopmund indicating how the hawking sites and storage issue is dealt with.

-
- 11.1.15 **PROGRAMME FOR ORDINARY MONTHLY MANAGEMENT COMMITTEE- AND COUNCIL MEETINGS FOR THE YEAR 2014**
(C/M 2013/11/28 - A 2/3/1/1, A 2/3/1/4)

RESOLVED:

- (a) That the programme for the Ordinary Management Committee- and Council meetings for the period January until November 2014 (as per Annexure "A" on file), be approved.
- (b) That the election of office bearers of Council be arranged to take place on Friday, 28 November 2014.
- (c) That the General Manager: Corporate Services and Human Resources arranges with the district magistrate to chair and facilitate the election of officer bearers at the meeting scheduled for 28 November 2014 by May 2014.

-
- 11.1.16 **SALE OF ERF 5159, SWAKOPMUND: CLOSED BID OF 21 JUNE 2013**
(C/M 2013/11/28 - E 5159)

RESOLVED:

- (a) That the discussions with Messrs Eli Investment Ten CC and Erongo RED to find an amicable solution without cancelling the transaction be noted.
- (b) That the extension of the due date for securing the purchase price of N\$7 662 375.00 to 28 February 2014 be approved.

-
- 11.1.17 **APPLICATION FOR ENDOWMENT ERVEN IN THE DRC SETTLEMENT: MINISTRY OF EDUCATION**
(C/M 2013/11/28 - H 5/4)

RESOLVED:

That the allocation of the endowment Erven B & C in the DRC Settlement to the Ministry of Education for the construction of a Primary School be approved.

11.1.18 **REZONING OF ERF 21, VOGELSTRAND, FROM "SINGLE RESIDENTIAL" WITH A DENSITY OF 1:900 TO "GENERAL RESIDENTIAL 2" WITH A DENSITY OF 1:300**

(C/M 2013/11/28 - VS 21)

During the discussion of this item Councillor P V Steinkopff gave a word of caution regarding the rezoning of Erf 21, Vogelstrand and he advised that the erf remain with its original intention. He added that he does not support the resolution. It was:-

RESOLVED:

- (a) That the rezoning of Erf 21 Vogelstrand from "*Single Residential*" with a density of 1:900 to "*General Residential 2*" with a density of 1:300m² be approved.
- (b) That the approved rezoning of Erf 21, Vogelstrand, be included in the next Amendment Scheme for final approval by the Ministry of Regional and Local Government, Housing and Rural Development.
- (c) That the objectors be informed of their right to appeal (in terms of Clause 8 of the Swakopmund Town Planning Scheme) to the Minister, within 28 days (in respect of resolution (a) above) of this notice against Councils decision, provided that written notice of such an appeal shall be given to the Ministry, as well as Council within the said period.
- (d) That the word of caution from Councillor P V Steinkopff and that he does not support the resolution be noted.

11.1.19 **APPLICATION FOR PERMISSION TO OPERATE A FARM STALL AND A SHOP**

(C/M 2013/11/28 - G 2)

RESOLVED:

That the following application by Mr S Holtzhausen t/a Messrs Mulhausen se Plaas Stal for permission to operate a farm stall and a shop on Plot 45, Nonidas be approved subject to the following:

- *That the applicant registers with the Health Services Department and that the Standard Health Regulations will apply.*
- *That Council reserves the right, to cancel a consent use should there be valid objections.*
- *That they must operate within the Town Planning Scheme Regulations.*

11.1.20 **APPLICATION FOR CONSENT FOR THE RELAXATION OF BUILDING LINE RELAXATION ON ERVEN 780, 3502 AND 3503, SWAKOPMUND**

(C/M 2013/11/28 - E 780, E 3502, E 3503)

RESOLVED:

- (a) That the application for relaxation of Rear Building Line from 3m to 0m on Erven 780, 3502 and 3503, Swakopmund be approved.
- (b) That the application for relaxation of Boundary Wall Height from 1.8m to 13m on Erven 780, 3502 and 3503, Swakopmund be approved.

- (c) That the Body Corporate of Haus Germania and Mr & Mrs Matenar be informed of their right to appeal (in terms of Clause 8 of the Swakopmund Town Planning Scheme) to the Minister, within 28 days (in respect of resolution (a) (b) above) of this notice, against Councils decision, provided that written notice of such an appeal shall be given to the Ministry, as well as Council within the said period.

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

(C/M 2013/11/28 - M 1381)

RESOLVED:

- (a) That the following application for permission to operate an administrative office - cash loan be approved:
- *Erf 1381, Mondesa (Ext. 3) - Ms Silke Roeder t/a Messrs Silke Financial Services CC - Administrative Office - Cash Loan*
- (b) That the applicant registers with the Health Services Department and the standard Health Regulations will apply.
- (c) That the applicant submits proof of registration as a micro lender/cash loan by Namfisa within two months after approval was granted by Council.
- (d) That the consent use be subject to the following:
- *That Council reserves the right, to cancel a consent use should there be valid complaints.*
 - *That they must operate within the Town Planning Scheme regulations.*
 - *That the consent is not transferable.*
 - *That the applicant provides sufficient parking on the premises.*
 - *That no on street parking will be tolerated.*
- (e) That inspection be carried out to ensure that a cash loan is in fact being operated.

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

(C/M 2013/11/28 - M 860)

RESOLVED:

- (a) That the following application for permission to operate an administrative office be approved:
- *Erf 860, Mondesa (13th Avenue) Ext. 2 - Ms Z Ndopu t/a Messrs Zita Driving Academy - Administrative Office – Driving School*
- (b) That the applicant registers with the Health Services Department and the standard Health Regulations will apply.
- (c) That the consent use be subject to the following:
- *That Council reserves the right, to cancel a consent use should there be valid complaints.*
 - *That the applicant must operate within the Town Planning Scheme regulations.*
 - *That the consent is not transferable.*
 - *That sufficient parking will be provided on the premises.*
 - *That no on street parking will be tolerated.*
-

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

(C/M 2013/11/28 - T 3, E 2463, E 4338, T 422, E 433)

RESOLVED:

(a) That the following applications for permission to operate administrative offices be approved:

- *Erf 3, Tamariskia - (7 Vrede Rede Street) - Ms N Uris t/a Ngatuponde Parue Trading CC - Administrative Office
(Notice No. 55/2013-10-29)*
- *Erf 2463, Swakopmund (27 Turmaline Street) - Mr P Hooks t/a Messrs Geo Pollution Technologies - Administrative Office (Environmental Science Consultancy)
(Notice No. 55/2013-10-29)*
- *Erf 4338, Ext. 9 Swakopmund (8 Marigold Street) - Ms L Breed t/a Messrs B Construction - Administrative Office
(Notice No. 55/2013-10-29)*
- *Erf 422, Tamariskia (7 Platinum Avenue) - Mr C M Motonane t/a Messrs Moarabi Investment CC - Administrative Office
(Notice No. 55/2013-10-29)*
- *Erf 433, Swakopmund (9 Linden Street) - Mr W Henseler t/a Messrs Coastal Electrical Services - Administrative Office (Electrical installations and contracting)
(Notice No. 55/2013-10-29)*

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

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

- *That Council reserves the right, to cancel a consent use should there be valid complaints.*
- *That the applicants must operate within the Town Planning Scheme regulations.*
- *That the consent is not transferable.*
- *That sufficient parking will be provided on the premises.*
- *That no on street parking will be tolerated.*
- *That no storage of equipment be done on the premises.*
- *That only one third of the total floor area of all the buildings on the erf is allowed to be used for the resident occupation.*

11.1.24 **UTILISATION OF SAVINGS ON CAPITAL PROJECTS TO DEVELOP DRC INFRASTRUCTURE**

(C/M 2013/11/28 - G 3/9/2, H 5/4)

RESOLVED:

(a) That the application to use savings on the following Votes; 201534017500 (Streets), 302534016500 (Sewerage Works), 402034017100 (Water supply), identified for the development of infrastructure for Tamariskia Extension 3, to finance the development of infrastructure for the DRC Area be approved.

(b) That the application of unused funds, identified as such by the relevant Head of Department, on all completed Capital Projects for the development of infrastructure in the DRC Area be approved.

- 11.1.25 **APPLICATION FOR RELAXATION OF PARKING REQUIREMENTS FOR ERF 228 C, SWAKOPMUND, IN ACCORDANCE WITH THE TOWN PLANNING PARAMETERS**
(C/M 2013/11/28 - E 228 C)

RESOLVED:

- (a) That the application for relaxation of parking requirements for Erf 228 C, Swakopmund, be approved on the conditions below.
- (b) That Council enters into an agreement with Messrs Vantrimar Properties CC for the provision and construction of an interlocked parking area for the unpaved area of about 3 300 m² between the Amphitheatre and Am Zoll Street as per the diagram (on file), with the construction done to the specifications and satisfaction of the Engineering Services Department.
- (c) That the completion certificate only be given to Messrs Vantrimar Properties CC once the area of about 3 300 m² is completely paved.
- (d) That in future Council adopts a Policy whereby, for the Conservation Area, business enterprises may acquire / develop alternative parking (constructed to specification by Engineering Services Department) at a cost and location to be determined by Council, in lieu of on-site parking.

-
- 11.1.26 **REQUESTING FOR EXTENSION OF TIME FOR PAYMENT OF PURCHASE PRICE FOR ERVEN 3289, 3290 AND 3291, MONDESA**
(C/M 2013/11/28 - M 3289, M 3290, M 3291)

RESOLVED:

That the extension of time for the due date for payment of the purchase prices in respect of Erven 3289, 3290 and 3291, Mondesa from 23 December 2013 to 28 February 2014 be approved.

-
- 11.1.27 **INTERNAL AUDIT FOLLOW-UP AUDIT REPORT**
(C/M 2013/11/28 - D 10/1)

RESOLVED:

- (a) That the Internal Audit Follow-up Audit Report combined with the Chief Executive Officers Tracking Report submitted by Messrs Ernst & Young, be noted.
- (b) That the observation made of the 53% partially implemented corrective actions on findings as well as the 13% actions not yet been implemented on findings, be noted and be followed-up by the Chief Executive Officer and Messrs Ernst & Young to ensure that full implementation takes place.

The meeting adjourned 19:50

Minutes confirmed on: 28 January 2014

Councillor J Kambueshe
CHAIRPERSON

EUW Demasius
CHIEF EXECUTIVE OFFICER

AG/-