

AGENDA

Ordinary Council Meeting

on

THURSDAY





31 OCTOBER 2013

at

19:00



MUNICIPALITY OF SWAKOPMUND

 (064) 4104206
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 53 Swakopmund
NAMIBIA
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Ref No A 2/3/5

Enquiries: A Gebhardt

21 October 2013

The Mayor and Councillors
Municipality
SWAKOPMUND

Dear Sir / Madam

NOTICE: ORDINARY COUNCIL MEETING

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

THURSDAY, 31 OCTOBER 2013 at 19:00,

C Lawrence
ACTING CHIEF EXECUTIVE OFFICER

AG/-

INDEX

1. **OPENING**

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

- 2.1 Application for leave of absence.
2.2 Declaration of interest.
-

3. **CONFIRMATION OF MINUTES**
(C/M 2013/10/31 - A 2/3/5)

- 3.1 Minutes of an **Ordinary Council Meeting** held on **26 September 2013**.
(pp 113/2013 - 124/2013)
3.2 Minutes of an **Ordinary Council Meeting** held on **10 October 2013**.
(pp 125/2013 - 127/2013)
-

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

None.

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

- 5.1 Announcements by the Mayor and Chairperson of Council.
5.2 Long Service Awards.
-

6. **PETITIONS**

None.

7. **MOTIONS OF MEMBERS**

None.

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

None.

9. **FEEDBACK REPORT ON THE EXECUTION OF RESOLUTIONS
TAKEN BY COUNCIL IN 26 SEPTEMBER 2013**

PAGE

9.1 **Ordinary Council Meeting held on 26 September 2013.** **1 - 3**

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

PAGE

10. (A) Minutes of an **Ordinary Management Committee meeting held on 17 October 2013** **4 - 10**

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

11.1 **AN ORDINARY MANAGEMENT COMMITTEE MEETING HELD ON
17 OCTOBER 2013**

ITEM NO	SUBJECT	REF NO	PAGE
11.1.1	Nedcor Investment Loan Agreement	D 10	11
11.1.2	Request For Additional Funds - Registration Of Residents Of The DRC Informal Settlement, Mondesa Backyard Tenants And Others	H 5	16
11.1.3	Application For Extension Of Lease Agreement Of Messrs E.P.C Events & Catering	E 1/1/1	21
11.1.4	Martin Luther Historical Site - Expiry Of Lease Period	J 8/3	30
11.1.5	Application By Ovahimba Group To Lease A Portion Of Land To Establish A Traditional Himba Village	G 4/1/1	42
11.1.6	Request For Extension Of Lease Period By Messrs Quarry Ventures On Behalf Of Messrs Namibia Construction (Pty) Ltd	G 2/2	47
11.1.7	Quarry Ventures: Lease Area No 1, Mile 4 Quarry - Application To Erect Temporary Accommodation	G 2/2	61
11.1.8	3 rd Addendum To The Deed Of Sale: Strand Hotel Development	E 4743	69
11.1.9	Objection Received Against The Sale Of 35 Light Industrial Erven - New Industrial Area, Ext 10, Swakopmund	G 4/1/3, E 4864, E 4865, E 4818, E 4819	96
11.1.10	Street Resealing Programme	N 8/13/1/4	116
11.1.11	Request For Additional Funds For Tender T17/2011 - Electrical Infrastructure For PDA Erven Phase 3	H 5/7	119
11.1.12	Request For Additional Funds For Security Services At Public Buildings	D 2/1	121

ITEM NO	SUBJECT	REF NO	PAGE
11.1.13	Application For Permission To Operate A Resident Occupation - Administrative Office (Cash Loan)	T 414	122
11.1.14	Disposal Of Old And Redundant Computer Equipment	A 4/3/18	126
11.1.15	Request By Messrs More Abundant Life Welfare Organization To Use Erf 2265, Mondesa For Various Community Based Services	M 2265	129
11.1.16	Application For Relaxation Of Parking Requirements For Erf 514, Swakopmund, In Accordance With The Town Planning Parameters	E 514	134
11.1.17	Application For Relaxation Of Parking Requirements For Erf 228C, Swakopmund, In Accordance With The Town Planning Parameters	E 228 C	138
11.1.18	Application For The Relaxation Of Building Height On Erf 48, Mile 4	M4 E 48	142
11.1.19	Application For The Relaxation Of Building Height On Erf 4131, Extension 12, Swakopmund	VS 4131	145
11.1.20	Rezoning Of Subdivided Portions A And B Of The Remainder Of Erf 1771, Swakopmund Extension 1 From " <i>General Residential 2</i> " To " <i>Institutional</i> " And The Subsequent Consolidation With Erf 4262, Extension 1 Swakopmund	E 1771	149
11.1.21	Rezoning Of Erf 317 Swakopmund From " <i>Single Residential</i> " With A Density Of 1/600 To " <i>General Business</i> " With A Bulk Of 2.0	E 317	157
11.1.22	Rezoning Of Erf 442, Corner Of Tobias Hainyeko Street And Swakop Street, Swakopmund From Single Residential To Local Business With A Bulk Of 1.0	E 442	192
11.1.23	Rezoning Of Erven 4881 To 4885, Extension 10, Swakopmund, From Light Industrial To General Industrial	E 4881, E 4882, E 4883, E 4884, E 4885	205
11.1.24	Rezoning Of Erf 12, Plover Street, Vogelstrand, Swakopmund From Single Residential With A Density Of 1/900m ² To General Residential 2 With A Density Of 1/300m ²	VS 12	207

ITEM NO	SUBJECT	REF NO	PAGE
11.1.25	Rezoning Of Erf 835, Kwikstertjie Street, Tamariskia Extension 2 From "Institutional" To "Office" With A Bulk Of 1.0 And Consent To Erect Offices While The Rezoning Is In Progress	T 835	224
11.1.26	Application For Permission To Operate A Resident Occupation (Administrative Office)	E 2602	242
11.1.27	Application For Permission To Operate A Place Of Amusement	E 1663	246
11.1.28	Application For Permission To Operate A Service Industry (Car Wash)	T 581	249
11.1.29	Application For Permission To Operate A Resident Occupation (Ambulance/Rescue Base)	E 470	253
11.1.30	Application For Permission To Operate Resident Occupations (Administrative Offices)	VS 4172, E 425, M 2938, T 1022, M 1856, M 84, M 2573	257
11.1.31	Delay In Transferring Funds For The 2013/14 Project Identification Report	N 5/7	268
11.1.32	Assistance To Fire Victims	D 5	270
11.1.33	Submission Of The Further Affirmative Action Report	B 1/10	274

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

10 (A) **MINUTES OF AN ORDINARY MANAGEMENT COMMITTEE MEETING
HELD ON 17 OCTOBER 2013**

2. **CONFIRMATION OF MINUTES**
(M/C 2013/10/17 - A 2/3/5)

2.1 **MINUTES OF AN ORDINARY MANAGEMENT COMMITTEE MEETING
HELD ON 12 SEPTEMBER 2013**

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

RESOLVED:

That the Minutes of the Ordinary Management Committee meeting held on 12 September 2013 be confirmed as correct, subject to the following correction:

8.3 **REQUEST TO PROCESS REFUND OF REFUNDABLE DEPOSIT**
(M/C 2013/09/12 - N 7/3/4, I 1/2, H 2/12)

RESOLVED:

- (a) That permission be granted to General Manager: Finance to refund the clients listed below without original receipts against the amounts indicated:

(i)	Mr Nestor Tobias	N\$1500.00	Receipt # 6883
(ii)	Mr Valdermar Swart	N\$940.00	Receipt # 229901
(iii)	Pastor Reinhold Titus	N\$962.50	Receipt # 14683
(iv)	Spirit Embassy	N\$966.00	Receipt # 9274

- (b) That, in future, clients who lost their original deposit receipts be required to obtain a Police declaration before the matter is submitted to Council.
- (c) That, in future, an administration fee be determined for the purpose and be applied accordingly.

2.2 **MINUTES OF A SPECIAL MANAGEMENT COMMITTEE MEETING
HELD ON 17 SEPTEMBER 2013**

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

RESOLVED:

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

5.5 **FINANCE**

5.5.1 **TOTAL EXPENDITURE**

(M/C 2013/10/17 - D 7/3/2/1)

RESOLVED:

That the total expenditure of N\$20 807 822.32 from 01-30 September 2013 be accepted and approved as correct.

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

7.9 **FEEDBACK: CLOSED BID SALE OF 35 LIGHT AND 6 GENERAL INDUSTRIAL ERVEN, EXTENSION 10, SWAKOPMUND**

(M/C 2013/10/17 - G 4/1/3)

RESOLVED:

That the report on the closed bid sale held on 04 October 2013 for the sale of 35 *Light Industrial* and 6 *General Industrial* erven in Extension 10, Swakopmund be noted.

7.10 **NOMINATION: COMMITTEE FOR THE DEVELOPMENT OF A NATIONAL URBAN LAND POLICY IN NAMIBIA**

(M/C 2013/10/17 - G 4/1)

RESOLVED:

- (a) That the nomination of the General Manager: Corporate Services and Human Resource as a member of the committee to be established by the Ministry of Regional and Local Government, Housing and Rural Development for the compilation of a National Urban Land Policy in Namibia be approved.
 - (b) That the standard travelling and subsistence allowance and special leave be applicable.
 - (c) That the cost be defrayed from the Conference Expenses Vote 102010206500 where sufficient funds are available.
-

7.11 **AMENDMENTS TO HANGAR LEASE AGREEMENTS: SWAKOPMUND AERODROME**

(M/C 2013/10/17 - N 9/1)

RESOLVED:

That the matter be referred to the Airport Management Committee for discussion before it is submitted to Council.

7.12 **OBJECTION RECEIVED AGAINST THE SALE OF 35 LIGHT INDUSTRIAL ERVEN - NEW INDUSTRIAL AREA, EXT 10, SWAKOPMUND**

(M/C 2013/10/17 - G 4/1/3, E 4864, E 4865, E 4818, E 4819)

RESOLVED:

That an audience be granted to the Tamariskia Community Committee at a date to be determined by the Chief Executive Officer.

7.13 **DIGITAL BILLBOARD ADVERTISING SIGNS AT TOWN ENTRANCES**

(M/C 2013/10/17 - N 8/1/3)

RESOLVED:

That Council's resolution of 28 November 2012 under item 11.1.26 be repealed and replaced with the following:

- (a) That the application of Messrs Kahlel Alive Advertising to erect digital billboards at the entrances of Swakopmund be approved.
 - (b) That detailed applications for Building Approval of the design of the structures of the advertising units (by a registered Namibia Professional Engineer) be submitted to Engineering Services for approval prior to construction;
 - (c) That detailed application, complete with an example of the intended advertisement, for each advertisement, be submitted to the General Manager: Corporate Services and Human Resources for approval prior to implementation to ensure that the contents and appearance of the advertisement is acceptable;
 - (d) That the digital billboard be erected at the cost of Messrs Kahlel Alive Advertising.
 - (e) That the exact position to be determined by the Manager: Traffic Services and General Manager: Engineering Services.
 - (f) That Messrs Kahlel Alive Advertising be responsible for the maintenance of the digital billboards.
 - (g) That Engineering Services (Building Control) monitors the condition and appearance of the structures, with authority to remove, alternatively have removed at the cost of Kahlel Alive Advertising, the billboards should it not be suitably maintained within a period of 21 days after notification.
 - (h) That the Messrs Kahlel Alive Advertising provides Council with advertising space and time in lieu of rental fee.
-

8. **POLICY MATTERS**

8.1 **DELAYS IN CAPITAL PROJECTS DUE TO ENGINEERING INVOLVEMENT IN SAIMSA GAMES**

(M/C 2013/10/17 - J 10/1)

RESOLVED:

That this item be referred back and be resubmitted with detailed motivation by the General Manager: Engineering Services.

8.4 **REQUEST FOR ADDITIONAL FUNDS FOR SECURITY SERVICES AT PUBLIC BUILDINGS**

(M/C 2013/10/17 - D 2/1)

RESOLVED:

That the various departments provide the General Manager: Finance with a list of all sites guarded by security companies.

8.5 **FEEDBACK REPORT: MASS HOUSING DEVELOPMENT PROGRAMME**

(M/C 2013/10/17 - H 5, H 5/4, H 5/8, I 1/1/4)

RESOLVED:

That the feedback report regarding the Mass Housing Development Programme submitted by the General Manager: Community Development Services be noted.

8.6 **DANGER FOR THE OCEANS: PLASTIC**

(M/C 2013/10/17 - F 24)

RESOLVED:

- (a) That an audience be granted to Prof Dr Senn to give presentation on "*Danger For The Oceans; Plastic*" to Councillors and staff of the Municipality of Swakopmund on 06 November 2013.
 - (b) That the costs of the presenter to the value of two nights' accommodation and travelling expenses be paid from Council's Conference Expenses Vote.
 - (c) That all schools be invited to attend.
-

9. **PERSONNEL MATTERS**

9.1 **ERONGO REGIONAL COUNCIL: APPOINTMENT TO SERVE AS
AUDIT COMMITTEE MEMBER**

(M/C 2013/10/17 - B 1/1, B 1/1/3)

RESOLVED:

- (a) That the appointment of the General Manager: Finance to serve on the Erongo Regional Council's Audit Committee for a period of (3) three years, commencing 1 October 2013 be approved.
 - (b) That the approval granted to the General Manager: Finance to attend the Erongo Regional Council Audit Committee meeting of 3 October 2013, be condoned.
 - (c) That Management Committee takes note of the sitting allowance of N\$500.00 payable to the General Manager: Finance, as external member on the Erongo Regional Council Audit Committee.
-

9.2 **REQUEST FOR SPECIAL LEAVE**

(M/C 2013/10/17 - B 1/1/4)

RESOLVED:

That Mr A P Zakaapi be granted 8 days additional compassionate leave due to the special medical circumstances of his son and that he has no other leave available to him as per policy.

9.3 **MANAGEMENT HEALTH AND SAFETY TRAINING**

(M/C 2013/10/17 - B 1/5/2)

RESOLVED:

- (a) That permission be granted to the General Manager: Health Services to call for Health and Safety training for Senior Line Management, i.e. Chief Executive Officer, General Managers, Managers, Superintendents, Foremen and Team Leaders at a date to be determined by the Chief Executive Officer.
 - (b) That the Health and Safety training referred to in (a) above include the following:
 - *Basic safety, health and environment (SHE)*
 - *Legal compliance*
 - *Hazard identification and risk assessment (HIRA)*
 - *Incident/accident reporting, investigation and recording, and*
 - *Overview of OHSAS 18001 standard and principles.*
 - (c) That the costs be defrayed from the respective Departmental Training Votes.
 - (d) That the Human Resources Training Vote be used for this purpose should the Departmental Training Votes be depleted.
 - (e) That safety of construction sites be sensitized and promoted.
-

9.4 **ASSISTANCE TO FIRE VICTIMS**
(M/C 2013/10/17 - D 5)

RESOLVED:

That the purchasing of 100 blankets to be kept at the Stores in case of emergency be considered by the Mayoral Development Fund Committee.

9.5 **APPROVAL OF FOREIGN TRIPS AND MORATORIUM ON FOREIGN TRIPS**
(M/C 2013/10/17 - A 2/3/1/4)

RESOLVED:

That the moratorium and the procedures to obtain permission to go on foreign trips issued by the Minister of Regional and Local Government, Housing and Rural Development effective from 05 September 2013 until 31 December 2013 be noted and adhered to.

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

10.1 **56TH ALAN CONGRESS**
(M/C 2013/10/17 - A 4/3/1/2/1)

RESOLVED:

- (a) That Councillors confirm their availability to the Office of the Chief Executive Officer before 25 October 2013 to attend the 56th ALAN Congress to be held from 14-15 November 2013 in Katima Mulilo.
 - (b) That the amount of N\$600.00 payable per delegate be defrayed from Council's Conference Expenses Vote 100510206500 where N\$300 000.00 is available.
 - (c) That Subsistence and Traveling allowances be defrayed from Council's Conference Expenses Vote 100510206500 where N\$300 000.00 is available.
 - (d) That motivated agenda points be submitted to the Chief Executive Officer for submission to ALAN on or before 25 October 2013.
 - (e) That the Election of Officer Bearers scheduled for 15 November 2013 be moved forward and be held on 08 November 2013 and that the District Magistrate be informed accordingly.
-

10.2 **INVITATION TO GLOBAL REGIONAL CENTRE OF EXCELLENCE
CONFERENCE**

(M/C 2013/10/17 - A 4/3/1/3)

RESOLVED:

- (a) That approval be granted to the General Manager: Health Services to attend the 8th Global Regional Centre of Excellence conference to be held in Nairobi, Kenya from 26-29 November 2013 subject to Ministerial approval.
 - (b) That it be recorded that the cost for air ticket and accommodation will be covered by the organisers.
 - (c) That the cost for Subsistence and Traveling allowance be defrayed from the Council's Conference Expenses Vote 103510206500 where N\$36 000.00 is available.
 - (d) That special leave be granted to the General Manager: Health Services during the period.
-

10.3 **LETTER FROM THE DRC CONCERN GROUP**

(M/C 2013/10/17 - H 5/2)

RESOLVED:

- (a) That the letter from the DRC Concern Group objecting to the formalization process of the DRC be noted.
 - (b) That it be recorded that the document received is a letter and not a petition as it does not conform to the standard petition format approved by Council.
 - (c) That permission be granted to the Mayor and the Chief Executive Officer to obtain an urgent court order for the eviction of the demonstrators camping in front of the Municipal Main Office at Erf 2827, Swakopmund, Rakotoka Street.
 - (d) That permission be granted to the Mayor and the Chief Executive Officer to obtain legal advice from Council's Legal Representative on the matter.
-

11. **RECOMMENDATIONS BY THE MANAGEMENT COMMITTEE**
- 11.1 **ORDINARY MANAGEMENT COMMITTEE MEETINGS HELD ON 17 OCTOBER 2013**
- 11.1.1 **NEDCOR INVESTMENT LOAN AGREEMENT**
(C/M 2013/10/31 - D 10)

Ordinary Management Committee Meeting of 17 October 2013, Addendum 7.1 page 01 refers.

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

BACKGROUND:

Council entered into a loan agreement with Messrs Namibia Investment as per resolution taken by **Council** on **27 January 2000**, item 10.1.8 which resolved as follows:

That a loan agreement of N\$ 17,3 million over a period of 10 years at an interest rate of 11,74 %, be entered into with the Namibian Investment Bank to be allocated as follows:

- (i) N\$ 10 million to be reserved for the upgrading of the Sewerage Works.*
- (ii) N\$ 3 million of the above funds be allocated towards the street-tarring programme as provided for in the Budget.*
- (iii) N\$ 3 million be ear-marked for the development of low-cost housing.*
- (iv) The remaining N\$ 1,3 million be used to partially pay off Loan SD 324.*

As part of the agreement, Council offered Erf 2747 as security and the loan agreement was signed in **June 2000**, and was fully redeemed in **June 2010**.

The status of the loan agreement was revisited during **October 2010** and at a **Special Management Committee meeting** held on **09 September 2010**, item 5.1 was resolved as follows:

During the discussion of this item, Mr H C Kinghorn briefed the meeting on the advantages and disadvantages should Council opt to continue or discontinue with the sub-lease agreement. He informed the meeting that the loan has been fully paid but he is worried that the South African Tax Authorities might bill the Municipality should it decide to discontinue the agreement at this time. Mr H C Kinghorn also informed the meeting that the increase of Council's shareholding from 1.5% to 98.5% will have positive financial implications to Council. After various questions were raised and answered to the satisfaction of Management Committee, it was resolved as follows:-

- (a) That the General Manager: Finance requests Mr H C Kinghorn to peruse the resolution below before it is forwarded to Messrs Swakopmund Financing Partnership.*
- (b) That the resolution below be circulated to all the Councillors after it has been perused and approved by Mr H C Kinghorn and before it is forwarded to Messrs Swakopmund Financing Partnership.*
- (c) That the Acting Chief Executive Officer brief the Chief Executive Officer upon the latter's return to office.*

Management Committee resolved for condonation by Council:

- (a) That Council takes note of Mr H C Kinghorn's advice and recommendation.*
- (b) That Messrs Nedbank Limited be informed:*

- (i) That Council opts not to terminate or exit from its existing lease of the Swakopmund Bungalows complex being leased by it from the Swakopmund Development Trust which lease forms part and parcel of the whole set of existing agreements comprising of the structured finance transaction but instead resolves to continue to be bound by the lease and to continue to so lease the subject matter from the aforesaid trust.
- (ii) That Council exercises its contractual option in its capacity as the sole trust beneficiary of the Swakopmund Partnership Trust by recommending to the Trustees of the said trust to increase the said trust's existing 1.5% partners share in Swakopmund Financing Partnership to 98.5% through the vehicle of Swakopmund Partnership Trust.
- (iii) That Council applies for and obtains an intra-day loan from Nedbank Limited in the amount of R48 360 774.00 for the purpose of funding the Swakopmund Partnership Trust's above acquisition of thus increasing its partner's share from 1,5% to 98,5% in the Swakopmund Financing Partnership, on the explicit understanding that Council obtains on the same day as the loan is being advanced to it also a payment to itself in an amount of R48 331 864.00 from the Swakopmund Financing Partnership and of R 28 910.00 from the Swakopmund Development Trust, together adding up to the aforesaid loan amount of R48 360 774.00.
- (iv) That immediately upon receipt by Council of such aforesaid amounts, as foreseen in (iii), from respectively the Swakopmund Financing Partnership and the Swakopmund Development Trust, the combined sum so received in the amount of R48 360 774.00 will be utilized by Council for repaying the aforesaid intra-day loan of the same amount to Nedbank Limited and which receipts will be deposited into the account of Nedbank Capital-Project, Nedbank Capital being a division of Nedbank Limited, and thus identical to and being the same legal person as, the aforesaid lender in the person of Nedbank Limited who will be lending the intra-day loan to Council, as foreseen in (iii).
- (v) That Council hereby authorizes Nedbank Limited who is also hereby instructed and mandated to oversee, implement, manage and to effect and ensure that the proceeds of the above intra-day loan in (iii) on behalf of Council, be utilized for the afore stated purposes and also be strictly thus applied, as afore stated.
- (vi) That Council continues with the current lease and sub-lease for a period of three (3) years, reviewable annually on 01 August.

Council on **30 September 2010**, item 11.1.25 resolved as follows:

That the permission granted to the General Manager: Finance to inform Messrs Nedbank Limited the following be condoned:

- (i) That Council opts not to terminate or exit from its existing lease of the Swakopmund Bungalows complex being leased by it from the Swakopmund Development Trust which lease forms part and parcel of the whole set of existing agreements comprising of the structured finance transaction but instead resolves to continue to be bound by the lease and to continue to so lease the subject matter from the aforesaid trust .
- (ii) That Council exercises its contractual option in its capacity as the sole trust beneficiary of the Swakopmund Partnership Trust by recommending to the Trustees of the said trust to increase the said trust's existing 1.5% partners share in Swakopmund Financing Partnership to 98.5% through the vehicle of Swakopmund Partnership Trust.
- (iii) That Council applies for and obtains an intra-day loan from Nedbank Limited in the amount of R48 360 774.00 for the purpose of funding the Swakopmund Partnership Trust's above acquisition of thus increasing its partner's share from 1,5% to 98,5% in the Swakopmund Financing Partnership, on the explicit understanding that Council obtains on the same day as the loan is being advanced to it also a payment to itself in an amount of R48 331 864.00 from the Swakopmund Financing Partnership and of R 28 910.00 from the Swakopmund Development Trust, together adding up to the aforesaid loan amount of R48 360 774.00.
- (iv) That immediately upon receipt by Council of such aforesaid amounts, as foreseen in (iii), from respectively the Swakopmund Financing Partnership and the Swakopmund Development Trust, the combined sum so received in the amount of R48 360 774.00 will be utilized by Council for repaying the aforesaid intra-day loan of the same amount to Nedbank Limited and which receipts will be deposited into the account of Nedbank Capital-Project, Nedbank Capital being a division of Nedbank Limited, and thus identical to

and being the same legal person as, the aforesaid lender in the person of Nedbank Limited who will be lending the intra-day loan to Council, as foreseen in (iii).

(v) That Council hereby authorizes Nedbank Limited who is also hereby instructed and mandated to oversee, implement, manage and to effect and ensure that the proceeds of the above intra-day loan in (iii) on behalf of Council, be utilized for the afore stated purposes and also be strictly thus applied, as afore stated.

(vi) That Council continues with the current lease and sub-lease for a period of three (3) years, reviewable annually on 01 August.

Messrs Nedbank has been consulted recently to ascertain whether Council can continue or cancel the existing agreement in respect of Swakopmund Development Trust and Swakopmund Partnership Trust.

However, the advice from the Administrators was that Council considers cancelling this agreement.

Below inserted options was explained to the Councilors in detail by Ms Krengel of Nedbank South Africa, on **17 October 2013**.

SWAKOPMUND DOUBLE LEASE TRANSACTION - ANALYSIS OF OPTIONS AVAILABLE

	Continue	Termination - Option 1 (Lease settlement payment is PV of net remaining rentals)	Termination - Option 2 (Lease settlement payment equates to external partners' interest)
<i>Remaining rentals (2013 - 2020)</i>	<i>Rentals N\$ 85,963,793 VAT N\$ 12,894,569 Rentals (incl VAT) N\$ 98,858,362</i>	<i>No further rentals payable</i>	<i>No further rentals payable</i>
<i>Lease settlement to be paid by Dev Trust to Partnership (compensates Partnership for loss of rental income)</i>	<i>No lease settlement payable but on-going bi annual rentals as above until 2020</i>	<i>Lease settlement N\$ 30,556,419 VAT N\$ 4,583,463 Lease settlement (incl VAT) N\$ 35,139,882 VAT input tax credit of N\$4,583,463 to be claimed by Dev Trust</i>	<i>Lease settlement N\$ 458,346 VAT N\$ 68,752 Lease settlement (incl VAT) N\$ 527,098 (equates to 1.5% of option 1 being amount payable to non-Municipality parties) VAT input tax credit of N\$68,752 to be claimed by Dev Trust</i>
<i>Net cash outflow</i>	<i>N\$ 908,076 (2013 - 2020) (includes estimated funding costs of N\$465,479 incurred whilst awaiting VAT refund)</i>	<i>N\$ 333,344 (once off 2013) (includes estimated funding costs of N\$139,313 incurred whilst awaiting VAT refund)</i>	<i>N\$ 239,414 (once off 2013) (includes estimated funding costs of N\$2,561 incurred whilst awaiting VAT refund)</i>
Cons	<ul style="list-style-type: none"> Ongoing need for trustees, AFS, tax returns, VAT returns of Dev Trust, Partnership and Psp Trust (i.e. 3 entities) Bi-annual rental payments and related cash flows Dev Trust cannot develop or 	<i>Head and Sub leases are not implemented in accordance with the original contracted terms</i>	<i>Head and Sub leases are not implemented in accordance with the original contracted terms</i>

	<p><i>otherwise deal with the property without bank approval</i></p> <ul style="list-style-type: none"> - <i>Nedbank's interest in the Partnership disclosed in Nedbank 's statutory returns until 2020</i> 		
Pros	<p><i>Head and Sub leases are implemented within their terms as envisaged (20 years)</i></p>	<ul style="list-style-type: none"> - <i>On-going need for trustees, AFS and tax returns of Psp Trust only (i.e. 1 entity) until 2015</i> - <i>No scheduled cash flows after 2013</i> - <i>Dev Trust and Partnership (2 entities) dissolved</i> - <i>Head and Sub Leases cancelled</i> - <i>Municipality has full control over property</i> - <i>Nedbank ceases to have an interest in the Partnership from 2013 and no further disclosures required</i> - <i>On transfer of property from Dev Trust to Municipality, no transfer duty, stamp duty or VAT (other than funding cost related to timing of the VAT refund) (Municipality's legal advisor to confirm)</i> 	<ul style="list-style-type: none"> - <i>On-going need for trustees, AFS and tax returns of Psp Trust only (i.e. 1 entity) until 2015</i> - <i>No scheduled cash flows after 2013</i> - <i>Dev Trust and Partnership (2 entities) dissolved</i> - <i>Head and Sub Leases cancelled</i> - <i>Municipality has full control over property</i> - <i>Nedbank ceases to have an interest in the Partnership from 2013 and no further disclosures required</i> - <i>On transfer of property from Dev Trust to Municipality, no transfer duty, stamp duty or VAT (other than funding cost related to timing of the VAT refund) (Municipality's legal advisor to confirm)</i>

Note: Above amounts assume a termination date of 1 November 2013 and are based on current interest rates thus final amounts may vary.

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

RESOLVED: (For Condonation by Council)

- (a) That the briefing by the General Manager: Finance and Ms Krengel of Nedbank South Africa be noted.**
 - (b) That the General Manager: Finance takes note of the discretionary advice given by Ms Krengel regarding the payment of legal cost.**
 - (c) That the NEDCOR Investment Loans Agreement be terminated in accordance with Option 2, subject to the following:**
 - (i) *The current lease agreement between the Swakopmund Development Trust and Swakopmund Financing Partnership be cancelled in return for a lease settlement payment;***
 - (ii) *The current lease between the Swakopmund Financing Partnership and Council be cancelled;***
 - (iii) *Council make a contribution to the Swakopmund Development Trust equal to the lease settlement payment inclusive of VAT;***
 - (iv) *The Swakopmund Partnership Trust agree to the dissolution of the Swakopmund Financing Partnership;***
 - (v) *The property owned by the Swakopmund Development Trust be distributed to Council and the Swakopmund Development Trust be dissolved.***
 - (d) That Nedbank South Africa assists with the drafting of the cancellation request.**
 - (e) That Mr H C Kinghorn be appointed to assist Council with the cancellation of this transaction.**
 - (f) That costs in respect of this cancellation be funded from Surplus funds.**
-

11.1.2 **REQUEST FOR ADDITIONAL FUNDS - REGISTRATION OF RESIDENTS OF THE DRC INFORMAL SETTLEMENT, MONDESA BACKYARD TENANTS AND OTHERS**

(C/M 2013/10/31 - H 5)

Ordinary Management Committee Meeting of 17 October 2013, Addendum 7.2 page 06 refers.

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

Council on **31 July 2013** resolved as follows:

- (a) *That the General Manager: Community Development Services embarks on a registration exercise of residents residing in temporary structures at the DRC Informal Settlement, Mondesa as well as those renting elsewhere in Swakopmund.*
- (b) *That General Manager: Community Development Services approves the appointment of 21 contract workers and unemployed DRC Planning Committee Members to assist in carrying out the data collection exercise.*
- (c) *That additional funds in the amount of N\$154 311.00 be made available, in order to carry out the data collection exercise.*

Subsequent to the above resolution, Community Development Officer invited quotations under “**Quotation Number 50/CDS/2013**” for the printing of registration forms and stickers as per the following specifications:

Registration Form

Quantity : 186 books, with 100 pages each in triplicate
Format : A4 Size
Paper : NCR (white, tint)
Cover : Milano, Back: Green line Board
Print : Single Sided
Finishing : Perforated, Numbered, trimmed to size with calico on the side

Stickers

Size : 90mm x 55 mm
Quantity : 12000
Finishing : Durable, water resistant

In response to this invitation, a quotation was received from Print Works Enterprise for the amount of N\$43 925.40. Unfortunately, no financial provision has been made in this regard; Community Development Officer is also not in a position to accommodate these expenses under the printing and stationery vote, without additional funds being availed.

In the same manner, it has also come to light that the following items viz. fuel, stationaries (clipboards, pens, stamps, bags) and vests need to be purchased in order for the registration exercise to be successful.

- *Identification Vests for 21 enumerators* = N\$945.00
- *Fuel:* = N\$6 400.00
- *Stationery (clip boards, pens, stamp, bags):* = N\$4 375.00

For the sake of progress, Community Development Officer has allowed for the above expenses to be defrayed from Vote 500510212100,

however the particular vote is currently depleted and must be replenished in order to accommodate future expenses for the rest of the financial year.

An important aspect to the success of this project is the availability of financial resources. As such, Council needs to allocate sufficient resources to effectively carry out this exercise.

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

RECOMMENDED:

- (a) That an amount of N\$56 000.00 for the registration exercise of Swakopmund residents viz. DRC Informal Settlement, Mondesa shack dweller and those renting, to cover for the printing of registration forms, stationeries and fuel expenses during the registration exercise be approved.**
 - (b) That funds referred to in (a) above be transferred to votes 500510212100 and 500510208500 from where costs in respect of printing of registration forms, stationery and fuel have been defrayed.**
-

11.1.3 **APPLICATION FOR EXTENSION OF LEASE AGREEMENT OF MESSRS E.P.C EVENTS & CATERING**
(C/M 2013/10/31 - E 1/1/1)

Ordinary Management Committee Meeting of 17 October 2013,
Addendum 7.3 page 11 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 **Messrs E.P.C Events and Catering** to leases the Cafeteria measuring approximately 295.66m² (including the under roof public seating area) located within Municipality Swakopmund head Office lapses on **30 November 2013**.

The lease commenced **01 November 2012** at a fixed monthly rental tariff of N\$750.00 per month (including water), escalating with 10% annually on **01 July**.

2. Brief Background

2.1 Council on **27 September 2012** approved the lease proposal of Messrs E.P C Events and Catering as follows:

(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 295.66m² (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.*

2.2 With reference to the lapsing of the period of the contract, Clause 2, subsection 2.3 of the lease agreement makes provision for the lessee to negotiate the renewal of the lease, as quoted below:

The LESSEE shall have the right to negotiate the renewal of the lease subject to notice in writing from the LESSEE not less than 30 days before the termination date and consensus being reached between the parties on the terms of such possible renewal before the termination date in clause 2.1. In the event of this clause being triggered, the LESSOR shall ensure compliance with the terms of section 63 of the Local Authorities Act.

Honouring the above clause, Property Section on **18 September 2013** engaged into negotiations with the current lessee and he confirmed that he wishes to proceed with a lease of cafeteria for a further one year on the same terms and conditions as the current lease agreement.

It was also agreed that, should Messrs E.P.C Events and Catering wishes to extend the lease period for further twelve months at the lapsing date i.e. **30 November 2014**, Clause 2, subsection 2.3 of the lease agreement will be deleted to enable Council to invite lease proposals from the public.

3. Application

Subsequent to a notification letter dated **16 August 2013**, Messrs E.P.C Events and Catering replied per letter dated **28 August 2013 (Annexure "A")** informing Council that they wish to renew the lease agreement.

No complaints were received from the staff members and public regarding the services rendered and also Messrs E.P.C Events and Catering promptly pays the monthly rental.

4. Proposal

Since the lease agreement has given the lessee the first option to negotiate the renewal of the lease and that he expressed interest to renew, it is proposed that Council renew the lease agreement entered into with Messrs E.P.C Events and Catering for a further period of one year.

Should the lease only be renewed for a further one year period it is not required to advertise same in terms of the Local Authorities Act, Act 23 of 1992, as amended as stated in Clause 2, subsection 2.3 of the lease agreement.

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

RECOMMENDED:

- (a) That the lease agreement entered into with Messrs E.P.C Events and Catering be extended from 1 December 2013 until 30 November 2014.**
 - (b) That the conditions of the agreement of lease be the same as the existing agreement of lease, except that Clause 2, Subsection 2.3 of the lease agreement be deleted.**
 - (c) That the extended lease period be advertised at the cost of the lessee in terms of Section 63 of the Local Authorities Act, Act 23 of 1992, as amended.**
 - (d) That electricity be metered separately and that feedback be provided to Council in May 2014 to consider whether electricity consumption should be levied additional to the lease amount.**
-

11.1.4 **MARTIN LUTHER HISTORICAL SITE - EXPIRY OF LEASE PERIOD**
(C/M 2013/10/31 - J 8/3)

Ordinary Management Committee Meeting of 17 October 2013,
Addendum 7.4 page 20 refers.

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

1. Introduction

This submission is tabled to consider extending the lease period of the current lessee and to call for lease proposals whereby the current lessees can also submit a proposal.

The lease period for the Martin Luther Historical Site lapses on **31 October 2013**. The lease agreement is attached as **Annexure "A"**.

The lessee confirmed on **21 August 2013** that he wishes to renew the lease for a further period (**Annexure "B"**).

The General Manager Finance was requested to report on the financial viability of the lease for the lessee, as the said General Manager assists the lessee with financial issues as resolved by the Management Committee on **15 April 2010**. In this regard the General Manager: Finance addressed an e-mail to the lessee **attached as Annexure "G"**.

An inspection was conducted on **11 September 2013** and the following can be reported:

- *the lease area is clean and neat (no garbage lying around);*
- *the structures of the main building and cubicles are sound except for normal wear and tear of the cubicle doors and toilet window;*
- *tables with goods are displayed in the main building hosting the steam engine, for which rent is being charged;*
- *the cubicles behind the main building are being used as accommodation (bedding is stored there). The lease agreement prohibits anyone to stay overnight, except a security guard;*
- *the toilet window of the main building is broken (no report was submitted in this regard and in terms of the lease agreement it is the responsibility of the lessee to maintain the site and building); bricks are packed beneath it to provide access to the toilet, although the window is very small; and*
- *it was noted that fire is being made behind the main building and the garden is being used as a latrine.*
- *Mrs Gerlinde Nuas is still employed by the lessee as required.*

Photos taken on site are attached as **Annexure "D"**.

2. Discussion

The Martin Luther Historical Site is located at the main entrance to Swakopmund and therefore is basically the first landmark noted by most tourists and visitors alike. An aerial photo is attached as **Annexure "E"**.

Currently the area is not used to its full potential within the limitations of the lease agreement.

The lessee was requested to propose ventures / activities which will improve not only the image of the site, but also increase his income. In this regard the attached letter dated **11 April 2013** was received (**Annexure "C"**).

One of Council's missions is to be a centre of excellence; and currently the Martin Luther Historical Site does not measure up.

It is proposed that in order to give the current lessee the benefit of the influx of visitors to the ATTA summit and the December – January holiday period; the lease period be extended until **28 February 2014** (four months) without an option to renew.

It is proposed that lease proposals be invited during **November 2013** for allocation.

Various enquiries and applications are received for business ventures in the area of the Martin Luther Historical Site. In this regard it must be noted that the area is not connected to any services.

3. **Lease Conditions**

4. **USE OF PROPERTY**

- (i) *The **LESSEE** shall enhance the heritage status of Martin Luther Historical Site.*
- (ii) *The **LESSEE** shall maintain the site, the building and other improvements thereof for the lease period to the satisfaction of the Health Department and Engineering Services Department.*
- (iii) *The **LESSEE** shall comply with all conditions laid down by the General Manager: Health in terms of Health regulations, as well as all conditions of the Swakopmund Town Planning Amendment Scheme and with any other applicable municipal regulations.*
- (iv) *The **LESSEE** may not make any alteration or improvement on the **HIRED PROPERTY** without the consent of the Swakopmund Municipal Council.*
- (v) *The **LESSEE** shall not be allowed to accommodate any employees on the site except a security guard.*

5. **ADDITIONAL CONDITIONS**

- (i) *In employing staff members, the **LESSEE** shall give preference to the two existing employees (Mrs Gerlinde Nuas & Ms Sarafina Ganuses) which were employed at Martin Luther on the same terms as previously provided by Namib-i. Ms Sarafina Ganuses resigned.*
- (ii) *The **LESSEE** must maintain the logo of Namibia Breweries which is displayed on the outside board and the logo should remain on the board for the lease period.*
- (iii) *The **LESSEE** will submit financial reports to the Municipality every 6 (six) months from commencement date and thereafter on termination of this agreement.*

6. **PROHIBITION AGAINST SUB-LETTING**

*The **LESSEE** shall not cede or assign this agreement or any portion of the portion of the **HIRED PROPERTY** without the written permission of the Municipality.*

4. **Brief Background**

A brief background regarding the allocation of the Martin Luther Historical Site is attached as **Annexure "F"**.

5. **Attachments**

Annexure "A"	:	Lease Agreement
Annexure "B"	:	Confirmation of the Lessee that he wishes to renew the lease
Annexure "C"	:	Ventures / Activities proposed by the lessee
Annexure "D"	:	Photos taken on site
Annexure "E"	:	Location of the site
Annexure "F"	:	all relevant Management Committee and Council resolutions
Annexure "G"	:	e-mail from our GM: Finance addressed to the lessee

6. **Proposal**

It is proposed that in order to give the current lessee the benefit of the influx of visitors to the ATTA summit and the December – January holiday period; the lease period be extended until **28 February 2014** (four months) without an option to renew.

That lease proposals be invited during **November 2013** for allocation by Council during **January 2014** for a lease period to commence on **1 March 2014**.

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

RECOMMENDED:

- (a) That the lease period for the lease of the Martin Luther Historical Site to Mr P Victor be renewed until 28 February 2014, without an option to renew.
 - (b) That lease proposals be invited during November 2013 for submission to Council for allocation during January 2014.
 - (c) That the new lease period commence on 1 March 2014.
-

11.1.5 **APPLICATION BY OVAHIMBA GROUP TO LEASE A PORTION OF LAND TO ESTABLISH A TRADITIONAL HIMBA VILLAGE**
(C/M 2013/10/31 - G 4/1/1)

Ordinary Management Committee Meeting of 17 October 2013,
Addendum 7.5 page 32 refers.

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

1. Introduction and Brief Background

After discussing the application by Ovahimba Cultural Centre requesting a portion of land to set up a cultural village, Council on **30 May 2013**, under Item 11.1.33 resolved the following:

- (a) *That the application for a portion of land by the Ovahimba group be turned down as Council does not have a portion of land available for such a venture and also to avoid similar demands from other cultural groups in future.*
- (b) *That the Ovahimba group be informed that Council does not have land available for allocation to them at the seaside and that the DRC is not yet formalized.*
- (c) *That the Ovahimba group be advised to approach the Namibian Tourism Board for assistance.*

They were accordingly informed of above resolution.

In response to above resolution, an application (**Annexure "A"**) dated **03 June 2013** was received from the Ovahimba Group urging Council to reconsider its decision passed on **30 May 2013** to lease a portion next to the Martin Luther Historical Site or any other available land for the purpose of establishing a Himba Village to showcase the Ovahimba culture to the tourists and the local community.

They indicated that should Council avail the portion of land to them, the funds to finance the project, among others to address the need for water and sanitation facilities will be provided via grants, loans and donations. They further stated that no monetary assistance is requested from Council.

2. Consideration of the Merits

The land next to the Martin Luther Historical Site will be ideal not only for setting up a Himba Village, but to have a multi-Cultural Centre to host all interested tribes who wish to showcase their culture / traditions to the local community and tourists. This will complement the Martin Luther Historical Site, which is already a tourist attraction.

It is common knowledge that tourists travel to Namibia because they are interested in Namibian culture. They do not always get the opportunity to travel to all parts of the country to witness the various cultural groupings practicing their traditions.

By availing land for this purpose, Council will be creating a one-stop shop where tourists could get a quick overview of the many Namibian cultures without having to travel across the country. If a particular group interests

them, then they can arrange to travel to the particular area where the group originates from and have a broader view or knowledge of the particular tradition.

The Engineering Services Department is busy attending to the redesign of the blocks to the east of town; Block 1 where the Martin Luther Historical Site is located can be considered to be designed in such a way that a portion of land is reserved in order to accommodate the setting up of a Cultural Tourism Centre.

With reference to the Master Development Plan (**Annexure “B”**) approved by Council on **30 July 2009**, the proposed zoning of the area is mixed development intended as transition between the residential areas to the south and industrial area located to the north. The block is earmarked to accommodate businesses, offices, residential flats, recreation and a cultural village could also be accommodated.

Setting up a multi-cultural village is not only important for attracting tourists to Swakopmund, the project will also contribute to the reduction of unemployment within the community as this will enable them to generate income to improve their living standard.

3. **Council’s Previous Decisions with reference to similar Applications**

Council has received applications from several cultural groups requesting land to set up cultural villages, but due to the unavailability of a proper demarcated site for such land use, the applications have been turned down to avoid precedent.

For interest sake, Council on **29 March 2012** approved the proposal by Mr H Nghidipaya of Messrs Hafeni Cultural Tours to enter into a partnership with the Municipality of Swakopmund in order to revive the Mondesa stalls by transforming these into a Community Cultural Tourist Centre.

This is an indication that Council is in support of establishing a Cultural Centre to attract tourist, but the Mondesa stalls currently identified for such purpose are too small for various groups to display their traditions and culture.

Furthermore, Council on **26 July 2012** approved an application by Messrs Kazak African Experience Cultural Tourism (KAECT) to lease a portion of Erf 2747, Swakopmund to set up a cultural village, for a period of five (5) years at a rental amount of N\$ 0.30 / m².

There is no record indicating how Messrs KAECT wishes to operate their cultural village that they envisage to set up.

An application by Messrs Phillip Kaune on behalf of the Omukuenambura Heritage Group dated **18 February 2013** requesting Council to allocate Erf 1898, Mondesa to them, was also discussed by the Management Committee on **15 August 2013**, which resolved as follows:

- (a) *That this item be referred back for further investigation and that it be resubmitted to the next Management Committee meeting.*
- (b) *That Messrs Omukuenambura Heritage Group be informed that Erf 1898, Mondesa is situated next to Messrs Hero Bar and that they should confirm in writing that they accept that no complaints related to the operations of the bar will be entertained by Council should Council consider to allocate Erf 1898, Mondesa to them.*

The group consists of local residents supporting the idea of promoting and upholding cultural values.

During 2011 an application by Messrs Schubert and Bock was also considered at the area of the Martin Luther Historical Site, but was not approved at the time. They intended to establish an outdoor restaurant offering the tourist and local residents rustic African cuisine in the desert. The structures would be semi-permanent, environmentally friendly and natural materials will be used in order to minimize disturbance to the environment.

4. **Conclusion**

Since there is much expression of interest from public members requesting Council to avail portions of land to enable them to set up cultural villages and tourist related ventures, it is proposed that a portion of land adjacent to the Martin Luther Historical Site be reserved for the purpose of setting up Cultural Village where all cultural groups who wish to showcase their culture and traditions items can be accommodated.

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

RECOMMENDED:

- (a) That a portion of land next to Martin Luther Historical Site be reserved for the purposes of setting up a Multi-Culture Village / Centre.
 - (b) That the Ovahimba Group be informed that their application to lease a portion of land to set up an Ovahimba Cultural Center next to Martin Luther Historical Site will be reconsidered once the redesign of the area has been completed of which the process could take up to 24 months.
-

11.1.6 **REQUEST FOR EXTENSION OF LEASE PERIOD BY MESSRS QUARRY VENTURES ON BEHALF OF MESSRS NAMIBIA CONSTRUCTION (PTY) LTD**

(C/M 2013/10/31 - G 2/2)

Ordinary Management Committee Meeting of 17 October 2013, Addendum 7.6 page 37 refers.

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

1. Introduction

An application letter **24 September 2013** hereto **attached** as **Annexure**

“A” was received Messrs Quarry Ventures’ to extend the lease period of the sub-lessee, Messrs Namibia Construction (Pty) Ltd to continue using their Batching Plant at the quarry site on Lease Area No.1.

2. Background

Messrs Quarry Ventures is leasing a portion of land, measuring 308, 4153 hectares at the Remainder of Portion B of Swakopmund Town and Townlands No 41, which is indicated by the figures A B C D E and describe as “Lease Area No 1” on the land surveyor’s diagram attached hereto as **Annexure “A”**.

The lease period commenced on 31 July 2007 and will laps on 30 June 2017, a nine (9) years and eleven (11) months agreement. The premises are exclusively leased for operating a commercial quarry, for the exploitation and supply of quarried and / or crushed rock, gravel, sand waste or any other sediment or material for civil construction and similar work.

Furthermore, Council on **02 October 2007** approved the application of Messrs Onganja Mining (Pty) Ltd, owner of Quarry Ventures to sub-let the premises to Messrs Namibia Construction (Pty) Ltd, subject to that they remain responsible to Council for all matters relating to the quarry in terms of the agreement.

3. Latest Resolution

Messrs Quarry Ventures submitted an application requesting Council’s consent on behalf of their sub-lessee Messrs Namibia Construction (Pty) Ltd, to construct a temporary mobile concrete batching plant on the Mile 4 Quarry premises situated on Lease Area No 1. The duration of the Waterfront bulk earthworks contract was estimated to end **December 2012**.

Council on **28 June 2013** passed the following resolution under item 11.1.34:

(a) *That Messrs Quarry Ventures’ application on behalf of Messrs Namibia Construction (Pty) Ltd to operate a mobile concrete batching plant for the*

purpose of providing ready mix concrete for the Waterfront Development; subject to the same terms and conditions of the main lease agreement between Council and Messrs Quarry Ventures be condoned.

(b) *That Messrs Quarry Ventures be informed that a written notice must be addressed to Council when the project of Messrs Namibia Construction (Pty) Ltd to construct a breakwater at the Waterfront Development is finalised.*

(c) *That Messrs Quarry Ventures be informed that to remove the structures 30 days after construction is completed.*

4. **Application**

Messrs Quarry Ventures submitted an application dated **24 September 2013**, requesting Council to extend the lease period of the sub-lessee, Messrs Namibia Construction (Pty) Ltd to continue using their Batching Plant at the quarry site on Lease Area No.1.

The present scope of civil works at the Waterfront has expanded and is estimated to end **February 2014**, according to Messrs Namibia Construction (Pty) Ltd.

5. **Discussion**

It should be kept in mind that the construction of a temporary mobile concrete batching plant on “**Lease Area No 1**” will ease the inconvenience of the local population, which means fewer complaints from the public. The proposed site will also minimize the environmental and social impact during the development phase.

6. **Proposal**

That the application from **Messrs Quarry Ventures** on behalf of their sub-lessee **Messrs Namibia Construction (Pty) Ltd**, for the purpose of constructing a temporary mobile concrete batching plant on the Mile 4 Quarry premises situated on **Lease Area No 1**; whereby they will transport the concrete with ready mix trucks to the breakwater construction site, be approved. It is proposed that **Messrs Quarry Ventures** inform Council in writing when the project of **Messrs Namibia Construction (Pty) Ltd** to construct the breakwater of the Waterfront Development ends.

7. **Standard Conditions**

The lease agreement between **Messrs Quarry Ventures** and **Messrs Namibia Construction (Pty) Ltd** remains the same subject to the terms and conditions of the main lease agreement between **Council** and **Messrs Quarry Ventures**. Attached as **Annexure “C”** is a copy of the existing lease agreement.

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

RECOMMENDED:

- (a) That the application by Messrs Onganja Mining Company (Pty) Ltd trading as Quarry Ventures on behalf of Messrs Namibia Construction (Pty) Ltd to extend the lease period until 30 June 2015 for the continued use of the mobile concrete batching plant for the purpose of providing ready mix concrete for the Waterfront Development; subject to the same terms and conditions of the main lease agreement between Council and Messrs Quarry Ventures be approved.**
 - (b) That Messrs Quarry Ventures be informed that a written notice must be addressed to Council when the project of Messrs Namibia Construction (Pty) Ltd to construct a breakwater at the Waterfront Development is finalised, in case it is before 30 June 2015.**
 - (c) That the Waterfront earthworks be completed by 30 June 2015; the demobilization of the Batching Plant be completed on / before 31 July 2015.**
-

11.1.7 **QUARRY VENTURES: LEASE AREA NO 1, MILE 4 QUARRY - APPLICATION TO ERECT TEMPORARY ACCOMMODATION**
C/M 2013/10/31 - G 2/2)

Ordinary Management Committee Meeting of 17 October 2013,
Addendum 7.7 page 50 refers.

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

1. Introduction

An application letter dated **16 August 2013** was received from Messrs Quarry Ventures on behalf of their sub-lessee, Messrs Namibia Construction (Pty) Ltd requesting permission to construct temporary houses for their staff on the existing lease area (**Annexure “B”**).

They apply:

- ① *To accommodate a maximum of twenty employees in proper, temporary accommodation structures on the quarry premises and*
- ② *To erect temporary structures for the accommodation of these employees. Such structures would comprise properly modified container-type temporary accommodation with adequate sleeping, shower, ablution and cooking facilities.*

Should permission be granted, the temporary accommodation will be erected close to the existing office facilities for control and security reasons.

For information, Messrs Namibia Water Corporation Ltd is currently leasing land from Council as a temporary construction site and for the accommodation of ±15 workers. No complaints in this regard were received.

With reference to the application by Messrs Quarry Ventures, quoted the conditions proposed by the Engineering Services Department:

1. *The accommodation area to be fenced off from the working area.*
2. *Suitable fire fighting equipment shall be installed in all facilities and shall be inspected by Fire Fighting Section prior to occupation.*
3. *The accommodation shall be inspected for approval by Health Department prior to it being used.*
4. *The accommodation shall include waterborne ablution which shall include an ablution facility with showers, toilets and hand washbasins connected to a sewage treatment unit.*
5. *The sewage treatment unit may only dispose processed and sterilised effluent, thus an on-site treatment of the sewage shall apply. This system may be inspected by Health Department at any time.*
6. *As an alternative to the sewage treatment system, a containment tank may be used, with the tank emptied regularly with a water-truck and the sewage disposed to the municipal disposal works with prior arrangement with the Superintendent.*
7. *A sheltered and roofed area with seating and tables shall be provided for the crew to have their meals.*
8. *If meals will be prepared on site, and food stored on site, a fully functional kitchen shall be provided, complete with suitable refrigeration / freezers to maintain food in safe condition. This facility shall be inspected by Health Department at regular intervals.*

9. *An area shall be prepared for personnel recreation after hours / outside working time.*
10. *All accommodation facilities, and all walking areas shall be provided with sufficient lighting.*

It was also recommended that:

- *No pets be kept at the accommodation facilities;*
- *Alcohol not be allowed; and*
- *Walkways be provided with gravel to keep the accommodation clean.*

The lessee and sub-lessee were informed of the above-proposed conditions on **10 September 2013** and confirmed per letter dated **19 September 2013** that they will adhere to the conditions proposed by the Engineering Services Department (**Annexure “C”**).

2. **Brief Background**

Messrs Quarry Ventures is leasing a portion of land, measuring 308, 4153 hectares at the Remainder of Portion B of Swakopmund Town and Townlands No 41, which is indicated by the figures A B C D E and describe as “**Lease Area No 1**” on the land surveyor’s diagram **attached** hereto as **Annexure “A”**.

The lease is for a period of **nine (9) years and eleven (11) months**, which commenced on date of signing being **31 July 2007 and will lapse on 30 June 2017**.

The lease of the premises is exclusive for the purpose of operating a commercial quarry, for the exploitation and supply of quarried and / or crushed rock, gravel, sand waste or any other sediment or material for civil construction and similar work.

Furthermore Messrs Onganja Mining (Pty) Ltd, owner of Quarry Ventures also applied on 9 August 2007 to sub-let the premises to Messrs Namibia Construction (Pty) Ltd, as they were identified as the best candidate to assist in the quarry operations. Council on **02 October 2007** under item 11.1.6 approved the sub-leasing:

That Quarry Ventures be permitted to sublet the quarry to Namibia Construction on condition that they remain responsible to Council for all matters relating to the quarry in terms of the agreement.

3. **Discussion**

Messrs Namibia Construction (Pty) Ltd states in their letter that they are currently employing eleven persons and as the workload is increasing, it is anticipated that a quarry nightshift will be necessary in the immediate future. For this reasons the employees will increase to twenty staff members.

As per the letter from Messrs Namibia Construction (Pty) Ltd, the lease agreement, under clause 6.8 provides on for accommodation on site:

“The Lessee shall not allow any person to overnight or to reside on the premises, save insofar as such person overnights or resides on the Premises for the purpose of rendering bona fide security services, or be engaged in operating during a night shift.”

4. **Proposal**

It is proposed to allow Messrs Namibia Construction (Pty) Ltd to provide temporary accommodation units for the housing of a maximum of 20 staff members.

It is further proposed that the conditions for the accommodation of staff members be the same as for Messrs Namibia Water Corporation Ltd, i.e.:

5.2 *The LESSEE is responsible for the cleanliness and tidiness of the PROPERTY.*

5.3 *The LESSEE shall adhere to the health and safety conditions prescribed by the General Manager: Health Services.*

It is also proposed that a separate addendum to the lease agreement with Messrs Quarry Ventures be compiled which include all the conditions to comply with.

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

RECOMMENDED:

That the request by Messrs Quarry Ventures to allow their sub-lessee, Messrs Namibia Construction (Pty) Ltd to construct temporary accommodation units on lease Area No. 1 for a maximum of 20 employees for the remainder of the lease period, i.e. until 30 June 2017 be turned down.

11.1.8 **3rd ADDENDUM TO THE DEED OF SALE: STRAND HOTEL DEVELOPMENT**
(C/M 2013/10/31 - E 4743)

Ordinary Management Committee Meeting of 17 October 2013,
Addendum 7.8 page 59 refers.

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

1. Introduction

Attached is a final draft addendum to the Deed of Sale for the development of Kempinski Strand Hotel Development for Council's approval.

- **Annexure "A"** - draft addendum
- **Annexure "B"** - letter of Kinghorn Associates dated **7 October 2013**
- **Annexure "C"** - 2x letters from O & L Leisure dated **30 September 2013**

2. Background

With reference to the application of Messrs O & L Leisure dated **17 April 2013** requesting Council's permission to have additional parking bays on the adjacent Mole parking area as they will no longer have a basement parking on the Strand Hotel's erf, Council on **27 June 2013** under item 11.1.1 passed the following resolution:

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

Messrs Kinghorn Associates was instructed as per letter dated **17 July 2013** (on file) to compile an addendum to the Deed of Sale and to incorporate the abovementioned conditions.

With reference to point (d) above, no provision is made in the addendum regarding the registration of the servitude for the parking area and access road as the access road is considered as “*Street*” and Council is obliged to maintain the street. A letter from Messrs Kinghorn Associates not supporting the registration of servitude for access road and parking area is attached as **Annexure “B”**.

Messrs Kinghorn Associates is of the opinion that the registration of the said servitudes will create conflict between Council and the owner of Erf 4743, Swakopmund and contradicts the obligation on Council to maintain and repair the streets and of the municipal services running underneath the street. Therefore they recommended that no servitude be registered in favour of Erf 4743, Swakopmund over the access road.

Should Council agree with the advice of Messrs Kinghorn Associates not to register the servitude in respect of access road, it is proposed that point (d) and (e) of Council's resolution of **27 June 2013** be amended accordingly.

2. Progress made

The aesthetical plans were approved by Aesthetics Committee on **18 July 2013** and are now at the National Heritage Council whereafter they will be submitted to the Engineering Services Department for final approval.

With reference to the letter of Messrs O & L Leisure dated **30 September 2013**, **attached Annexure “C”** requesting a building permit before the final addendum is signed, a meeting was held between and with Mr John Simpson, General Manager: Engineering Services and the Chief Executive Officer and it was concluded that no building permit be granted before the final addendum is signed and the plans are approved by the National Heritage Committee. According to Messrs O & L Leisure, the National Heritage Council has elected a new committee and this committee will only sit in **November 2013**.

3. Delay in commencement of construction

In terms of the 2nd addendum signed on **15 June 2012**, the developer was required to commence with the building construction on **01 August 2012 and complete the project 82 weeks after 01 August 2013 i.e 01 March 2014.**

Due to the revised building plans regarding the basement parking, Messrs O & L Leisure was not able to commence with construction on **1 August 2012** as per said agreement and Council's resolution passed on **26 April 2012**.

According to the developer referring to their letter dated **24 May 2013 (Annexure “C”)**, it was anticipated that they would commence with the building construction in **July 2013** and complete the project by **April 2015**, should the parking matter be resolved by **June 2013**. However this could not materialise due to the changes in design.

4. **Penalty clause**

It is a condition that the developer is required to commence with construction on **1 August 2012** in terms of Council's resolution passed on **26 April 2012** and as per the Addendum to the Agreement of Sale signed on **15 June 2012**, Messrs Ohlthaver & List Group of Companies applied for the penalty clause to be waived as the proposed time line will not be met in their letter dated **24 July 2012**.

The request of Messrs Ohlthaver & list Group was submitted to Council on **28 November 2012** and the following was resolved:

- (a) *That the letter received from Messrs Ohlthaver & List Group of Companies dated 21 August 2012 and 17 October 2012 regarding the revised concept for development of the hotel be noted.*
- (b) *That Messrs Ohlthaver & List Group of Companies be requested to submit a proper lay-out plan indicating the amendments to the initial development, for consideration by Council.*
- (c) *That Messrs Kinghorn Associates be requested to compile a further addendum to the Memorandum of Agreement.*
- (d) *That Messrs Ohlthaver & List Group of Companies be requested to submit bi-monthly reports on the progress of the construction project.*
- (e) *That the Engineering Services Department takes note and implement the penalty charges in the amount of N\$10 000.00 per day should the project not be completed within 82 weeks from 1 August 2012.*
- (f) *That the penalty be levied on a separate sundry account.*

5. **Proposal**

The approved concept plans are still to be approved by the National Heritage Council and it might take some time to be approved whereafter they will be submitted to Engineering Services for approval and only then the developer will commence with the building construction.

At the Council meeting of **26 September 2013** under 11.1.1 (e) it was resolved:

That, in future, a penalty clause be considered to ensure that developers are charged with an agreed penalty for breaching terms and conditions of the agreement.

This Council resolution makes provision for penalties for breach of contract in development agreements and will be incorporated into future agreements.

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

RECOMMENDED:

- (a) **That the 3rd addendum the Strand Hotel Deed of Sale be approved.**
 - (b) **That point (d) and (e) under item 11.1.1 of Council's resolution of 27 June 2013 be repealed and replaced with the following:**
 - (d) *That a servitude be registered over the parking area on adjacent area of Block 1 in favour of Erf 4743, Swakopmund for a period of 25 years on condition that provision be made to ensure that the property complies with the Town Planning Scheme after the expiry of the 25 year period.*
 - (e) *That the responsibility for the maintenance of the parking area be registered against the title deed of Erf 4743, Swakopmund for duration of the servitude, but that the road and parking area be available to the public at all times at no cost.*
-

11.1.9 **OBJECTION RECEIVED AGAINST THE SALE OF 35 LIGHT INDUSTRIAL ERVEN - NEW INDUSTRIAL AREA, EXT 10, SWAKOPMUND**

(C/M 2013/10/31 - G 4/1/3, E 4864, E 4865, E 4818, E 4819)

Ordinary Management Committee Meeting of 17 October 2013, Addendum 7.12 page 116 refers.

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

1. Introduction

Council advertised it's intention as per Notice 47 to sell 35 light industrial and 6 general industrial erven in the new industrial area with the closing date for objections being **1 October 2013**.

An objection was received from the Tamariskia Committee on **24 September 2013** stating that they object against the sale of the 35 "Light Industrial" erven. The objector mentions nothing regarding the 6 "General Industrial" erven although sold by the same conditions.

The Swakopmund Municipality proceeded with the closed bid procedure on **4 October 2013** and it was publicly announced that the sales are subject to ministerial approval being granted by the Honourable Minister of Regional and Local Government, Housing and Rural Development.

2. Results of the Closed Bid Sale

For purposes of submission to the Honourable Minister of Regional and Local Government, Housing and Rural Development the following results are reported, although a comprehensive report is tabled as a separate submission.

35 Light Industrial Erven

Upset Price	:	N\$ 160.00
Average Offered Price	:	N\$ 322.46

6 General Industrial Erven

Upset Price	:	N\$ 160.00
Average Offered Price	:	N\$ 220.80

From the above results it can be seen that the erven were allocated at very reasonable prices.

The closed bid sale procedure does not urge bidders to submit high prices in order to obtain an erf and resultantly most bidders stand a chance of choosing the erf they have bid for at a reasonable price even though they were not the highest bidder on a specific erf.

Erven were allocated to established companies, smaller close corporations, sole proprietaries and individuals alike.

All the bidders, successful and unsuccessful expressed satisfaction with the method of allocation which is not only completely transparent, but also allows bidders a level of choice to select an erf since they can bid on all the erven.

Compared to the public auction held on **03 August 2012**, the participants at closed bid sales are not inclined to submit unaffordable high prices in order to secure the allocation of an erf:

- Profit margin at the public auction of **03 August 2012** = 236 %
- Profit margin at the closed bid of **04 October 2013** = 100 %

3. Objection

From the objection it not clear what exactly the objector requires from Council other than making erven available for brick making activities; for which the closed bid sale catered.

The concerns raised by the objector are quoted from his letter followed by the comments of the Swakopmund Municipality:

Quoted from Letter	Comments
Your sales agreement draft clearly highlights the status of the purchasers for above mentioned erven	: It is not clear to which sales agreement the objector is referring as the conditions of sale are as per Annexure "C" . Council approved the conditions of sale on 27 June 2013 under item 11.1.21 and no reference is made to the status of the purchasers.
Light industrial erven should be upcoming middle class citizens.	: "Light Industrial" refers to the land usage of the erven as per Town Planning Amendment Scheme 12 and cannot be specifically reserved for any other purpose (such as for middle class citizens) than indicated in the Town Planning Amendment Scheme.
We as middle class citizens living in Swakopmund can't comply with some of your general conditions of sale: •minimum building value •building period	: As can be seen from Annexure "D" , the minimum building value is 4 x the municipal value of the "Light Industrial" erven which is very low; in some cases requiring an improvement of only N\$ 416 000.00 (excluding the boundary wall). The building period of 2 years is applicable in an effort to deter speculators who intend to purchase industrial land at a reasonable price from Council and sell same at an inflated price to third parties.
Furthermore these conditions won't allow sufficient area for medium scale brick making companies.	: The sizes of the erven are indicated as per Annexure "D" . This seems to be the real concern of the specific representative of the Tamariskia Committee as he applied to Council since 2010 for industrial land for brick making purposes. The land usage of "Light Industrial" erven is as follows: Primary Uses: Light Industrial, Warehouse, Service Industry, Dry Cleanette, Laundrette Consent Uses: Public Garage, Petrol Service Stations, Office Buildings, Funeral Parlour and Chapel, Building Yard, Panel Beater, Place of Amusement, Noxious Industry. Brickmaking is regarded as a noxious industry and can be operated subject to consent use being obtained.

Quoted from Letter	Comments
<p><i>It seems that the Municipality of Swakopmund is interested only in enriching and disregard favor to the community.</i></p>	<p><i>The upset prices of these erven are extremely reasonable at N\$160.00 / m². Operating in a free market system Council has little control over the prices obtained, unless the •cost limited average price method is applied. Council on 28 February 2013 reserved Erven 4864 and 4865 for the construction of a SME Industrial Park in order to cater for the segment of our community who cannot afford to purchase industrial land.</i></p> <p><i>In addition to the above, the Management Committee resolved on 12 September 2013 to sell Erven 4818 and 4819 by the cost limited average price method after all the industrial erven are sold.</i></p> <ul style="list-style-type: none"> <i>This method of allocation is done by computerized calculations confined between a predetermined minimum and maximum price, whereby the purchase price for an erf is calculated based on the average price of all the bids received. The erf is then allocated to the bidder closest to the average price of all the bids received.</i>
<p><i>The Municipality's history since 2005 according to statistics has done much injure to the lower and medium class community.</i></p>	<p><i>It is also not clear what the objector means by this statement.</i></p> <p><i>At the industrial auction held on 8 December 2005, 66 erven were on offer of which only 44 were sold and an average of N\$ 170.00/m² was obtained. The remaining 22 erven were sold out of hand at the upset price.</i></p> <p><i>Historically the statistics show that primarily the lower income residents have benefitted from these sales.</i></p>
<p><i>Therefore we consider that you commence by focusing on our needs.</i></p>	<p><i>As stated above, Council reserved 2 industrial erven for the construction of an industrial park and also reserved a further two erven for sale by the cost limited average price method. Council is focussed on the needs of all sections of the community. At the closed bid sale of 7 June 2013 for the sale of residential erven in Extension 17, a cancelled residential erf was allocated at just N\$5 000.00 above the upset price.</i></p> <p><i>In addition to the above, it should be kept in mind that purchasing an industrial erf for a reasonable price is the least of the financial obligations to comply with compared to sustaining and maintaining an industrial premises and business.</i></p>
<p><i>Wherever there is land, there is money. Money to develop. This shouldn't be a justification and used at our cost.</i></p>	<p><i>This is not clear, as the concept of cross subsidizing was explained in great detail to the representatives at the meeting held on 1 August 2013. Council's priority is servicing and making available erven for the middle and low income groups of the community. This is mostly achieved by cross subsidizing from the profits on business and industrial sales and from the sales of residential land in more affluent neighbourhoods.</i></p>
<p><i>The time has arrived for you to amend and revise our beseech thus to avoid unnecessary actions by the Community.</i></p>	<p><i>It is not clear what the Tamariskia Committee is requesting from Council.</i></p>
<p><i>We offer that you arrange a meeting with the Major (sic) and the Council that we shall attend.</i></p>	<p><i>It is proposed that the Management Committee considers whether to grant the Tamariskia Committee an audience.</i></p>

4. **Proposed Availing of Erven for Sale by the Cost Limited Average Price Method**

As can be seen from **Annexure “F”**, apart from the following 4 erven already reserved by Council for the lower income categories, a further 29 erven are available which are being rezoned to “*general industrial*”:

Erf Number	Sizes	Zoning	Comments	Available
<i>Erf 4818</i>	<i>6276</i>	<i>General Business</i>	<i>Reserved by Management Committee on 12 Sept 13 to sell by CLAP.</i>	✓
<i>Erf 4819</i>	<i>4406</i>	<i>General Business</i>	<i>Reserved by Management Committee on 12 Sept 13 to sell by CLAP.</i>	✓
<i>Erf 4864</i>	<i>7517</i>	<i>General Business</i>	<i>See Cnl Res of Feb 13 - reserved for SME development. Eng Services is attending to rezoning to General Industrial.</i>	✓
<i>Erf 4865</i>	<i>6000</i>	<i>General Business</i>	<i>See Cnl Res of Feb 13 - reserved for SME development Eng Services is attending to rezoning to General Industrial.</i>	✓

These erven vary in size and it is proposed that Council considers, in addition to the rezoning to “*general industrial*”, subdividing the most suitably located erven in order to create 10 erven measuring approximately 2 000m² each; and that these erven be reserved for sale to the public by closed bid by means of the Cost Limited Average Price method.

5. **Discussion**

As can be seen from the above, the industrial erven were allocated at very reasonable purchase prices to the bidders whilst still securing much needed income for Council in order to service land in the less affluent areas of our town thereby availing land to accommodate our low income residents.

With reference to the income generated by Council from the sale of the industrial erven, a percentage of the income will be shared with Erongo Red as Council passed the following resolution on **27 June 2013**:

(c) *That the income be shared with Erongo RED pro rata according to their contribution.*

The objector specifically refers to the following two points of concern:

- **Minimum building value:** as explained under point 3 above and as can be seen from **Annexure “D”**, the minimum building value is not regarded as being unreasonable.
- **Building period:** the condition of constructing a building within two years is to protect especially the smaller entrepreneurs against speculators who purchase industrial land from Council and sell the undeveloped land at unreasonable high prices to third parties.

6. **Proposal**

The following is proposed:

That the Management Committee takes note that the Tamariskia Community Committee only objects against the sale of the 35 “*light industrial*” erven and not the 6 “*general industrial*” erven. Therefore the sale transactions for the 6 “*general industrial*” erven can be finalized.

That the Management Committee grants the Tamariskia Community Committee an audience.

That Council rejects the objection received from the Tamariskia Community Committee against the sale of the 35 “*light industrial erven*” and Council’s motivation be submitted 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.

That Council obtains permission from the Honourable Minister of Regional and Local Government, Housing and Rural Development to proceed with the sale of the 35 “*light industrial*” erven.

That it be noted that the process is still underway to rezone the remaining 29 “*general business*” erven along the railway to “*general industrial*”; Council could reserve two or more of these erven to create and reserve 10 “*general industrial*” erven measuring approximately 2 000m² each by subdividing and redesigning the most suitably located of these erven.

The erven created in this way could be offered for sale to the public by closed bid by means of the Cost Limited Average Price method.

6. **Attachments:**

Annexure “A”	:	<i>Objection received</i>
Annexure “B”	:	<i>Notice No 47/2013</i>
Annexure “C”	:	<i>Council’s Conditions for the sale of the industrial erven</i>
Annexure “D”	:	<i>A list indicating the upset price compared to the municipal valuation Upset price = N\$ 160.00/m² Municipal Valuation = N\$ 100.00/m²</i>
Annexure “E”	:	<i>a letter addressed to the Community following a meeting held with them on 01 August 2013 in order to explain the town planning procedures and processes</i>
Annexure “F”	:	<i>status / availability of erven in industrial area</i>

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

RECOMMENDED:

- (a) That it be noted that the Tamariskia Community Committee only objects to the sale of the 35 "*Light Industrial*" erven and not the 6 "*General Industrial*" erven. Therefore the sale transactions for the 6 "*general industrial*" erven can be finalized.
 - (b) That Council rejects the objection received from the Tamariskia Community Committee against the sale of the 35 "*Light Industrial Erven*" based on the minimum building value and building period; and Council's motivation be submitted 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, subject to the favourable response from the Honourable Minister of Regional and Local Government, Housing and Rural Development, condones the action whereby the 35 "*Light Industrial*" erven in the industrial erven was allocated on 04 October 2013.
 - (d) That it be noted that the process is still underway to rezone the remaining 29 "*General Business*" erven along the railway to "*General Industrial*";
 - (e) That Council reserves the most suitably located erven of the 29 available erven in (d) above for the purpose of subdividing and redesigning them to create 10 "*General Industrial*" erven not larger than 2 000m².
 - (f) That the erven created in this way be offered for sale to the public by closed bid by means of the Cost Limited Average Price method.
-

11.1.10 **STREET RESEALING PROGRAMME**
(C/M 2013/10/31 - N 8/13/1/4)

Ordinary Management Committee Meeting of 17 October 2013,
Addendum 8.2 page 02 refers.

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

STATUS

Several streets in Swakopmund are showing signs of ageing - deterioration of condition of the surface of the pavement. Though this may not be applicable to the whole street, very often sections of the streets are showing such degradation.

The standard practice in the maintenance of streets is to do preventative maintenance, thus monitoring the condition of this expensive infrastructure and, when required, to repair the surfaces, or if such is required, to repair the pavement layers beneath the surface.

The rains which occurred from **24-26 September 2013** are considered the prelude to the rainy season. Free water (rain run-off) is one of the most detrimental influences on a tarred surface, both softening the under-laying support pavement and causing potholes, it is recommended to resurface the following streets, which are showing signs of deteriorating, is recommendable (See **Appendix A**):

STREET	FROM	TO
<i>Daniel Kamho</i>	<i>Vrede Rede</i>	<i>Schwieterling</i>
<i>Flamingo</i>	<i>Aldridge</i>	<i>Fischreier</i>
<i>Vrede Rede</i>	<i>Second Avenue</i>	<i>Rakotoka</i>
<i>Hidipo Hamutenya</i>	<i>Moses Garoeb</i>	<i>Mandume Ya Ndumefayo</i>
<i>Mandume Ya Ndumefayo</i>	<i>Hidipo Hamutenya</i>	<i>Nelson Mandela</i>
<i>Nathaniel Maxuillili</i>	<i>River bridge</i>	<i>Sam Nujoma</i>
<i>Sam Nujoma</i>	<i>Südstrand</i>	<i>Rail Bridge</i>
<i>Nord Strand</i>	<i>Tobias Hainyeko</i>	<i>Berg</i>
<i>Rakotoka</i>	<i>Nelson Mandela</i>	<i>Vrede Rede</i>

STREET RESEALING PROGRAMME - PROVISION ON BUDGET 2013/14

The following provision was allowed for on the 2013/14 Capital Budget:
Resealing of streets - N\$5 000 000.00 (Vote 201532008400)

EXECUTING THE WORK

Given that only 8 months of this financial year effectively remains available for construction, including the Festive Season break, the Works Section will be heavily taxed to complete the abovementioned works if formal tender procedure is applied.

Resealing of streets was exempted from the formal tendering process according Resolution 11.1.21 of Council Meeting held on **27 August 2012**, and given the success of execution of that work, it is thus proposed that resealing of streets again be exempted from formal tender

procedures to a maximum amount of N\$200 000.00 per quotation. The higher amount is proposed to minimise the administrative burden of the Works Section, to minimise mobilisation costs per section and to accelerate execution of the works.

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

RECOMMENDED:

- (a) That the available funds (Vote 201532008400 - Resealing of streets - N\$5 000 000.00) be applied to perform preventative and restorative resealing work on the following streets:

<i>STREET</i>	<i>FROM</i>	<i>TO</i>
<i>Daniel Kamho</i>	<i>Vrede Rede</i>	<i>Schwieterling</i>
<i>Flamingo</i>	<i>Aldridge</i>	<i>Fischreier</i>
<i>Vrede Rede</i>	<i>Second Avenue</i>	<i>Rakotoka</i>
<i>Hidipo Hamutenya</i>	<i>Moses Garoeb</i>	<i>Mandume Ya Ndumefayo</i>
<i>Manduma Ya Ndumefayo</i>	<i>Hidipo Hamutenya</i>	<i>Nelson Mandela</i>
<i>Nathaniel Maxuilili</i>	<i>River bridge</i>	<i>Sam Nujoma</i>
<i>Sam Nujoma</i>	<i>Südstrand</i>	<i>Rail Bridge</i>
<i>Nord Strand</i>	<i>Tobias Hainyeko</i>	<i>Berg</i>
<i>Rakotoka</i>	<i>Nelson Mandela</i>	<i>Vrede Rede</i>

- (b) That both the labour content and the materials content of the work be exempted from the N\$50 000.00 ceiling, with the ceiling for each to be increased to a maximum of N\$200 000.00.
- (c) That the General Manager: Engineering Services investigates the condition of other roads and report back.
- (d) That the General Manager: Engineering Services submits this item to the Tender Board for exemption.
-

11.1.11 **REQUEST FOR ADDITIONAL FUNDS FOR TENDER T17 / 2011 - ELECTRICAL INFRASTRUCTURE FOR PDA ERVEN PHASE 3**

(C/M 2013/10/31 - H 5/7)

Ordinary Management Committee Meeting of 17 October 2013,
Addendum 8.3 page 05 refers.

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

Introduction

The Contract was awarded to Messrs Grüttenmeyer & Senke Electrical Contractors CC Ltd on **10 June 2011** for the value of N\$7 473 943.83 (vat incl.). The project was scheduled for construction duration of 270 calendar days which excluded non-working days and construction industry holidays. The Consulting Engineers and Project Managers for the project is Messrs WML Consulting Engineers (Pty) Ltd and they issued a Practical Completion Certificate for the work with snags, on **01 February 2013**.

Discussion

During the final inspection of the Works it was found that there were several items outstanding which needed to be completed before a Taking-Over Certificate can be issued, namely a second 630 kVA transformer which must still be installed in the substation. However with the approval of Messrs Erongo RED the Works could be handed over to the Municipality of Swakopmund.

Due to the long waiting period of the second transformer the project was completed after the closing of the 2012/2013 Financial year and this resulted in the funds available for the Contract not to be transferred over to our current financial period (2013/2014).

Availability of Funds

All work pertaining to the installation of the electrical infrastructure and the supervision thereof by the consulting engineers are being financed from two votes:

(a)	Vote Description	(b)	Vote number
	<i>Electricity PDA Area - 2nd Phase</i>		<i>4005 340 111 00</i>
	<i>Electrical PDA Area - Final Phase</i>		<i>4005 340 128 00</i>

To date payments made under the above mentioned votes to the Contractor are as follows:

Payment Certificate	Amount (Vat excl.)
<i>E1</i>	<i>N\$ 2 588 677.99</i>
<i>E2</i>	<i>N\$ 1 183 116.42</i>
<i>E3</i>	<i>N\$ 263 292.82</i>
<i>E4</i>	<i>N\$ 476 992.11</i>
<i>E5</i>	<i>N\$ 643 600.82</i>
<i>E6</i>	<i>N\$ 593 174.72</i>
Total paid to date	N\$ 5 935 746.20

To date payments made under the above mentioned votes to the Consultant are as follows:

Payment Certificate	Amount (Vat excl.)
<i>E1</i>	<i>N\$ 179 470.12</i>
<i>E2</i>	<i>N\$ 123 461.17</i>
Total paid to date	N\$ 302 931.29

Payments still outstanding which need to be paid to the Contractor and Consultant are as follows:

Contractor/Consultant	Payment Certificate	Amount (Vat excl.)	Comments
<i>G&S Electrical Contractors</i>	<i>E7</i>	<i>N\$ 186 891.29</i>	<i>Final Interim Payment</i>
<i>G&S Electrical Contractors</i>	<i>E8</i>	<i>N\$ 162 477.04</i>	<i>Release of Retention Money at February 2014</i>
<i>WML Consulting Engineers</i>	<i>E3</i>	<i>N\$ 5 330.24</i>	<i>Final Payment at February 2014</i>
Total paid to date		N\$ 302 931.29	

Conclusion

The additional funds requested is a result of the delay in the completion of the works due to the waiting period for the second transformer and not transferring or making funds available in the current financial period (2013-2014).

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

RECOMMENDED:

That vote 400534012800 be made a continuation project for 2013 / 2014 Financial Year, and that an amount of N\$302 400.00 be availed on the said vote to settle the outstanding amounts for work done by:

- *Messrs Grüttemeyer & Senke Electrical Contractors CC under Tender 17 / 2011 - Electrical Infrastructure for PDA Erven Phase 3*
 - *Messrs WML Consulting Engineers (Pty) Ltd under Tender 30 / 2004 - Electrical Services For the PDA Area in Swakopmund.*
-

11.1.12 **REQUEST FOR ADDITIONAL FUNDS FOR SECURITY SERVICES AT PUBLIC BUILDINGS**

(C/M 2013/10/31 - D 2/1)

Ordinary Management Committee Meeting of 17 October 2013, Addendum 8.4 page 07 refers.

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

The purpose of this submission is to obtain Council's permission for additional funds on Security Services vote – Public Buildings.

The amount of **N\$ 100 000.00** was budgeted on Council's operational budget for current financial year. Currently the vote is about to be depleted as **N\$ 98 226.36** has been spent thus far.

The security services still need to be paid for the remainder of the current financial year. These services are among other at following public buildings Erven 4884, 989, 1525, 4349, etcetera. The estimated figure of **N\$109 500.00** will be needed for the remainder of the current financial year for the above purpose in order to cover the cost.

In addition to the above, Community Development Services (CDS) request for funds for security services in favour of cracked houses as the members of the affected families still want to have another round of discussion in order to clarify certain aspects. This means that the newly built houses which was supposed to have been occupied needs to be secured against vandalism and theft. This is an unforeseen expenditure for which no budgetary provision was made, because it was not anticipated that the matter would continue for so long. The security companies charges around **N\$4 500.00** per month, i.e. **N\$40 500.00** for the remaining nine months.

The total additional amount of **N\$ 150 000.00 (N\$ 109 500.00 plus N\$ 40 500.00)** is therefore needed to cover the cost for security services on public buildings for the remainder of the year.

It is against this background that a request is made to Council for favourable consideration.

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

RECOMMENDED:

That permission be granted to the General Manager: Finance to make additional funds of in the sum of N\$150 000.00 available on the Security Services (Public Buildings) Vote 202510214900.

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

(C/M 2013/10/31 - T 414)

Ordinary Management Committee Meeting of 17 October 2013,
Addendum 8.7 page 16 refers.

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

Attached application has been received for the registration of a resident occupation in terms of the Swakopmund Town Planning Scheme Regulations:

- *Erf 414, Tamariskia - Mr E Brockerhoff - Administrative Office (Cash Loan)*
(Notice No. 43/2013-09-07)

The owner of the above-mentioned erf has requested Council to grant permission to operate an administrative office, cash loan on the property. The property is zoned “*Single Residential*” and according to the Swakopmund Town Planning Scheme, with special consent from Council a resident occupation may be allowed.

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

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

Insert from the Town Planning Amendment Scheme No.12:

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

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

Products not manufactured or fabricated within the dwelling by the inhabitants may only be sold by catalogue sales and may not be stocked for retail sales within the residence. Incidental sales of products directly associated with the resident occupation may be permitted by Council;

(xi) The resident occupation may employ up to 2 full time employees.

All adjacent neighbours were contacted and no objections were received. The proposed consent use was also advertised as per Clause 6 of the Swakopmund Town Planning Scheme, **Notice No. 43/2013-09-07**. No objections were received.

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

RECOMMENDED:

- (a) That the following application for permission to operate a resident occupation be approved:**
 - *Erf 414, Tamariskia - Mr E Brockerhoff - 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 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.*
 - *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.*
-

11.1.14 **DISPOSAL OF OLD AND REDUNDANT COMPUTER EQUIPMENT**
(C/M 2013/10/31 - A 4/3/18)

Ordinary Management Committee Meeting of 17 October 2013,
Addendum 8.8 page 30 refers.

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

The Municipality of Swakopmund has recently replaced various personal computers (PCs) which resulted in the writing off of the old and redundant equipment. These products were declared non - usable and is now regarded as e-waste or electronic waste.

Electronic waste or e-waste is a term used to describe electronic equipment such as monitors, computers, cell phones, etc. that is thrown away or otherwise disposed of without any consideration of donating or recycling. Computers and monitors contain toxic levels of mercury, lead, cadmium, arsenic, and beryllium which are very unfriendly substances to the environment. It is therefore imperative that the redundant items be disposed of responsibly.

Some research on this topic revealed that the Walvis Municipality in partnership with Transworld Cargo has established an e-waste disposal and recycling facility at the hazardous waste site in Walvisbay. The site is licensed to dispose of and process discarded computers, televisions, stereos and miscellaneous electronic equipment.

Below is a list of redundant electronic equipment that must be disposed of and in terms of Councils policy, all redundant equipment must be auctioned off. The local Administrator advised the computer committee that the redundant equipment is not compatible for use and therefore advised that the items be demolished in a responsible and environmental friendly method.

The following computer equipment was identified to be written off:

DEPARTMENT	ITEM DESCRIPTION	SERIAL NUMBER
<i>Community Development Fire Section</i>	<i>AOpen Screen</i>	<i>C421VM7VR09700</i>
	<i>AOpen Screen</i>	<i>C411VM5EN03162</i>
	<i>AOpen Screen</i>	<i>C421VM7VR05462</i>
	<i>Samsung Screen</i>	<i>LB17HMBY500567</i>
<i>Housing</i>	<i>AOpen Screen</i>	<i>C411VM5EN03023</i>
	<i>AOpen Screen</i>	<i>C411VM5EN02978</i>
	<i>AOpen Screen</i>	<i>C411VM5EN03054</i>
	<i>AOpen Screen</i>	<i>C411VM5EN03183</i>
	<i>AOpen Screen</i>	<i>C411VM5EN03196</i>
	<i>AOpen Screen</i>	<i>C421VM7VR09706</i>
	<i>PC</i>	<i>33818794</i>
	<i>PC</i>	<i>33930171</i>
	<i>PC</i>	<i>33817455</i>
	<i>PC</i>	<i>33817862</i>
	<i>PC</i>	<i>33930173</i>
	<i>PC</i>	<i>33817370</i>
<i>Corporate Services & HR</i>	<i>PC</i>	<i>33930347</i>
	<i>Hard Drive</i>	<i>A21VM7VR02197</i>
<i>Engineering Services</i>	<i>Hard Drive</i>	<i>33929780</i>

	Hard Drive	33818951
	Hard Drive	33819000
	Hard Drive	33929782
	Hard Drive	33341239
	PC	LB17HMBL617553
	PC	91420050640
	PC	C421VM7VR05950
	PC	C421VM7VR05743
	PC	LB17HMBL400517P
	CPU	33930231
	CPU	34231872
	CPU	33817786
	CPU	33818979
	CPU	33818787
	CPU	33817456
	Screen	MZ123969
	Screen	C411VM5EN03043
	Screen	C411MV5EN03171
	Screen	LB17HMBYC10057B
	Screen	C411VM5EN02528
	Screen	C411VM5EN03184

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

RECOMMENDED:

- (a) That the disposal of the following redundant computer equipment be approved.

DEPARTMENT	ITEM DESCRIPTION	SERIAL NUMBER
Community Development Fire Section	AOpen Screen	C421VM7VR09700
	AOpen Screen	C411VM5EN03162
	AOpen Screen	C421VM7VR05462
	Samsung Screen	LB17HMBY500567
Housing	AOpen Screen	C411VM5EN03023
	AOpen Screen	C411VM5EN02978
	AOpen Screen	C411VM5EN03054
	AOpen Screen	C411VM5EN03183
	AOpen Screen	C411VM5EN03196
	AOpen Screen	C421VM7VR09706
	PC	33818794
	PC	33930171
	PC	33817455
	PC	33817862
	PC	33930173
Corporate Services & HR	PC	33817370
	PC	33930347
	Hard Drive	A21VM7VR02197
Engineering Services	Hard Drive	33929780
	Hard Drive	33818951
	Hard Drive	33819000
	Hard Drive	33929782
	Hard Drive	33341239
	PC	LB17HMBL617553
	PC	91420050640
	PC	C421VM7VR05950
	PC	C421VM7VR05743
	PC	LB17HMBL400517P
	CPU	33930231
	CPU	34231872
	CPU	33817786
	CPU	33818979
	CPU	33818787

	<i>CPU</i>	<i>33817456</i>
	<i>Screen</i>	<i>MZ123969</i>
	<i>Screen</i>	<i>C411VM5EN03043</i>
	<i>Screen</i>	<i>C411MV5EN03171</i>
	<i>Screen</i>	<i>LB17HMBYC10057B</i>
	<i>Screen</i>	<i>C411VM5EN02528</i>
	<i>Screen</i>	<i>C411VM5EN03184</i>

- (b) That Messrs Business Connexion ensures the safe and environmentally friendly disposal of all redundant IT equipment and that the General Manager: Health Services supervises that best practices are applied during the process.
- (c) That the Messrs Business Connexion ensures that all confidential information of Council is removed from all hard drives before the e-waste is delivered for disposal.
-

11.1.15 **REQUEST BY MESSRS MORE ABUNDANT LIFE WELFARE ORGANIZATION TO USE ERF 2265, MONDESA FOR VARIOUS COMMUNITY BASED SERVICES**

(C/M 2013/10/31 - M 2265)

Ordinary Management Committee Meeting of 17 October 2013,
Addendum 8.9 page 33 refers.

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

1. Introduction

An application (**Annexure "A"**) dated 05 June 2013 was received from Messrs More Abundant Life Welfare Organization (W.O. 351) requesting Council to donate the use of a portion of Erf 2265, Mondesa to host a community services campaign for nine months.

They intend to set up a tent (20 metres x 20 metres) and the additional space will be needed for recreational and temporary ablution facilities.

Services that they offer includes; training or training sessions, preaching, dramas, social engagements, prayers and recreational activities in collaboration with stakeholders.

Attached also to their application is a supporting letter (**Annexure "B"**) from the Ministry of Health and Social Services, Swakopmund District Social Welfare Services confirming their partnership and the services they offer.

The land applied for measures 4 354m² and is zoned Public Open Space (**Annexure "C"**). According to Swakopmund Town Planning Scheme 12, the primary use of *Public Open Spaces* is restricted to sport, games, rest and recreational or ornamental gardens or recreational resort.

2. Comments

Comments regarding the application were requested from Engineering Services, Community Development Services and Health Services.

The General Manager: Health Services supports the initiative stating that in the absence of services for homeless people in Swakopmund, the venture will help the community with food, clothing as well as emotional support.

On the other hand, the General Manager: Engineering Services does not support the venture, considering the influx of people to the venue where no ablution, water and waste removal is provided for.

3. Discussion

Notwithstanding the good initiative by the applicant, the zoning of the land applied being public open space is not appropriate for the

envisaged venture considering that it's exclusively reserved for public usage.

Even though Council has the authority to exercise its discretionary rights, it is imperative that the public especially the residents living in close proximity of the area be consulted so they give their consent in order to avoid complaints related to the venture. In the past various complaints regarding especially noise pollutions were received relating to such ventures.

Should the venture be accepted; it will surely attract a large number of people, but since there is no water and ablution facilities it will become a health risk to permit people to gather at an area without providing basic sanitation.

As per the comments from the Health Services Department, it is proposed that the applicant provide ablution facilities to the satisfaction of the General Manager: Health Services.

In addition, Erf 2265, Mondesa is located on the outskirts of a densely populated residential area and borders a very busy road.

There is also the possibility that the site might be used to hold church services since they have indicated that preaching and praying will be among the services that will be offered.

In this regard, Council passed the following resolution on **28 February 2008**:

(c) *That Council adopts the policy that no tents for any church denomination on municipal land be allowed due to the possible unhygienic conditions due to the lack of ablution facilities.*

It should also be kept in mind that should the application be considered favourable, various similar applications might follow which is difficult to manage, as such will require regular inspections.

4. **Conclusion**

Considering that Erf 2265, Mondesa is zoned *public open space* and that there is no ablution facilities; it is therefore proposed that the application for More Abundant Life Welfare Organization not be supported since the area is not appropriate for the envisaged venture.

A more suitable site, being at Portion 5 (located between Mondesa and Tamariskia) could be considered, subject to Council's standard conditions (quoted below), but the situation remains that various similar applications might follow.

4.2 The following standard conditions are applicable for the lease of land for short periods:

- (i) *The applicant must keep the area clean at all times.*
- (ii) *That the applicant must indemnify Council against any claims that may arise from using the area.*

- (iii) *The area must be restored to its original condition and to the satisfaction of the Health Services after your function.*
- (iv) *Sound must be restricted to the immediate surrounding area.*
- (v) *On receipt of any complaints due to noise or misbehaviour, the use of the above mentioned area will be cancelled immediately.*
- (vi) *Council reserves the right to cancel the use of the area should Council need the area for its' own purposes.*
- (vii) *The applicant must arrange for the provision of **refuse bins** and has to pay for the lease thereof as well as the removal (N\$15.00 per bin and N\$357.50 per truck load for the removal {15% VAT excluded}).*
- (viii) *The applicant must provide ablution facilities at their cost.*
- ☞ *Electricity connection arrangements (if required) must be made with Erongo Red.*

4.3 The following tariffs are applicable

<i>Refundable Deposit (963032210920 {129})</i>	- N\$ 357.50
<i>Lease of Land (202522056500 {148})</i>	- N\$ 500.00 (per month excluding 15% VAT)

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

RECOMMENDED:

That Messrs More Abundant Life be informed that Erf 2265, Mondesa is zoned “Public Open Space” and Council does not permit tents for extended periods of time on Public Spaces.

11.1.16 **APPLICATION FOR RELAXATION OF PARKING REQUIREMENTS FOR ERF 514, SWAKOPMUND, IN ACCORDANCE WITH THE TOWN PLANNING PARAMETERS**

(C/M 2013/10/31 - E 514)

Ordinary Management Committee Meeting of 17 October 2013, Addendum 8.10 page 37 refers.

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

Application was received from Messrs Michiel Coetzee Architect on behalf of his client Messrs Medcare Medical Centre for relaxation of parking requirements for Erf 514, Swakopmund.

It is the intention of the owners of the property to construct more facilities on the premises to better meet the needs of the public in terms of medical needs. With the strict parking requirements the intentions cannot be realised. A total of 7 parking bays will be needed on site for the extra intentions of the applicants. The applicant approached the Engineering Services Department with the suggestion of relaxation and indicated that they would refurbish the current parking layout for the area at their own costs to increase the parking by 24 bays. It is the opinion that this suggestion can be supported as it will better the parking situation in the area.

In terms of the Swakopmund Town Planning Scheme application can be made to Council for relaxation of such requirements. The following is an extract from the Scheme clearly highlighting the process and requirements involved:

CLAUSE 8.20 PARKING- SPECIAL PROVISIONS

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

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

Section (c) is considered to be the correct route to follow in this case. The developer is willing to construct and maintain at own costs the parking on the adjacent area which is to be used by both the proposed development and members of the public visiting the area.

It is hereby suggested that the same processes be followed as with the previously approved Strand Hotel application. It should be noted that consistent decision making be the objective of the Local Authority.

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

RECOMMENDED:

- (a) That the application of Messrs Michiel Coetzee Architect on behalf of his client Messrs Medcare Medical Centre for relaxation of parking requirements for the Erf 514, Swakopmund be approved.**
 - (b) That Council enters into an agreement with the developer with regard to the construction of the proposed parking facilities:**
 - (i) The developer must construct the parking area to the specifications of the Engineering Department;***
 - (ii) After completion of the parking area it must be handed over to the Municipality.***
-

11.1.17 **APPLICATION FOR RELAXATION OF PARKING REQUIREMENTS FOR ERF 228C, SWAKOPMUND, IN ACCORDANCE WITH THE TOWN PLANNING PARAMETERS**

(C/M 2013/10/31 - E 228 C)

Ordinary Management Committee Meeting of 17 October 2013, Addendum 8.11 page 41 refers.

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

Application was received from Messrs Malherbe & Partners on behalf of their client Messrs Vantrimar Properties CC for relaxation of parking requirements for Erf 228 C, Swakopmund.

After an inspection was done on Erf 228 C it was indicated by the General Manager: Engineering Services that the proposed ramp to gain access to the top parking area of the property is likely to be a safety hazard for the general public. It was discussed and it was agreed to rather apply for relaxation of the parking requirements as was done with the Stand Hotel recently.

The applicant proposes to interlock and maintain the area where the Christmas fair is being held every year in exchange for the relaxation of parking requirements. The area will be greatly enhanced and respond well with the beautification of the area. It could increase a more effective and efficient use of the area than what it is currently serving as.

In terms of the Swakopmund Town Planning Scheme application can be made to Council for relaxation of such requirements. The following is an extract from the Scheme clearly highlighting the process and requirements involved:

CLAUSE 8.20 PARKING- SPECIAL PROVISIONS

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

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

Section (c) is considered to be the correct route to follow in this case. The developer is of the willing to construct and maintain at own costs the parking on the adjacent area which is to be used by both the proposed development and members of the public visiting the area.

It is hereby suggested that the same processes be followed as with the previously approved Strand Hotel application. It should be noted that consistent decision making be the objective of the Local Authority.

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

RECOMMENDED:

That the application for relaxation of parking requirements for Erf 228 C, Swakopmund be turned down.

11.1.18 **APPLICATION FOR THE RELAXATION OF BUILDING HEIGHT ON ERF 48, MILE 4**

(C/M 2013/10/31 - M4 E 48)

Ordinary Management Committee Meeting of 17 October 2013,
Addendum 8.12 page 46 refers.

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

Attached application was received from Messrs Downing Designs Contemporary Architecture on behalf of their client Mr E Brand for a proposed height relaxation on Erf 48, Mile 4.

The applicant is requesting permission from Council to exceed the prescribed height of 8.00m. The new proposed height will be 8.6m as per drawing. The height will contribute positively to the appearance of the building. **Attached** drawings illustrate the height.

The erf is zoned “*Single Residential*” and has a height restriction of 8.00m. According to the Swakopmund Town Planning Scheme, Council may grant a relaxation, should it feel that it would not interfere with the amenities of the neighbourhood.

Excerpt from Town Planning Amendment Scheme No.12, Clause 5/A /2.3 for convenience.

2.3 Height

No dwelling house shall exceed a height of 8m.

Provided that:

The Council may relax the maximum height to 10 metres if it is satisfied that no interference with the amenities of the neighbourhood, existing or as contemplated by the Scheme, will result.

The surrounding neighbours were contacted and no one objected. Registered mail was also sent to some of the owners of the surrounding properties and no one replied. The intended use was further advertised as per Clause 6 (**Notice No. 43/2013-09-07**) and no objections were received.

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

RECOMMENDED:

That the application for the relaxation of building height from 8m to 8.6m on Erf 48, Mile 4, Swakopmund be approved.

11.1.19 **APPLICATION FOR THE RELAXATION OF BUILDING HEIGHT ON
ERF 4131, EXTENSION 12, SWAKOPMUND**
(C/M 2013/10/31 - VS 4131)

Ordinary Management Committee Meeting of 17 October 2013,
Addendum 8.13 page 54 refers.

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

Attached application was received from Mr Ryno Du Preez for a proposed height relaxation on Erf 4131, Extension 12, Swakopmund.

The applicant is requesting Council's permission to exceed the prescribed height of 8.00m. The new proposed height will be 10.00m as per drawing. The height will contribute positively to the appearance of the building. **Attached** drawings illustrate the height.

The erf is zoned "*Single Residential*" and has a height restriction of 8.00m. According to the Swakopmund Town Planning Scheme Regulations, Council may grant a relaxation, should it feel that it would not interfere with the amenities of the neighbourhood.

Excerpt from Town Planning Amendment Scheme No.12, Clause 5/A /2.3 for convenience.

2.3 Height

No dwelling house shall exceed a height of 8m.

Provided that:

The Council may relax the maximum height to 10 metres if it is satisfied that no interference with the amenities of the neighbourhood, existing or as contemplated by the Scheme, will result.

The surrounding neighbours were contacted and one neighbour objected. The intended use was further advertised as per Clause 6 of the Swakopmund Town Planning Scheme (**Notice No. 43/2013-09-07**) and one objection was received.

Objections raised by Mr V R Gogel, owner of Erf 4120 Vogelstrand

Point 1: Obstruction of View

Discussion on Point 1:

It cannot be seen how the proposed height of the building will obstruct the view of Erf 4120 Vogelstrand. A site visit was conducted and it was noticed that no views will be affected since the erf faces many high residential dwellings already. Vogelstrand is known for its big double storey houses due to the large size of the erven. It must also be noted that a view is also not a right, it's a privilege. Furthermore an erf zoned for "*Single Residential*" would usually accommodate buildings with a maximum height of 8 meters which is not much lower than 10 meters.

Comments received from Mr Micheal Fechter, owner of Erf 4121 Vogelstrand

The owner of Erf 4121 Vogelstrand was sent a letter for the relaxation of height by registered post by Mr du Preez. Mr M Fechter did respond to the letter by email and commented that he cannot give an answer right away since he is in Windhoek and first have to come to Swakopmund in order to see how the proposed height will affect his property. Since then more than a month has passed and no comments or objections was received from Mr M Fechter. It can thus be assumed that Mr M Fechter has no objection to the proposed height relaxation.

Conclusion

According the Swakopmund Town Planning Amendment Scheme, all owners of erven has the right to apply for consent for building height relaxation to better optimise their Erf.

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

RECOMMENDED:

- (a) That the application for the relaxation of building height from 8.00m to 10.00m on Erf 4131, Vogelstrand be approved.**
 - (b) That Mr Volker Gogel be informed of his 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.**
-

11.1.20 **REZONING OF SUBDIVIDED PORTIONS A AND B OF THE
REMAINDER OF ERF 1771, SWAKOPMUND EXTENSION 1 FROM
“GENERAL RESIDENTIAL 2” TO “INSTITUTIONAL” AND THE
SUBSEQUENT CONSOLIDATION WITH ERF 4262, EXTENSION 1
SWAKOPMUND**

(C/M 2013/10/31 - E 1771)

Ordinary Management Committee Meeting of 17 October 2013,
Addendum 8.14 page 69 refers.

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

Application was received from Messrs Stubenrauch Planning Consultants CC Town and Regional Planners on behalf of their client Messrs Die Apostoliese Geloof Sending Van Namibie for the rezoning of subdivided portions A and B of the remainder of Erf 1771, Extension 1, Swakopmund and the subsequent consolidation of these portions with Erf 4262, Extension 1, Swakopmund.

The Erf is located at the corner of Omeg and Aldridge Street. The erf measures approximately 5065m² in extent and is currently zoned as “*General Residential 2*” with a density of 1:250. The erf accommodates a block of flats which are owned by Rössing Uranium Mine.

Erf 4262 is located in Aldridge Street and measures 2515m² in extent. The erf is zoned as “*Institutional*” and accommodates the AGS Filadelfia Church.

The AGS Filadelfia church approached Rössing Uranium Mine to donate vacant portions of Erf 1771, Swakopmund, to the church in order to expand the church and also to create additional parking on Erf 4262. Rössing Uranium Mine’s Board of Directors resolved to donate the portions of land to the church on condition that all costs involved for the subdivision, rezoning and consolidation are carried by the church.

The Swakopmund Municipality approved the subdivision of Erf 1771, Swakopmund into portions A, B and the remainder on **10 September 2013**. Please see attached approval letter from the Municipality of Swakopmund.

Before a consolidation of erven can take place, it is required that all erven have the same zoning. This is the main reason for the rezoning of portions A and B to “*Institutional*”. Rezoning Portions A and B from “*General Residential 2*” to “*Institutional*” will have no negative effect on the surrounding neighbourhood or Swakopmund as a whole.

Once the rezoning is finalised the applicant wishes to consolidate Portions A and B of Erf 1771, Swakopmund, with Erf 4262 in order to fulfil their intentions. See table below:

Erf Number	Erf Size
<i>Portion A</i>	<i>1112m²</i>
<i>Portion B</i>	<i>357m²</i>
<i>Erf 4262</i>	<i>2515m²</i>
Consolidated Erf "X"	3984 m²

It cannot be seen how the consolidation of portions A and B of the remainder of Erf 1771 Swakopmund with Erf 4262 into consolidated Erf "X" have any negative impact on the character of the surrounding area and therefore are in favour of the consolidation.

The intended rezoning and subsequent consolidation was advertised in the Namib Times and Namibian on **3 May 2013** and **10 May 2013**. Letters were also sent to the owners of the surrounding properties by means of registered mail to inform them of the applicant's intentions. The closing date for objections was on **27 May 2013** and to date no objections were received.

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

RECOMMENDED:

- (a) That Council approves the rezoning of portions A and B of Erf 1771, Swakopmund, from "*General Residential 2*" with a density of 1:250 to "*Institutional*" be approved.**
 - (b) That the approved rezoning be included in the next Amendment Scheme for approval by the Ministry of Regional and Local Government, Housing and Rural Development.**
 - (c) That the subsequent consolidation of Portions A and B of Erf 1771 Swakopmund with Erf 4262 Swakopmund into new consolidated Erf "X" on condition that the rezoning is finalised be approved.**
-

11.1.21 **REZONING OF ERF 317 SWAKOPMUND FROM “SINGLE RESIDENTIAL” WITH A DENSITY OF 1/600 TO “GENERAL BUSINESS” WITH A BULK OF 2.0**

(C/M 2013/10/31 - E 317)

Ordinary Management Committee Meeting of 17 October 2013, Addendum 8.15 page 96 refers.

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

Application was received from Messrs Quadrant Namibia (Pty) Ltd Town and Regional Planners on behalf of their client Ms J M Carvill for the rezoning of Erf 317 Swakopmund.

The Erf is located on the corner of Roon Street and Hendrik Witbooi Street. It measures 1000m² in extend and is owned by the Ms J M Carvill. The Erf is currently zoned “*Single Residential*” with a density of 1/600 and currently accommodates a heritage building with a D4 grading.

It is the intention of the owner to rezone the erf from “*Single Residential*” with a density of 1/600 to “*General Business*” with a bulk of 2.0.

Rezoning Erf 317 Swakopmund from “*Single Residential*” with a density of 1/600 to “*General Business*” with a bulk of 2.0 will not have a negative impact on the surrounding neighbourhood. The erf is situated in a mixed land use area which has over the years developed into a predominantly business area, in which erven were either developed for business uses or the owners of the existing residential erven followed the growing trend of rezoning their erven to accommodate business uses due to the expansion of the Central Business District to the south.

The intended rezoning was advertised in the Republikein and Namibian on **10 and 17 May 2013**. Letters were also sent to the surrounding properties by means of registered mail to inform them of the owner’s intentions. The closing date for objections was on **31 May 2013** and two objections were received from one neighbour.

First objection letter from Mr W P Poser, owner of Erf 485/1:

An objection was received on **30 May 2013** from Mr W R Poser and read as follows.

We are the registered owners of Erf 485/1 Swakopmund, and as such the direct western adjacent Land owners of Erf 317, the subject of this objection.

1. *As per Statuary Procedures, which require that all adjacent land owners be notified of an application for rezoning at least fourteen days before submission of such, we have not been officially notified by the applicant or his client of their intention at all to date.*
2. *We only accidentally became aware of the proposed rezoning eleven days ago by Public Announcement of the property (19 May). On the same day I contacted the Client /Owner to enquire and she assured me that all matters pertaining to the proposed rezoning application are handled by the applicant. After having contacted the applicant, he assured me that a registered letter with the notice*

was posted to us, we can assure you, as I also assure the applicant that we have not received such a notice and therefore cannot be any un-tampered proof of such Receipt.

3. *I contacted the applicant and requested a postponement of submission from the applicant for consultation. He subsequently informed me and yourselves (Mr A van der Westhuizen) that he and his Client feel we had enough timely knowledge (11 days only to date, but no notice) of the application and thus refused any postponement of the submission. Although the client and applicant are aware that we had not received any Notice, neither thought it necessary to date to forward the Consent and Comment forms to me.*
4. *As the statutory procedures regarding the required Notice has not been followed and it is obviously the applicant and client's intention to "steam roller" this application past all comments and objections. We strongly object to the flawed procedure with which this Application is submitted, and therefore request the application be declined.*
5. *Without prejudice, we reserve our right and will make use of this right to object and comment with regard to the application itself when Notice is duly received.*

Discussion on first objection letter as received from Mr W R Poser:

The first objection by Mr W R Poser is solely based on the fact that he did not receive notice of the intended rezoning by post. Registered post is customarily sent by Town Planning firms to adjacent owners, though it is not statutorily obligatory.

Mr W R Poser does however accede to having received notice of the proposed rezoning by "*Public Announcement*" on Erf 317 Swakopmund. It is thus reasonably concluded that by the time Mr W R Poser sent his letter of objection dated **30 May 2013**, he was in fact well aware of the proposed rezoning but yet he has failed to mention how this proposed rezoning of Erf 317 Swakopmund would negatively affect his property.

Registered post was sent to the owner of Erf 485/1 Swakopmund which according to the Swakopmund Municipality is CC Meissner. Therefore Mr W R Poser who is the correct owner never received such notice. See **attached** proof of registered post.

Due to this undeliberate mistake, Quadrant Namibia proceeded to send a post notice to Mr W R Poser dated **31 May 2013**. Mr W R Poser was granted extension of time to **14 June 2013** to submit his objections to the Swakopmund Municipality. Mr W R Poser thus had 3 weeks to raise his objections from the first time he saw this notice on Erf 317 Swakopmund.

Second objection letter from Mr W Poser

Another objection letter was received from Mr W R Poser on **13 June 2013** for the proposed rezoning of Erf 317 Swakopmund.

The objection letter is **attached** hereto and it must be noted that the first 4 points are relevant to the proposed rezoning of Erf 317 and therefore no response thereto is needed. However, the last 13 points mentioned in his letter are however acceptable to respond on and reads as follows:

1. *The area concerned, is currently a purely residential area and also one of the oldest areas in Swakopmund.*
2. *There is a business zoning on the next corner (c/o Libertine Amathila Avenue. and Hendrik Witbooi Street. (Ocean Basket) closest to the Central Business District also adjoining the current business zonings. This business zoning does in my opinion not meet the requirements of Swakopmund's current Town Planning Scheme and is therefore of no reference in this case. There are also two more business zoned erven in the whole block, but these are not utilised as such currently.*
3. *The bulk applied for, if utilised to its full potential, will definitely result in a building of four storeys with underground parking to fulfil the parking requirements with the possibility of a small shopping centre. This will definitely not be harmonious for the area. The bulk of 2.0 applied for definitely does not do justice in this area.*
4. *There are currently many Erven in the Central Business District which by far under utilise their allocated Bulk. If there was a dire requirement, these erven would have been developed to their full potential.*
5. *One corner down the road (c/o Anton Lubowski Ave and Tobias Hainyeko Str. (ACC Offices)) we currently have a four storey recent completed mixed use general business building. There are still ample space available in this building, testimony to that there is no demand for more business and residential unit space in this area.*
6. *The property market in the middle and higher segment in Swakopmund which is applicable to this area is currently according to statistics, saturated and even overtraded, having led to a decrease in volume and also a decrease in property prices because of too many developments especially around the fringe areas of the Central Business District. The current strain on the uranium industry certainly does not point for an upturn in this property market in the foreseeable future.*
7. *Council has just approved the re-zoning of Erf 3570 (Old Breweries) to General Business with a Bulk of 2.0 creating and additional 27034m² of business space, which is more than equivalent to one street block in the centre of the Central Business District, in close proximity of the Central Business District, this surely more than satisfies current demand, in my opinion it is over satisfied.*
8. *Rather than granting single applicants rezoning in the residential areas on the fringes of the Central Business District to General Business Zoning and creating mini "pockets" of small businesses in purely residential areas as short term solutions for apparent (is it real?) demand. The Town Council should consider long-term approach to rezone streets or blocks closest to the Central Business District, when there is a clear demand for more sensible long-term business development, e.g. malls across currently multiple erven.*
9. *In most similar cases in the past, the long term property owners sold shortly after or before rezoning to eager developers proving that their only commitment is to financial gain and not harmonious development of the area.*
10. *Such rezoning currently only benefits the eager sellers and subsequently the developers of such land and has no long term benefits for the City of Swakopmund.*
11. *In this particular case, the corner erf in question has currently entrances and street no's (Anton Lubowski Ave 30 and Hendrick Witbooi Street 29) from both adjoining streets and it therefore not clear which side is considered the front of the Erf which impacts on both adjoining land owners, as currently neither know which will have a side boundary (on border building line) or a back boundary at all (3m building line). I do not believe your Town Planning Scheme is clear on this issue. Clarification in this regard is needed.*

12. *We personally definitely object to having a multi-storey building on our eastern boundary as this will definitely take away sunlight till late morning.*
13. *In favour of the Points listed above, we request Council to reject this application for rezoning, especially with the bulk applied for.*

Discussion on second objection letter as received from Mr W R Poser:

Discussion on points 1 and 2

This area of Swakopmund has not been a purely residential area for many years. Many business erven exists here already. More than 20 business erven are located within a 200m radius from the erf in question. It is therefore incorrect to say that this area is purely a residential area since so many business erven exist here.

Furthermore, the Swakopmund Municipality supports the gradual land use changes occurring in the area towards the South and East of the town since this being the logical future expansion area for “*General Business*” development in town. Expansion towards the North and West is simply not possible.

Discussion on points 3 and 4

Most “*General Business*” erven in this area have a bulk of 2.0. This however does not mean that the property owner will necessarily make use of the entire bulk when the erf is being developed. It can however also on short term create inconvenience to “Single Residential” home owners in the area while on a long term basis, this will be to the advantage of future business development as the town of Swakopmund grows and the demand for property for business development become scares.

Discussion on points 5, 6 and 7

Whether there is ample space available within a recently completed mixed use business building is irrelevant to this application. One cannot simply say there is no demand for “*business*” erven if a recently completed building still has ample space available for “*business*”. According to my experience many recently completed buildings remain empty for a while before full occupation of these spaces.

Demand patterns for any type of land use in any town or city fluctuate according to the needs of the property market. There “might” be a stillness in the business market at present (though it is virtually impossible to prove), but demand can change overnight and for this properly zoned erven should be readily available. Rezoning approvals entail time-consuming processes and it makes sense to rezone erven on the Central Business District fringe to have properly zoned erven on the long run.

Over the past 5 years, the residential market of Swakopmund has expanded rapidly towards the north of town. While this was happening, the tourism market and mining industry has blossomed simultaneously.

In contrast, new business developments around the Central Business District have been few, with the exception of the Spar shopping complex to the north of the Central Business District. It is argued that time is ripe to allow expansion of the business district to the south and east by allowing rezonings to “*General and Local Business*”. This is exactly what the Municipal Council is doing at present. One good example is the rezoning of Erf 3570 Swakopmund from “*Institutional*” to “*General Business*” with a bulk of 2.0.

Discussion on points 8, 9 and 10

Smaller businesses require small portions of land while big developments like malls require bigger portions of land. It must be made clear that mall type developments are not the one and only type of business developments one wants in a business area. Smaller shops and businesses as are already present add interest and character to the town and are well supported by tourism and the local market.

If one looks at the mixture of developments in the Central Business District, this is clearly proven. The recently recent rezoning of Erf 3570 which Mr W R Poser mentioned earlier makes for a wonderful opportunity to create a mall like development due to the size of the erf. In addition, there is still ample space for smaller businesses, as is the case with the erf in question.

To say that rezoning to “*General Business*” by individual owners are purely for financial gain is supercilious given that a lively property market allows for profits being made by the owners. The objector should name one current property owner anywhere in Namibia who would not be willing to make a profit on his property when selling it. This is called a free economy.

Discussion on points 11, 12 and 13

Without building plans and a clear indication of how the erf is to be used, it is unfortunately impossible to answer these questions at this stage as we do not know what the owner wants to develop on the property and until building plans is submitted no one will know. Adjacent property owners will be consulted before submitting plans in order to answer questions and queries.

Conclusion on objections

The Swakopmund Central Business District is rapidly growing towards the south and east since it cannot grow towards the west and north. Council does approve land use changes from “*Single Residential*” to “*General Business*” within this area to expand the Central Business District as is the case in any city. It is requested that the objections of Mr W Poser be noted, but set aside, given the direction that the Swakopmund Council has committed itself to in terms of the expansion of the Swakopmund Central Business District.

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

RECOMMENDED:

- (a) That the rezoning of Erf 317 Swakopmund from "*Single Residential*" with a density of 1/600 to "*General Business*" with a bulk of 2.0 be approved.
 - (b) That the approved rezoning be included in the next Amendment Scheme for approval by the Ministry of Regional and Local Government, Housing and Rural Development.
 - (c) That Mr W R Poser and Mrs G S Roth be informed of their rights 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.
-

11.1.22 **REZONING OF ERF 442, CORNER OF TOBIAS HAINYEKO STREET AND SWAKOP STREET, SWAKOPMUND FROM SINGLE RESIDENTIAL TO LOCAL BUSINESS WITH A BULK OF 1.0**
(C/M 2013/10/31 - E 442)

Ordinary Management Committee Meeting of 17 October 2013, Addendum 8.16 page 129 refers.

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

Application was received from Messrs Quadrant Namibia (Pty) Ltd Town and Regional Planners on behalf of its client, Mr J P Jacobs, owner of Erf 442, Swakopmund, for the rezoning of Erf 442, Swakopmund from “*Single Residential*” with a density of 1:600 to “*Local Business*” with a bulk of 1.0.

Erf 442 is located on the corner of Tobias Hainyeko Street and Swakop Street. The subject property is located directly across the Municipal Bungalows situated to its South. Erf 442, Swakopmund measures 698 m² in extent and is zoned “Single Residential”.

It is the intention of the client to rezone and utilize the property for a variety of small activities that would be permissible in terms of the proposed zoning of the erf- operating a Catering company from the premises, a Deli, a Photo studio with dark room, Hair Salon and Beauty Parlour. The rezoning of Erf 442 will have no negative impact on the surrounding area since this erf is located in an area which is well-established with prominent amenities. The surrounding area is characterized by a mixture of different zonings such as Office, Special, Local Business, General Business and General Residential.

The intended rezoning was advertised in the Republikein and The Namibian on **15 April 2013** and **22 April 2013**. A notice was also placed on-site. The closing date for objections was on **6 May 2013** and one objection was received.

An objection was received from the owner of Erf 441, Swakopmund

Messrs I Niemeyer owner of Erf 441 has objected to the rezoning and development of Erf 442 Swakopmund with the following reasons:

I strongly feel this area should remain single residential, since across the street, next to the Municipal Bungalows, is enough area for local business.

Discussion:

The objection cannot be supported. The business area of Swakopmund is expanding and creeping towards the southern area of the city centre. Similar applications have already been submitted for other properties in close proximity of Erf 442. This area is under pressure to change and will continue to change until the whole area is eventually consumed by higher land uses. The fact that there is already a local business erf located next to the bungalows does under no circumstance mean that Erf 442 cannot

be rezoned. In fact the presence of a local business property in such close proximity creates more favourable conditions for similar zoning applications to be entertained in this area.

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

RECOMMENDED:

- (a) That the rezoning of Erf 442, Swakopmund from “*Single Residential*” to “*Local Business*” with a bulk of 1.0 be approved.**
 - (b) That the approved rezoning application be included in the next Amendment Scheme for approval by the Honourable Ministry of Regional and Local Government, Housing and Rural Development.**
 - (c) That Messrs Niemeyer be informed of his right to object (in terms of Clause 8 of the Swakopmund Town Planning Scheme) to the Minister, within 28 days of this notice against Council’s decision, provided that written notice of such an appeal shall be given to the Ministry, as well as the Council within the said period.**
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11.1.23 **REZONING OF ERVEN 4881 TO 4885, EXTENSION 10, SWAKOPMUND, FROM LIGHT INDUSTRIAL TO GENERAL INDUSTRIAL**

(C/M 2013/10/31 - E 4881, E 4882, E 4883, E 4884, E 4885)

Ordinary Management Committee Meeting of 17 October 2013, Addendum 8.17 page 142 refers.

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

Application is herewith made for the rezoning of Erven 4881 to 4885, Extension 10, Swakopmund, from "*Light Industrial*" to "*General Industrial*".

It has become evident that there is a greater need for "*General Industrial*" erven than for "*Light Industrial*" properties by the general public. In order to positively respond to the current demand for the type of erven it is imperative that approval is given to proceed with the necessary statutory processes. These erven is a much greater attraction to prospective buyers due to the wider variety of uses that is allowed under the "*General Industrial*" zoning. The "*Light Industrial*" zoning is much more limiting and it restricts certain needs of the market.

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

RECOMMENDED:

- (a) That the intention to rezone Erven 4881 to 4885, Extension 10, Swakopmund, from "*Light Industrial*" to "*General Industrial*" be approved.**
 - (b) That the Engineering Services Department attends to all relevant statutory processes involved to finalise the rezoning process.**
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11.1.24 **REZONING OF ERF 12, PLOVER STREET, VOGELSTRAND, SWAKOPMUND FROM SINGLE RESIDENTIAL WITH A DENSITY OF 1/900M² TO GENERAL RESIDENTIAL 2 WITH A DENSITY OF 1/300M²**
(C/M 2013/10/31 - VS 12)

Ordinary Management Committee Meeting of 17 October 2013, Addendum 8.18 page 144 refers.

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

Application was received from Messrs Quadrant Namibia (Pty) Ltd Town and Regional Planners on behalf of its client, Ms P Krishna, owner of Erf 12, Vogelstrand, for the rezoning of Erf 12, Vogelstrand from "*Single Residential*" with a density of 1:900 to "*General Residential 2*" with a density of 1:300.

Erf 12 is situated in the northern part of Vogelstrand in Plover Street. The subject property measures 1348 m² in extent and is zoned "*Single Residential*".

It is the intention of the client to rezone and utilize the property to develop four residential housing units on his erf. The rezoning of Erf 12 will have no negative impact on the surrounding area since this erf is located in an area which is well-established with prominent amenities. The surrounding area is characterized by a mixture of different zonings such as General Business, Single Residential, General Residential 1 and General Residential 2.

The intended rezoning was advertised in the Die Republikein and Namibian on **13 June** and **20 June 2013**. The closing date for objections was on **4 July 2013** and no objections were received.

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

RECOMMENDED:

- (a) That the rezoning of Erf 12, Vogelstrand from "*Single Residential*" with a density of 1/900m² to "*General Residential 2*" with a density of 1/300m² be approved.**
 - (b) That the approved rezoning applications be included in the next Amendment Scheme for approval by the Honourable Ministry of Regional and Local Government, Housing and Rural Development.**
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11.1.25 **REZONING OF ERF 835, KWIKSTERTJIE STREET, TAMARISKIA
EXTENSION 2 FROM “INSTITUTIONAL” TO “OFFICE” WITH A BULK
OF 1.0 AND CONSENT TO ERECT OFFICES WHILE THE REZONING
IS IN PROGRESS**

(C/M 2013/10/31 - T 835)

Ordinary Management Committee Meeting of 17 October 2013,
Addendum 8.19 page 161 refers.

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

Application was received from Messrs Dunamis Consulting Town and Regional Planners on behalf of their client, Roads Authority, for the rezoning of Erf 835, Tamariskia Extension 2 from “Institutional” with a density of 1:300 to “Office” with a bulk of 1.0.

Erf 835 is situated in Tamariskia, Extension 2 and measures approximately 1231m² in extent. Erf 835 is zoned “Institutional” and currently the Erf is vacant.

It is the intention of the client to rezone and use the subject property for office purposes. The rezoning of Erf 835 will have no negative impact on the surrounding area since this erf is located in an area which is well- established with prominent amenities like convenient shops, schools, residential dwellings, hospitals and town halls.

The applicant requested consent to erect offices on Erf 835 while the rezoning process is in progress, this can unfortunately not be allowed. Ordinance 18 of 1954 states that the zoning only takes effect once the Minister has given his approval. Section 26.(2) of the ordinance states: *“After the approval of a scheme the Minister shall give notice of such approval in the Gazette and shall come into operation upon the publication of such notice, and thereafter be referred to as an approved scheme”*. If consent is granted and construction continues and for some unknown reason the rezoning is not supported by the Minister then the Municipality sits in the predicament whereby buildings are erected for a use that is not allowed on the property.

The intended rezoning was advertised in the New Era and Die Republikein on **02 August** and **9 August 2013**. A notice was also placed on-site. The closing date for objections was on **23 August 2013** and two objections were received.

The 2 objections were received from owners of Erven 160 and 158 Tamariskia, Swakopmund.

Mr I Izaacs owner of Erf 160 has objected to the rezoning and development of Erf 835, Tamariskia with the following reasons:

1. *This is a residential area and any office space development would impede on the quietness and peace that we currently enjoy in this area.*

Discussion: *There is no proof that the new development will impede negatively on the area. The actual distance from the residential properties is a clear indication that the noise factor will not play a role in any form of disturbance. Objection not supported.*

2. *An immediate influx of people and vehicles on a daily basis which will result in continuous noise pollution. This noise pollution can be expected to continue after hours as currently aspirant drivers cue up from 00h00 at night in front of the current NATIS offices till 08h00 in the morning to register for learner's licences and drivers licences. This concern was raised with the municipality on numerous occasions due to poor services delivery and appeared in the local newspapers as well. Nothing has come of this. This problem will now be shifted to a residential area to great discomfort to the residence.*

Discussion: The administrative office is going to operate within the normal working hours (08:00 to 17:00). The administrative office must not be mistaken for a commercial office use. It is not clear how past issues irrelevant to this application should be of concern to this specific application. Objection not supported.

3. We have a very low crime rate in the area and that could potential change due to having an influx of people in the area on a daily basis. Not all people are criminal but some are unfortunately and this might be a new opportunity for these elements to expand their criminal activities into our area.

Discussion: The issue raised here is irrelevant to the proposed rezoning application. Criminals are all over within our community, this unfortunately cannot be controlled. The reason for objection cannot be substantiated. If this reason for objection should be supported then no future development should be allowed in any area of town and the town will stagnate. Objection not supported.

4. The access route to this proposed new development is also of concern. Since the street is given as Kwikstertjie Street 835, I assume the entry point will be from this street making it directly in the vicinity of my entry gate. Again the influx of traffic from vehicles, trucks and taxis that bring so many risk with it. The road is not even tarred, does not have any kerb stones or properly constructed pavements.

Discussion: Access to Erf 835, Kwikstertjie Street will be gained via the Henties Bay Road which is not directly in the vicinity of Erf 160, Kwikstertjie. The Henties Bay Road has got enough capacity to accommodate the volume of cars that will be entering Erf 835, Kwikstertjie Street.

The second objection was received by the owner of Erf 58, Mr R Kharigub. The objection reads as follows:

Due to people cuing already as from midnight onwards so they have not to stand in the queue during working hours for too long this also might than result in more break-ins' in this area.

Discussion: The reason for objection cannot be supported. It is seen as an unsubstantiated claim with no physical evidence to back it up. To merely speculate that the aforesaid will take place is not a valid reason not to support the application. The distance from the residence speaks for itself.

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

RECOMMENDED:

- (a) That the rezoning of Erf 835, Tamariskia, Extension 2 from "Institutional" to "Office" with a bulk of 1.0 be approved.
 - (b) That Council do not approve the consent to erect offices while rezoning is still in progress.
 - (c) That the approved rezoning applications be included in the next Amendment Scheme for approval by the Honourable Ministry of Regional and Local Government, Housing and Rural Development.
 - (d) That Messrs I Isaacs and R Kharigub be informed of their right to object (in terms of Clause 8 of the Swakopmund Town Planning Scheme) to the Minister, within 28 days of this notice against Council's decision, provided that written notice of such an appeal shall be given to the Ministry, as well as the Council within the said period.
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11.1.26 **APPLICATION FOR PERMISSION TO OPERATE A RESIDENT OCCUPATION (ADMINISTRATIVE OFFICE)**

(C/M 2013/10/31 - E 2602)

Ordinary Management Committee Meeting of 17 October 2013,
Addendum 8.20 page 179 refers.

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

Attached application was received for the registration of a resident occupation in terms of the Swakopmund Town Planning Scheme Regulations:

- *Erf 2602, Vineta (68 Schwester Frieda Street) - Mrs R Isaacs t/a Messrs Ristavo's Meat Market - Administrative Office*
(Notice No. 43/2013-09-07)

The owner of the above-mentioned erf has requested Council for permission to operate an administrative office on the property. The property is zoned "*Single Residential*" and according to the Swakopmund Town Planning Scheme, with special consent from Council a resident occupation may be allowed.

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

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

Insert from the Town Planning Amendment Scheme No.12:

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

- (i) *The resident occupation shall be confined to one third of the total floor area of the said dwelling;*
- (ii) *The resident occupation must be carried out entirely within the dwelling to include the basement, outbuilding, garage, and/or attic of the dwelling.*
- (iii) *The home occupation must be clearly incidental and secondary to the residential use of the dwelling;*
- (iv) *The residential character and appearance of the dwelling and the property on which it is located shall not be changed in any visible manner. No advertisement of the existence of the resident occupation shall be visible from the dwelling or the erf on which it is located, except for one sign as permitted by this Scheme;*
- (v) *No materials or products shall be stored on the erf outside in such a manner as to be visible from any adjacent property;*
- (vi) *Display of merchandise or products of the resident occupation for sale may be permitted at the discretion of Council in keeping with subparagraph (iv) above;*
- (vii) *The resident occupation shall not create any objectionable noise, odor, vibration or unsightly conditions;*
- (viii) *The resident occupation shall not create a health or safety hazard;*

- (ix) *The resident occupation shall not create any interference with communication transmission or reception in the vicinity;*
- (x) *Only products that are substantially manufactured or fabricated in the dwelling solely by the inhabitants thereof shall be sold as part of the resident occupation. Products not manufactured or fabricated within the dwelling by the inhabitants may only be sold by catalogue sales and may not be stocked for retail sales within the residence. Incidental sales of products directly associated with the resident occupation may be permitted by Council;*
- (xi) *The resident occupation may employ up to 2 full time employees.*

All adjacent neighbours were contacted and no objections were received. Registered mail was also sent to one of the owners of the surrounding properties and no one replied. The proposed consent use was also advertised as per Clause 6 of the Swakopmund Town Planning Scheme, **Notice No. 43/2013-09-07**. No objections were received.

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

RECOMMENDED:

- (a) **That the following application for permission to operate a resident occupation (Administrative Office) be approved:**
 - *Erf 2602, Vineta (68 Schwester Frieda Street) - Mrs R Isaacs t/a Messrs Ristavo's Meat Market - Administrative Office*
 - (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.*
 - *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.*
-

11.1.27 **APPLICATION FOR PERMISSION TO OPERATE A PLACE OF AMUSEMENT**

(C/M 2013/10/31 - E 1663)

Ordinary Management Committee Meeting of 17 October 2013,
Addendum 8.21 page 191 refers.

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

Attached application was received for the registration of a place of amusement in terms of the Swakopmund Town Planning Scheme Regulations.

- *Erf 1663, Swakopmund (18 A Phillip Street) - Mr H Bothma t/a Messrs The Bikers Office (Notice No. 43/2013-9-07)*

The property is zoned "*Light Industrial*" and according to the Swakopmund Town Planning Scheme Regulations, with special consent of Council a place of amusement may be allowed.

From a town planning point of view it makes sense to place these uses in the industrial area as recently the business erven in town have been used to create General Residential buildings that defies the purpose of the Central Business District. These residential buildings on the business erven resulted in complaints of noise and operating hours causing problems for such types of uses (Places of Amusement). Since these uses are finding it hard to survive in the business areas it makes sense to have them in the industrial areas where the residential component is not present.

Insert from the Town Planning Amendment Scheme No.12:

"PLACE OF AMUSEMENT" means any building or land where persons congregate for amusement or for social, recreational or sporting purposes and where an admission fee is generally levied and includes a night-club/discotheque, restaurant where entertainment is provided.

All adjacent neighbours were contacted and no objections were received. The proposed consent use was also advertised as per Clause 6 of the Swakopmund Town Planning Scheme Regulations (**Notice No. 43/2013-09-07**). No objections were received.

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

RECOMMENDED:

(a) That the following application for permission to operate a place of amusement be approved:

- *Erf 1663, Swakopmund (18 A Phillip Street) - Mr H Bothma t/a Messrs The Bikers Office (Notice No. 43/2013-9-07)*

(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 they must operate within the Town Planning Scheme regulations.*
 - *A conditional approval for liquor licence is obtained.*
 - *That the consent is not transferable.*
-

11.1.28 **APPLICATION FOR PERMISSION TO OPERATE A SERVICE INDUSTRY (CAR WASH)**

(C/M 2013/10/31 - T 581)

Ordinary Management Committee Meeting of 17 October 2013,
Addendum 8.22 page 198 refers.

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

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

- Erf 581, Tamariskia (Plaath Lane) - Mr Freddy-Ben Gariseb t/a Messrs Soapy Rides Car Wash - Car Wash
(**Notice No. 43/2013-09-07**)

The owner of the above-mentioned erf has requested Council for permission to operate a service industry in form of a car wash on the property. The property is zoned “*General Business*” and according to the Swakopmund Town Planning Scheme, with special consent from Council a service industry may be allowed.

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

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

Insert from the Town Planning Amendment Scheme No.12:

“Service Industry” means any use of land or a building which in the opinion of the Council is a small scale industry incidental to the needs of the local community and the retail trade and which in the opinion of the Council will not interfere with the amenities of the surrounding properties or be of nuisance value by virtue of noise, appearance, smell or activities or for any other reason whatsoever but excludes a service station. This use also provides for one dwelling unit as primary use and more dwelling units with the special consent of the Council.

All adjacent neighbours were contacted and no objections were received. The proposed consent use was also advertised as per Clause 6 of the Swakopmund Town Planning Scheme, **Notice No. 43/2013-09-07**. No objections were received.

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

RECOMMENDED:

- (a) That the following application for Councils consent to operate a service industry (Car Wash) be approved.**
 - *Erf 581, Swakopmund (Plaath Lane) - Mr Freddy-Ben Gariseb t/a Messrs Soapy Rides Car Wash - Car Wash
(Notice No. 43/2013-09-07)*
 - (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.*
-

11.1.29 **APPLICATION FOR PERMISSION TO OPERATE A RESIDENT OCCUPATION (AMBULANCE/RESCUE BASE)**

(C/M 2013/10/31 - E 470)

Ordinary Management Committee Meeting of 17 October 2013,
Addendum 8.23 page 208 refers.

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

Attached application was received for the registration of a resident occupation in terms of the Swakopmund Town Planning Scheme Regulations:

- Erf 470, Swakopmund (5 Werft Street) - Mr J M Struwig (owner)/M Eadie (Manager - Swakopmund)/ E Bezuidenhout (Manager-Windhoek) - Ambulance/ Rescue Base (Notice No. 43/2013-09-07)

The owner of the above-mentioned erf has requested Council for permission to operate an ambulance/rescue base on the property. The property is zoned “General Residential 1” and according to the Swakopmund Town Planning Scheme, with special consent from Council a resident occupation may be allowed.

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

	ZONE	MAP REFERENCE	PURPOSES FOR WHICH LAND MAY BE USED	PURPOSES FOR WHICH LAND MAY BE USED AND BUILDINGS MAY BE ERECTED AND USED WITH THE SPECIAL CONSENT OF THE COUNCIL ONLY
B	General Residential 1	Orange fill	Dwelling House/s, Blocks of Flats, Residential Buildings, Townhouses	Place of Instruction, Place of Worship, Institutional Buildings, Bed and Breakfast, Pensions, Licensed Hotels, Resident Occupation, Residential Guest House

Insert from the Town Planning Amendment Scheme No.12:

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

- The resident occupation shall be confined to one third of the total floor area of the said dwelling;
- The resident occupation must be carried out entirely within the dwelling to include the basement, outbuilding, garage, and/or attic of the dwelling.
- The home occupation must be clearly incidental and secondary to the residential use of the dwelling;
- The residential character and appearance of the dwelling and the property on which it is located shall not be changed in any visible manner. No advertisement of the existence of the resident occupation shall be visible from the dwelling or the erf on which it is located, except for one sign as permitted by this Scheme;
- No materials or products shall be stored on the erf outside in such a manner as to be visible from any adjacent property;
- Display of merchandise or products of the resident occupation for sale may be permitted at the discretion of Council in keeping with subparagraph (iv) above;
- The resident occupation shall not create any objectionable noise, odor, vibration or unsightly conditions;

- (viii) *The resident occupation shall not create a health or safety hazard;*
- (ix) *The resident occupation shall not create any interference with communication transmission or reception in the vicinity;*
- (x) *Only products that are substantially manufactured or fabricated in the dwelling solely by the inhabitants thereof shall be sold as part of the resident occupation. Products not manufactured or fabricated within the dwelling by the inhabitants may only be sold by catalogue sales and may not be stocked for retail sales within the residence. Incidental sales of products directly associated with the resident occupation may be permitted by Council;*
- (xi) *The resident occupation may employ up to 2 full time employees.*

All adjacent neighbours were contacted and no objections were received. The proposed consent use was also advertised as per Clause 6 of the Swakopmund Town Planning Scheme, **Notice No. 43/2013-09-07**. No objections were received.

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

RECOMMENDED:

- (a) **That the following application for permission to operate a resident occupation (Ambulance / Rescue Base) be approved.**
 - *Erf 470 ,Swakopmund (5 Werft Street) - J M Struwig (owner) / M Eadie (Manager-Swakopmund) / E Bezuidenhout (Manager-Windhoek) - Ambulance / Rescue Base*
 - (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.*
 - *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.*
-

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

(C/M 2013/10/31 - VS 4172, E 425, M 2938, T 1022, M 1856, M 84, M 2573)

Ordinary Management Committee Meeting of 17 October 2013,
Addendum 8.24 page 223 refers.

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

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

- *Erf 4172, Vogelstrand - (13 Emerald Street) - Mr W Putzler Administrative Office (Notice No. 43/2013-09-07)*
- *Erf 425, Swakopmund (Hendrik Witbooi Street) - Ms B Linow t/a Messrs Seaside Estates - Administrative Office (Estate Agent Consultancy) (Notice No. 43/2013-09-07)*
- *Erf 2938, (Ext. 6) Mondesa - Mr H Ngwena t/a Messrs H Ngwena Plumbing cc - Administrative Office (Notice No. 43/2013-09-07)*
- *Erf 1022, (Ext. 1) Tamariskia - Ms V & J Lennitch t/a Messrs Lennitch Enterprises - Administrative Office (Notice No. 43/2013-09-07)*
- *Erf 1856, (Mandume Ya Ndemufayo Street) Ext. 3, Mondesa - Mr S Seibeb t/a Messrs Seibeb Trading Enterprise cc - Administrative Office (Notice No. 43/2013-09-07)*
- *Erf 84, (515 Mandume Ya Ndemufayo Street) Mondesa - Mr V Unomuinjo t/a Messrs Dosplo Trading - Administrative Office (Notice No. 43/2013-09-07)*
- *Erf 2573, (Mandume Ya Ndemufayo Street) Mondesa - Mr S Kazombiaze t/a Messrs Zebbie's Cleaning Services - Administrative Office (Notice No. 43/2013-09-07)*

The owners of the above-mentioned erven have requested Council to grant permission to operate administrative offices on their properties. The properties are zoned "Single Residential" and according to the Swakopmund Town Planning Scheme, with special consent from Council a resident occupation may be allowed.

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

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

Insert from the Town Planning Amendment Scheme No.12:

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

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

All adjacent neighbours were contacted and no objections were received. Registered mail was also sent to some of the owners of the surrounding properties and no one replied. The proposed consent use was also advertised as per Clause 6 of the Swakopmund Town Planning Scheme (**Notice No 43/2013-09-07**). No objections were received.

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

RECOMMENDED:

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

- **Erf 4172, Vogelstrand (13 Emerald Street) - Mr W Putzler Administrative Office**
(Notice No. 43/2013-09-07)
- **Erf 425, Swakopmund (Hendrik Witbooi Street) - Ms B Linow t/a Messrs Seaside Estates - Administrative Office (Estate Agent Consultancy)**
(Notice No. 43/2013-09-07)
- **Erf 2938, (Ext. 6) Mondesa - Mr H Ngwena t/a Messrs H Ngwena Plumbing cc - Administrative Office**
(Notice No. 43/2013-09-07)
- **Erf 1022, (Ext. 1) Tamariskia - Ms V & J Lennitch t/a Messrs Lennitch Enterprises - Administrative Office**
(Notice No. 43/2013-09-07)
- **Erf 1856, (Mandume Ya Ndemufayo Street) Ext. 3, Mondesa - Mr S Seibeb t/a Messrs Seibeb Trading Enterprise cc - Administrative Office**
(Notice No. 43/2013-09-07)

- *Erf 84, (515 Mandume Ya Ndemufayo Street) Mondesa - Mr V Unomuinjo
t/a Messrs Dosplo Trading - Administrative Office
(Notice No. 43/2013-09-07)*
- *Erf 2573, (Mandume Ya Ndemufayo Street) Mondesa - Mr S Kazombiaze
t/a Messrs Zebbie's Cleaning Services - Administrative Office
(Notice No. 43/2013-09-07)*

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

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

- *That Council reserves the right, to cancel a consent use should there be valid complaints.*
 - *That 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 only one third of the total floor area of all the buildings on the erf is allowed to be used for the resident occupation.*
-

11.1.31 **DELAY IN TRANSFERRING FUNDS FOR THE 2013/14 PROJECT IDENTIFICATION REPORT**

(C/M 2013/10/31 - N 5/7)

Ordinary Management Committee Meeting of 17 October 2013,
Addendum 8.25 page 297 refers.

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

During **January 2013**, the Ministry of Regional and Local Government, Housing and Rural Development requested the Swakopmund Municipal Council to submit the Project Identification Report (PIR) for the 2013/14 Financial Year. The report was submitted on **13 March 2013** consisting of 74 applicants of whom 33 were part of the “45 applicants” (which the line Ministry instructed to be given priority).

On **22 April 2013**, the line ministry confirmed in writing that an amount of N\$2 590 000.00 has been allocated to Swakopmund Municipal Council.

On **08 July 2013**, another letter was received from the line ministry requesting Council to amend the PIR hence only N\$2 000 000.00 has been made available for Swakopmund Municipality. The request above was accordingly complied on **16 July 2013**.

Unfortunately, to date, Government has not transferred any funds to the municipality, as was indicated in their letter of **08 July 2013**, which has caused disillusionment and unhappiness among the majority of applicants. As such they are now visiting each and every institutions/people (viz. Councillors, Community Development Services and the Ministry) with their concern in an attempt to sort out the problem. In view of the above, a meeting was held (attended by the Mayor, Deputy Mayor, alternate Chairperson of Management Committee, General Manager: Community Development Services and Housing Officer) to discuss the issue and to come up with solutions. The meeting therefore requested Community Development Services to investigate the possibility of Council to grant interim loans to these applicants until the money from the ministry has been transferred.

In the meantime Community Development Services contacted Ms Helao, Chief Control Officer in the Ministry of Regional and Local Government, Housing and Rural Development who advised that the ministry has decided not to transfer any Build Together Programme funds to local authorities until a final decision has been taken regarding the implementation of the “*Mass Housing Initiative*”. As such, the ministry is unable to confidently advise Community Development Services on the date the funds will be transferred to the Swakopmund Municipality.

In order to address the unhappiness and disillusionment of this group, Council can grant interim loans to the 54 applicants which can be recovered as soon as the ministry transfers funds to the municipality. The Build Together funds balance is N\$18 663 299.00 (as at 2012) comprising interest and repayment. Part of this money can therefore be allocated to the applicants to allow them to start building their houses.

This action is permitted and in line with the Build Together Programme Guide Lines subject thereto that the ministry is informed. All 54 beneficiaries have even reserved for them at Extension 9 Mondesa.

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

RECOMMENDED:

- (a) That Council grants interim loans to the 54 Build Together applicants who are part of the 2013 / 2014 Project Identification Report (PIR) from the Build Together Vote.**
 - (b) That, once point (a) above is approved, the Ministry of Regional Local Government and Housing and Rural Development be informed of the decision.**
 - (c) That once the funds in the amount of N\$2 590 000.00 are received from the Ministry of Regional, Local Government Housing and Rural Development, the Vote be replenished accordingly to the amount used for the interim loans in (a) above.**
-

11.1.32 **ASSISTANCE TO FIRE VICTIMS**
(C/M 2013/10/31 - D 5)

Ordinary Management Committee Meeting of 17 October 2013,
Addendum 9.4 page 12 refers.

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

Attached correspondence is an indication of fire victims that received assistance from the Mayor's office for the Financial Year 2012 / 2013. The statistics for the Financial Year 2013 / 2014 are also added.

Currently Council has only eight food hampers available to assist fire victims in this regard. The support package includes a food hamper, two blankets, chair and mattress. Currently there are no blankets, chairs and mattresses available at the stores. There were also clothes donated by the community. The items we had in stock are depleted due to the increase in the number of fire victims. The challenges Council is facing is that when one or two informal dwellings burn the demand escalates for sometimes four to six families share in a dwelling, so the demand also escalates.

It is suggested that Council purchases hundred blankets, the food hampers are purchased fifteen at a time because of the storage space.

Currently each fire victim receives:

*2x Blanket per household
1x Mattress
1x Chair
1x Food hamper with following items
1x Maize 5kg
1x Sugar 2.5kg
1x Polana Spaghetti 500g
5x Knorrox Soya mince mutton 200g
1x Rice king 1kg
1x cooking oil 750ml
10x Knorr soup
1x Mona Ground coffee 250 g
1x Deep catch Pilchard*

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

RECOMMENDED:

That the following items from the Municipal Rest Camp be donated to the fire victims whenever they are written off:

- ***Single mattresses***
- ***Duvets Covers***
- ***Pillows***

- *Duvets*
 - *Fitted Sheets*
 - *Pillow cases*
 - *Chairs*
-

11.1.33 **SUBMISSION OF THE FURTHER AFFIRMATIVE ACTION REPORT**
(C/M 2013/10/31 - B 1/10)

Ordinary Management Committee Meeting of 17 October 2013,
Addendum 9.6 page 19 refers.

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

According to the Affirmative Action Act of 1998, Sections 27 (2) & 28 (2) a Further Affirmative Action Report must be submitted to the Employment Equity Commissioner.

Attached the mentioned report, which contains the following:

1. *Non-Namibian Employees and Namibian Understudies;*
2. *Statistical Reports;*
3. *Affirmative Action Plan and Compliance Certificate;*
4. *Evaluation of Affirmative Action Plan Implemented;*
5. *Summary of Affirmative Actions Measures;*
6. *Records of Consultative Meetings.*

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

RECOMMENDED:

That the attached 2013 Affirmative Action Report with the required attachments be forwarded to the Employment Equity Commissioner.

11.1.34

(C/M 2013/10/31 -)

Ordinary Management Committee Meeting of 17 October 2013,
Addendum **9.00** page **00** refers.

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

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

RECOMMENDED:

11.1.35

(C/M 2013/10/31 -)

Ordinary Management Committee Meeting of 17 October 2013,
Addendum **9.00** page **00** refers.

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

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

RECOMMENDED:
