

AGENDA

Ordinary Council Meeting

on

THURSDAY

27 MARCH 2014

at

19:00



MUNICIPALITY OF SWAKOPMUND



(064) 4104203



088 614 514



53 Swakopmund
NAMIBIA



utjiurutue@swkmun.com.na

Ref No A 2/3/5

Enquiries: *Uanjenguaije Tjiurutue*

18 March 2014

The Mayor and Councillors
Municipality
SWAKOPMUND

Dear Sir / Madam

NOTICE: ORDINARY COUNCIL MEETING

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

THURSDAY, 27 MARCH 2014 AT 19:00,

E U W Demasius
CHIEF EXECUTIVE OFFICER

UT/-

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 2014/03/27 - A 2/3/5)

3.1 Minutes of an **Ordinary Council Meeting** held on **27 February 2014**.
(pp 14/2014 - 38/2014)

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 27 March 2014**

PAGE

9.1 Ordinary Council Meeting held on 27 February 2014. **1 - 3**

10. **REPORT TO COUNCIL ON RESOLUTIONS TAKEN BY
MANAGEMENT COMMITTEE DURING DECEMBER 2014 AND
JANUARY 2014**

PAGE

10. (A) Minutes of an Ordinary Management Committee meeting held on 13 March 2014 **4 - 9**

11. **RECOMMENDATIONS OF THE MANAGEMENT COMMITTEE
MEETINGS HELD IN FEBRUARY AND MARCH 2014**

11.1 **ORDINARY MANAGEMENT COMMITTEE MEETINGS HELD ON 18
FEBRUARY 2014 AND 13 MARCH 2014**

ITEM NO	SUBJECT	REF NO	PAGE
11.1.1	Rental Of Erf 4884, Swakopmund To Messrs Namibia Construction (Pty) Ltd	E 4884	13
11.1.2	Invitation For Business Proposals To Lease And Manage The Taxi Rank On Erf 4353, Mondesa	M 4353	18
11.1.3	Approval Of New Street Names For Various Extensions	N 8/1/2	29
11.1.4	Allocation Of Block Erven At The PDA To The Shack Dwellers Federation Of Namibia	H 5, H 5/7	35
11.1.5	Authorisation Levels For Procurement Of Goods And Services	A 2/3/6	38
11.1.6	Feedback Report: Leasing Of The Light Industrial Incubation Site To Small And Medium Enterprises	H 5	40
11.1.7	(05) 2008 To Date: Land Applications (X 2) - Portion 5 Of Swakopmund Town And Townlands No. 41	H 5/8	46
11.1.8	Rezoning Of Erf 172, Swakopmund, From "Single Residential" With A Density Of 1:900 To "General Business" With A Bulk Of 2.0	E 172	53
11.1.9	Sale Of Erf 5159, Swakopmund To Messrs Eli Investments Ten Cc - Closed Bid Of 21 June 2013	E 5159	56
11.1.10	Condonation Of The BTS Site East Of Block 55, Kramersdorf	G 4/2/2/2	59
11.1.11	Internal Audit Follow-Up Audit Report	D 10/1	64
11.1.12	Request For Financial Assistance By Roman Catholic Church	A 2/3/2/1/3	70

ITEM NO	SUBJECT	REF NO	PAGE
11.1.13	Ownership Of Erven 101, 102 And 103 Mile 4	N 7/3/2/2; M4 - 101, 102, 103	81
11.1.14	Application To Rent A Portion Of Erf 2827, Swakopmund To Display And Sell Vehicles	E 2827	107
11.1.15	Application To Lease BTS Site On Erf 507, Tamariskia By Messrs Internet Technologies Namibia	G 4/2/2/2	110
11.1.16	Applications To Lease Portions Of Land At The Waste Water Treatment Works For: ① Lawn Farming (Messrs Disa Landscaping) And ② Compost Plant (Messrs Palms For Africa)	N 7/3/4, N 6/1/3	114
11.1.17	Application For Consent To Construct Residential Dwellings On The Ground Floor Of Erf 3398, Mondesa Swakopmund	M 3398	123
11.1.18	Application For Permission To Operate A House Of Safety	M 3703	133
11.1.19	Application For Permission To Operate A Place Of Instruction (Day Care)	M 368	136
11.1.20	Application For Permission To Operate A Place Of Instruction	G 2	140
11.1.21	Application For Permission To Operate Resident Occupations (Administrative Offices)	T 1026, E 1284, E 2347, M 2215, M 2401	143
11.1.22	Application For Permission To Operate Resident Occupation (Administrative Office)	E 3102	148
11.1.23	Application For Permission To Operate Residential Guesthouses	E 4176, E 4299	152
11.1.24	Application For Permission To Operate A Resident Occupation (Barber Shop / Gents Hairdresser)	M 675	156
11.1.25	Application For Subdivision Of Erf 356a Swakopmund, Into Portion A And Remainder And The Subsequent Rezoning Of Proposed Portion A (Of Erf 356a) From " <i>Institutional</i> " To " <i>General Business</i> " With A Bulk Of 1.0	E 356A	160
11.1.26	Rezoning Of Erf 1273, Swakopmund, Extension 6, From " <i>Single Residential</i> " With A Density Of 1:900 To " <i>General Residential 2</i> " With A Density Of 1:300	E 1273	171
11.1.27	Old And Redundant Items / Equipment: Community Development Services, Restcamp	N 7/3/1/2, L 2	174
11.1.28	Writing Off: Old And Redundant Equipment - Office Of The Chief Executive Officer	L 2	176
11.1.29	Old And Redundant Equipment: Engineering Services Department - Works Section	L 2	177

10. **REPORT TO COUNCIL ON RESOLUTIONS TAKEN BY PREVIOUS
MANAGEMENT COMMITTEE MEETINGS HELD IN MARCH 2014**

10 (A) **MINUTES OF AN ORDINARY MANAGEMENT COMMITTEE MEETING
HELD IN MARCH 2014**

2. **CONFIRMATION OF MINUTES**

(M/C 2014/03/13 - A 2/3/5)

2.1 **MINUTES OF AN ORDINARY MANAGEMENT COMMITTEE MEETING
HELD ON 18 FEBRUARY 2014**

On proposal of Councillor N N Salomon seconded by Councillor F Hamukwaya it was:-

RESOLVED:

That the Minutes of the Ordinary Management Committee meeting held on 18 February 2014 be confirmed as correct.

2.2 **MINUTES OF A SPECIAL MANAGEMENT COMMITTEE MEETING
HELD ON 27 FEBRUARY 2014**

On proposal of Councillor N N Salomon seconded by Councillor F Hamukwaya it was:-

RESOLVED:

That the Minutes of the Special Management Committee meeting held on 27 February 2014 be confirmed as correct.

5. **REPORTS: HEADS OF DEPARTMENTS**

5.5 **FINANCE**

5.5.1 **TOTAL EXPENDITURE**

(M/C 2014/03/13 - D 7/3/2/1)

RESOLVED:

That the total expenditure of N\$21 669 940.14 for the period 01-28 February 2014 be accepted and approved as correct.

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

7.1 **CRACKED HOUSES**

(M/C 2014/03/13 - H 2/10; M 362, M 363, M 364, M 365)

RESOLVED:

- (a) That this item be referred back to the General Manager: Community Development Services to consult with the Office of the Mayor and that all documents be provided.
 - (b) That the Chief Executive Officer follows up with the Office of the Governor regarding the commitment made to carry 50% of the total expenses of cracked houses.
 - (c) That it be recorded that Erven M 362, M 363; M 364 and M 365 were vacated during February 2014.
-

7.3 **REQUEST FOR AN AUDIENCE BY MESSRS SEGO INVESTMENT CC & PARTNERS**

(M/C 2014/03/13 - M 785)

RESOLVED:

- (a) That the request by Messrs Sego Investments CC and Partners to present their proposal regarding their application to purchase Erf 785, Mondesa not be approved.
 - (b) That the General Manager: Corporate Services and Human Resources submits all applications to purchase *Public Open Spaces* to the Management Committee.
-

7.9 **(06) 2008 TO DATE: LAND APPLICATIONS (X 3) - UNSURVEYED PORTION OF TOWN AND TOWNLANDS NO.41**

(M/C 2014/03/13 - G 3/9, G 4/1/1)

RESOLVED:

- (a) That this item be referred back and that the following application be resubmitted separately / individually to the Management Committee with all relevant documentation:
 - 1. *Ombundu Investments trust - 07 February 2011*
 - 2. *Dietenhofen CC - 06 December 2013*
 - 3. *Tamariskia Community - 25 September 2013*
 - (b) That the Chief Executive Officer gives a presentation on how land development should be handled in the future.
-

7.10 SALE OF ERF 5159, SWAKOPMUND TO MESSRS ELI INVESTMENTS TEN CC - CLOSED BID OF 21 JUNE 2013

(M/C 2014/03/13 - E 5159)

RESOLVED: (For Condonation By Council)

- (a) That Council condones the decision not to invoke its right to cancel the sale of Erf 5159, Swakopmund to Messrs Eli Investment Ten CC in terms of clause 11.1 of the Deed of Sale.
- (b) That an extension for the due date for securing the purchase price of N\$7 662 375.00 for the purchase of Erf 5159, Swakopmund be extended to 31 March 2014 failing which the contract will be automatically cancelled without Council having to inform the purchaser thereof.
- (c) That an addendum to the agreement be drafted and signed to reflect the conditions in (a) and (b).

7.13 REPORT MAYOR'S CHILDREN'S CHRISTMAS PARTY: 2013

(M/C 2014/03/13 - J 9/7)

RESOLVED:

That this item be referred back and that it be resubmitted to a Special Management Committee meeting to be held at a date to be determined by the Chief Executive Officer.

7.14 REPORT MAYORAL LUNCH FOR THE SENIOR CITIZENS: 2013

(M/C 2014/03/13 - A 2/3/2/1/3)

RESOLVED:

That this item be referred back and that it be resubmitted to a Special Management Committee meeting to be held at a date to be determined by the Chief Executive Officer.

7.15 LIFE SAVING AT THE MOLE BEACH

(M/C 2014/03/13 - N 7/2/41)

RESOLVED:

That the report (on file) submitted by Messrs Sea Rescue Institute of Namibia for services rendered during the festive season from 19 December 2013 to 03 January 2014 be noted.

8. **POLICY MATTERS**

8.1 **PERMISSION TO DEMOLISH ILLEGAL CHURCH ON ERF 680, MONDESA**
(M/C 2014/03/13 - M 860)

RESOLVED:

- (a) That the Office of the Mayor discusses the issue of demolishing the illegal structure with Ms A Gawases and that (b) and (c) below be applied if the position of Ms A Gawases remains the same.
 - (b) That permission be granted to the General Manager: Engineering Services to make the necessary arrangements to demolish the illegal church on Erf 680, Mondesa belonging to Ms A Gawases.
 - (c) That the cost of removing the illegal church be levied against Ms A Gawases.
-

8.2 **REQUEST FOR FINANCIAL ASSISTANCE BY ROMAN CATHOLIC CHURCH**
(M/C 2014/03/13 - A 2/3/2/1/3)

RESOLVED: (For Condonation By Council)

- (a) That the action taken by the Mayoral Development Fund to donate an amount of N\$15 950.91 to the Marienheim Roman Catholic Hostel for the purchasing of items for 43 learners affected by fire on 19 January 2014 be condoned.
 - (b) That the amount of N\$15 950.91 be defrayed from the Mayoral Development Fund, Vote 960120408709 where N\$334 540.77 is available.
-

8.3 **ACCUMULATED DEBT - LATE SEBULON HOAEB**
(M/C 2014/03/13 - D 7/3/1/1)

RESOLVED:

That this item be referred back and that the Office of the Mayor discusses the matter with Mr J Awarab.

8.4 **WATER LEAKAGE - ERF 2632 MONDESA**
(M/C 2014/03/13 - M 2632)

RESOLVED:

- (a) That this item be referred back and that the Engineering Services Department investigates this and other similar cases and report back to Management Committee.
 - (b) That Mr T P Bockerhoff be levied an average amount for water consumption.
-

8.8 APPLICATIONS TO LEASE PORTIONS OF LAND AT THE WASTE WATER TREATMENT WORKS FOR:

① LAWN FARMING (Messrs Disa Landscaping) AND

② COMPOST PLANT (Messrs Palms for Africa)

(M/C 2014/03/13 - N 7/3/4, N 6/1/3)

RESOLVED:

That an in-loco inspection be conducted by Council.

8.9 EXTENSION OF SWAKOPMUND TOWN AND TOWNLAND BOUNDARIES

(M/C 2014/03/13 - G 3/2/2; G 3/1/4)

RESOLVED:

That this item be referred back and that an in-loco inspection be conducted by Council to ascertain the proposed boundary of the town and that the new boundary includes Wlotzkasbaken in the north and the Rössing Quarry in the east.

8.19 CLOSING OF MANDUME YA NDEMAFAYO AVENUE TO STAGE A DRAG RACING EVENT

(M/C 2014/03/13 - N 8/15/1)

RESOLVED:

(a) That the application by Messrs Swakop Motor Club to stage a drag racing event in Mandume Ya Ndemufayo Avenue on 19 April 2014 be turned down.

(b) That, in future, no drag racing events should be allowed in town.

8.22 OLD AND REDUNDANT ITEMS / EQUIPMENT: COMMUNITY DEVELOPMENT SERVICES, RESTCAMP

(M/C 2014/03/13 - N 7/3/1/2, L 2)

RESOLVED: (For Condonation By Council)

(a) The following old and redundant vehicles, equipment and material be written off and sold at the next public auction.

Vehicles:

<i>Fleet No.</i>	<i>Reg No</i>	<i>Make</i>	<i>Model</i>	<i>Reason</i>
111	N 11686 S	Toyota Panel Van	1998	Old and costly

Here follows the list of items

<i>Quantity</i>	<i>Description</i>
5	Single Mattresses
150	Pillows
150	Duvets inners
247	Fitted sheets
5	Television
1	Lawn mower
4	Blinds
1	Roll Wire

5	<i>Rolls of diamond mesh</i>
27	<i>Fridges</i>
1	<i>Geyser</i>
120	<i>Carpets</i>
1	<i>Electrical water Pump</i>
1	<i>High Pressure machine</i>
1	<i>Big stove</i>
64	<i>Hot plates</i>
140	<i>Poles</i>

(b) That the Chief Executive Officer and the Chairperson of the Management Committee determine the upset prices for the above mentioned redundant vehicles, equipment and materials.

(c) That the following items be reserved for fire victims:

<i>Quantity</i>	<i>Description</i>
5	<i>Single Mattresses</i>
150	<i>Pillows</i>
150	<i>Duvets inners</i>
247	<i>Fitted sheets</i>

8.23 **WRITING OFF: OLD AND REDUNDANT EQUIPMENT - OFFICE OF THE CHIEF EXECUTIVE OFFICER**

(M/C 2014/03/13 - L 2)

RESOLVED: (For Condonation By Council)

(a) That the following old and redundant equipment in the Department of the Chief Executive Officer be written off and be sold at the next public auction:

<i>No</i>	<i>Description</i>	<i>Quantity</i>
1.	<i>Deskjet 1220C Printer</i>	<i>1</i>
2.	<i>HP Scanner</i>	<i>1</i>
3.	<i>Minolco Fax Machine</i>	<i>1</i>
4.	<i>Royal Twin : Kettle & Percolator</i>	<i>1</i>
5.	<i>Defy Microwave</i>	<i>1</i>
6.	<i>Pineware Percolator</i>	<i>1</i>

(b) That the Chairperson of Management Committee, Chief Executive Officer and the General Manager: Finance determines the upset prices for the above.

8.24 **OLD AND REDUNDANT EQUIPMENT: ENGINEERING SERVICES DEPARTMENT - WORKS SECTION**

(M/C 2014/03/13 - L 2)

RESOLVED: (For Condonation By Council)

- (a) The following old and redundant vehicles, equipment and material be written off and sold at the next auction.

Vehicles and equipment:

<i>Fleet No.</i>	<i>Reg. No</i>	<i>Make</i>	<i>MODEL</i>	<i>Reason</i>
<i>PG 0144</i>	<i>N 3728 S</i>	<i>Diahatsu 2ton Truck</i>	<i>2003</i>	<i>Spare parts not available</i>
<i>SI 0256</i>	<i>NONE</i>	<i>Hoffmann Plate Vibrator</i>	<i>-</i>	<i>Spare parts not available</i>

Other used materials, including the following:

<i>Quantity</i>	<i>Item</i>
<i>3 Bags</i>	<i>Used shade netting</i>
<i>1</i>	<i>Submersible flyght pump</i>

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

8.25 **SME BANK - BANKING SERVICES PROPOSAL**

(M/C 2014/03/13 - D 1)

RESOLVED:

That the proposal for banking services from the SME Bank submitted by the General Manager: Finance be noted.

8.26 **LETTER OF APPRECIATION**

(M/C 2014/03/13 - A 2/3/1/6)

RESOLVED:

That the letter of appreciation from Messrs Rössing Foundation, expressing their gratitude and appreciation to the Municipality of Swakopmund for supplying the Library with daily newspapers at no cost during the past year be noted.

9. **PERSONNEL MATTERS**

9.1 **INVITATION: TO THE GLOBAL SUMMIT FOR WOMEN IN FRANCE**

(M/C 2014/03/13 - A 2/3/2/1)

RESOLVED:

That the organizers be informed that Council will not participate in the Global Summit for Women to be held from 05-07 June 2014 in Paris, France.

11. **RECOMMENDATIONS BY THE MANAGEMENT COMMITTEE**
- 11.1 **ORDINARY MANAGEMENT COMMITTEE MEETINGS HELD ON 18 FEBRUARY 2014 AND 13 MARCH 2014**
- 11.1.1 **RENTAL OF ERF 4884, SWAKOPMUND TO MESSRS NAMIBIA CONSTRUCTION (PTY) LTD**
(C/M 2014/03/27 - E 4884)

Ordinary Management Committee Meeting of 18 February 2014, Addendum 10.5 page 01 refers.

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

Introduction

Following the Council meeting held on 28 November 2013, Council resolved under item 11.1.4:

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

Erf 4884, Swakopmund therefore remained unsold following the Closed Bid sale of **14 June 2013**. The erf is currently in the process of being rezoned to "General Industrial".

According to the Town Planner, this process is anticipated to exceed 12 months as Council was not given exemption from proceeding with the rezoning without first conducting the necessary Environmental Impact Assessment. After this process has been concluded, the property will then again be offered for sale by Closed Bid to the general public.

Request to lease

Communication was received from Messrs Koep & Partners on 14 February 2014 on behalf of their client, HHH Properties (Pty) Ltd. (Annexure "A"). The shareholders of this company are also the members of HHH Investments who was the highest bidder at the Closed Bid sale held for this property last year. The sale had to however be cancelled as a result of a request by the purchaser to have the transfer of the property effected into a different entity name and which request was contrary to the conditions of sale.

Messrs HHH Properties (Pty) Ltd is applying to rent the property in question to conduct its brick making activities until such time as the rezoning is finalised and the resale of the property can take place. They have also indicated their interest in making a bid to acquire this property once it is again made for sale by Council.

Prior to the property being offered for sale by Closed Bid, it was leased by Messrs Namslab Decking Systems CC and was similarly used for their brick making activities. The monthly rental charged in 2013 was N\$ 25 000.00 (15% VAT excluded) per month.

Erf 4884, Swakopmund is currently zoned 'Light Industrial'. Brick making is categorized as a noxious industry and this classification is allowed as a consent

use under the 'Light Industrial' zoning as per the Town Planning Amendment Scheme 12.

It is proposed that Council rents the property to the applicant until such time as the rezoning has been finalised and the property can be resold. To legalise the lease, Council would have to give consent for the operation of the brick making facility (classified as a noxious industry) on a 'Light Industrial' zoned property as provided for by the Town Planning Amendment Scheme 12.

The rental is proposed at the rate of N\$ 27 500.00 (15% VAT excluded) per month. This reflects a 10% escalation from the previous rental amount of N\$25 000.00 (15% VAT excluded) per month charged in 2013.

As per the communication, HHH Properties (Pty) Ltd is still in the process of finalising its registration as company with the relevant authorities. The lease agreement should therefore preferably be concluded with Namibia Construction (Pty) Ltd which is an established company and is owned by the same interest holders.

The applicant proposed a lease term allowing for a 3 months' notice period being effective from the awarding of the erf to a new purchaser following the sale thereof.

This is not recommended as it could be detrimental to Council's intention of reselling the property. A 3 month period is proposed whereby either party can give written notice of its intention to cancel the lease agreement. This would allow Council to give notice of the termination of the lease 3 months prior to any scheduled sale so as to present the new purchaser with a vacant property.

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

RECOMMENDED:

- (a) That Council approves the lease of Erf 4884, Swakopmund to Messrs Namibia Construction (Pty) Ltd at a rental amount of N\$27 500.00 (15% VAT excluded) per month.
 - (b) That Council gives consent to Messrs Namibia Construction (Pty) Ltd in terms of the Town Planning Amendment Scheme 12 to operate a brick making facility (*Noxious Industry*) on Erf 4884, Swakopmund zoned '*Light Industrial*'.
 - (c) That the lease agreement term be set for 12 months and new lease agreements on the same terms and conditions be concluded thereafter on a year to year basis.
 - (d) That should a new lease agreement be concluded for any consecutive 12 month cycle as per (c), the rental be advertised in terms of the Local Authorities Act as amended (Act 23 of 1992) at the cost of the lessee.
 - (e) That any new lease agreements in (d) be subject to a 10% escalation of the previous rental amount.
 - (f) That either party can give 3 calendar months' written notice of the cancellation of the agreement allowing Council to remove the lessee from the property prior to its sale.
 - (g) That Council's standard conditions of lease be made applicable to the agreement.
-

11.1.2 **INVITATION FOR BUSINESS PROPOSALS TO LEASE AND MANAGE
THE TAXI RANK ON ERF 4353, MONDESA**
(C/M 2014/03/27 - M 4353)

Ordinary Management Committee Meeting of 13 March 2014,
Addendum 7.2 page 08 refers.

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

Management Committee on **18 February 2014** under item 7.1 resolved:

- (a) *That the presentation by Messrs NPPTA and NABTA regarding the management of the Taxi Rank be noted.*
- (b) *That the General Manager: Community Development Services obtains a detailed business plan (income / expenditure) from Messrs NPPTA for submission to the Management Committee.*

The Management Committee resolution was communicated to Messrs NPPTA and they submitted the attached detailed business plan (**Annexure A**) and operational plan (**Annexure B**)

Messrs NPPTA clearly outlined their responsibilities with regard to the management of the taxi rank. An organogram of the management team for the taxi rank has also been provided giving the information about the people the company intends to employ namely:

- *One (1) rank Manager*
- *Two (2) loading Master*
- *Two (2) cleaners*
- *Three (3) Car wash employees*

A financial forecast highlighting the projected income and expenditure is also outlined. Worth noting is the company source of income which will mainly be from registration, operator and daily loading fees and the income from the carwash. The rental fees indicated in the business plan is **N\$1 000.00** as opposed to **N\$500.00** previously mentioned in their presentation.

Messrs NPPTA clearly outlined the communication plans they intend to put in place which will require concrete effort from all the stakeholders involved. An action plan indicating their intended plan is also indicated.

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

RECOMMENDED:

- (a) That the management of the Taxi Rank on Erf 4353, Mondesa be awarded to Messrs NPPTA which presented a sound business and management plan, at the offered price of N1 000.00 per month (*as indicated in the business plan*).
 - (b) That the lease agreement be for the period of three (3) years, whereby the Lessee is responsible for the following:

 - (i) *The upkeep including cleaning and maintenance of the area concerned (loading zones and car wash).*
 - (ii) *Providing security to ensure an orderly and safe site for the parking of taxis and buses embarking and disembarking of passengers as well as the loading and offloading of goods.*
 - (iii) *Providing ancillary services to passengers as required and ensures the proper running and management of the taxi rank.*
 - (iv) *Providing clear sets of rules, guidelines and a pricelist for the use of the property by taxis or buses operators.*
 - (v) *Ensuring that the users, viz. taxi drivers/owners, passengers, employees and members of the public adhere to the rules and regulations for the use of the property (loading zone and car wash).*
-

11.1.3 **APPROVAL OF NEW STREET NAMES FOR VARIOUS EXTENSIONS**
(C/M 2014/03/27 - N 8/1/2)

Ordinary Management Committee Meeting of 13 March 2014,
Addendum 7.4 page 26 refers.

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

Application is herewith made for the acceptance of the minutes of the Naming Advisory Committee meeting held on **20 February 2014** as well as the approval of new street names for various suburbs.

The minutes contain the newly proposed and accepted street names for various areas in Swakopmund as well as the name for the DRC Clinic. In order to have the street names placed on their correct places it is proposed that the minutes be accepted and approved by Council

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

RECOMMENDED:

(a) That the minutes of the Naming Advisory Committee of Swakopmund held on 20 February 2014 be noted.

(b) That the name "*DRC Clinic*" be accepted as the name for the clinic in DRC.

(c) That the following street names for Extension 15 from recognized indigenous and international flora, fauna or natural features relevant to Namibia be accepted:

- *Camelthorn Street*
- *Kiaat Street*
- *Baobab Avenue*
- *Quiver Street*
- *Marula Street*
- *Manketti Close*
- *Bird Plum Close*
- *Leadwood Street*
- *Bottle Tree Street*
- *Wild Olive Street*
- *Omuparara Street*
- *Omusati Street*
- *Omuve Street*
- *Omulunga Street*
- *Omumborombonga Street*
- *Moringa Street*
- *Soetdoring Street*

(d) That the following street names for Extension 18 from recognized river names be accepted:

- *Auob Street*
- *Kunene Street*
- *Kavango Street*
- *Orange Street*

- *Zambezi Street*
- *Kuiseb Street*
- *Omaruru Street*
- *Kwando Street*
- *Hoanib Street*
- *Okatana Street*
- *Chobe Street*
- *Ekuma Street*
- *Tsauchab Street*
- *Nossob Street*
- *Omuramba Street*

(e) That the following street names for Extension 19 for fish caught in Namibia waters be accepted:

- *Kabeljou Street*
- *Galjoen Street*
- *Kolstert Street*
- *Steenbras Street*
- *Leervis Street*
- *Stingray Close*
- *Hake Street*
- *Ehundju Street*
- *Katfisch Street*
- *Kashushu Street*

(f) That the following street names for Extension 20 for crustaceans / shellfish be accepted:

- *Crab Street*
- *Shrimp Street*
- *Prawn Street*
- *Clam Street*
- *Mussel Street*
- *Oyster Street*

(g) That the following street names for Extension 16 for ships which stranded on the Namibian Coast be accepted:

- *Bom Jesus Street*
- *Eagle Street*
- *Henrik Ibsen Street*
- *Recovery Street*
- *Eduard Bohlen Street*
- *Nautilus Street*
- *Mossamedes Street*
- *Cawdor Castle Street*
- *Bradford City Street*
- *Dunedin Star Street*
- *Sir Charles Elliot Street*
- *City of Baroda Street*
- *Natal Coast Street*
- *Vipava Street*
- *Zeila Street*
- *Annabelle Street*
- *Monte Carlo Street*
- *Atlantic Pride Street*
- *Karimona Street*
- *Benguela Eagle Street*

- *Mermaid Street*
- *Stormkus Street*
- *Orca Street*
- *Ocean Queen Street*
- *Lebanon Street*
- *Gethen Street*
- *Stork Street*
- *Taurus Street*
- *Winston Street*
- *Suiderkus Street*

- (h) That the Engineering Services Department immediately attends to the placement of the approved names.
 - (i) That the Naming Advisory Committee of Swakopmund attends to all outstanding street names for various extensions and that the Extensions which are inhabited be prioritized.
-

11.1.4 **ALLOCATION OF BLOCK ERVEN AT THE PDA TO THE SHACK DWELLERS FEDERATION OF NAMIBIA**
(C/M 2014/03/27 - H 5, H 5/7)

Ordinary Management Committee Meeting of 13 March 2014,
Addendum 7.5 page 30 refers.

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

Council on **30 May 2013**, amongst others, resolved:

- (d) *That the Shack Dwellers Federation of Namibia ensures that each and every individual erf to be created, be provided with a separate water and electricity meter and be transferred into the name of the owner.*
- (f) *That the Shack Dwellers Federation of Namibia provides Council with a list of beneficiaries.*

The above resolution was communicated to Messrs Shack Dwellers Federation in a letter dated **08 July 2013 (Annexure "A")** which the applicant responded on **02 September 2013 (Annexure "B")**. It however transpired that Messrs Shack Dwellers Federation has not yet appointed a Town Planner who in turn will submit the particular layout plans to the Townships Board for approval. As such the transfer of the respective properties can only be done once the relevant approval has been obtained.

In the meantime, Messrs Shack Dwellers Federation have submitted a list of beneficiaries as per above Council resolution (**Annexure "C"**). However, this particular transaction/ deal can only be concluded once the lay out plan has been approved by NAMPAB.

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

RECOMMENDED:

- (a) **That the list of beneficiaries submitted by the Shack Dwellers Federation in respect of Erven 3594 and 3598, Mondesa be noted.**
 - (b) **That Council enters into contracts with individual beneficiaries and not the Shack Dwellers Federation of Namibia once the layout plans in respect of Erven 3594 and 3598 have been approved by the Townships Board.**
 - (c) **That the *principle* applied for the Benguella Low Cost Housing Project be applicable to these beneficiaries.**
 - (d) **That the General Manager: Community Development Services discusses the *modus operandi* of this project with individual beneficiaries.**
 - (e) **That the Council resolution of 30 May 2013 be amended to read that Council sells the erven to the individuals and not the Shack Dwellers Federation of Namibia.**
-

11.1.5 **AUTHORISATION LEVELS FOR PROCUREMENT OF GOODS AND SERVICES**

C/M 2014/03/27 - A 2/3/6)

Ordinary Management Committee Meeting of 13 March 2014,
Addendum 7.6 page 33 refers.

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

Authority levels were adjusted by Council on **28 July 2011** as per the resolution below:

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

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

In case of emergency repairs or service delivery of goods is in excess of **N\$5 000.00**, the Chief Executive Officer can approve such without formal quotation process being followed, upon receiving of such motivations from the relevant General Manager.

The Tender Board has further also delegated the powers of the Urgency Committee to approve expenditures in excess of **N\$50 000.00** in cases of emergency repairs or urgent service delivery required. Such approval of Urgency Committee must be submitted to Tender Board for Condonation.

The Urgency Committee consists of Chairperson of Management Committee, Chairperson and Public Representative of the Tender Board Committee. Such requests are dealt with through formal submissions to the aforementioned Committee.

The purpose of this submission is for Council to consider reviewing the current authority levels for below listed motivations/reasons:

- (a) *Increase efficiency in executing projects.*
- (b) *Save time on administration work by not requiring quotations on smaller amounts.*
- (c) *Enable more SME's to participate in the execution of municipal work.*
- (d) *Greater responsibility for GM's to handle finances.*

<i>Authorisation Level</i>	<i>Current (N\$)</i>	<i>Proposed (N\$)</i>
<i>Petty Cash kept (Finance)</i>	<i>500.00</i>	<i>500.00</i>
<i>Petty Cash issued to department per day</i>	<i>100.00</i>	<i>100.00</i>
<i>Invitation - formal quotation</i>	<i>5 000.00</i>	<i>10 000.00</i>
<i>Approval of Expenditure by the General Managers/Managers</i>	<i>15 000.00</i>	<i>50 000.00</i>
<i>Approval of Expenditure by the CEO</i>	<i>50 000.00</i>	<i>500 000.00</i>

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

RECOMMENDED:

- (a) That the delegated powers for acquisition of goods and services be increased as follows:

<i>Authorisation Level</i>	<i>Current (N\$)</i>	<i>Proposed (N\$)</i>
<i>Petty Cash kept (Finance)</i>	<i>500.00</i>	<i>500.00</i>
<i>Petty Cash issued to department per day</i>	<i>100.00</i>	<i>100.00</i>
<i>Invitation - formal quotation</i>	<i>5 000.00</i>	<i>10 000.00</i>
<i>Approval of Expenditure by the General Managers/Managers</i>	<i>15 000.00</i>	<i>30 000.00</i>
<i>Approval of Expenditure by the CEO</i>	<i>50 000.00</i>	<i>200 000.00</i>

- (b) That this item be submitted to the Tender Board for approval.
-

11.1.6 **FEEDBACK REPORT: LEASING OF THE LIGHT INDUSTRIAL INCUBATION SITE TO SMALL AND MEDIUM ENTERPRISES**

(C/M 2014/03/27 - H 5)

Ordinary Management Committee Meeting of 13 March 2014,
Addendum 7.7 page 34 refers.

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

1. Introduction

Council leases 10 (ten) demarcated sites to Small and Medium Enterprises located on the Remainder of Portion 5 of Swakopmund Town and Townlands No 41 adjacent to Erf 607, Mondesa and the railway reserve (a map indicating the area is **attached** Annexure "A").

Seven sites (A, B, C, D, I, J, K) were allocated for brick making projects and three sites (E, F and H) are for projects other than brick making projects.

Sites are allocated as follows:

<i>Allocated Area</i>	<i>Name of Lessees</i>	<i>Activity</i>	<i>Lease Period</i>
<i>A</i>	<i>Mr W Onesmus</i>	<i>Making bricks</i>	<i>01 June 2010 until 31 May 2015</i>
<i>B</i>	<i>Mr J D Mouton</i>	<i>Making bricks</i>	<i>01 June 2010 until 31 May 2015</i>
<i>C</i>	<i>Mr G Karihab</i>	<i>Making bricks</i>	<i>01 June 2010 until 31 May 2015</i>
<i>D</i>	<i>Mr G Guidoa-Oab</i>	<i>Making bricks</i>	<i>01 June 2010 until 31 May 2015</i>
<i>E</i>	<i>Messrs Rivatera Community Project</i>	<i>Storage of equipment for catering, construction and cleaning services</i>	<i>01 October 2013 until 30 September 2018</i>
<i>F</i>	<i>Mr Johannes Bamm</i>	<i>Selling empty bottles</i>	<i>01 October 2013 until 30 September 2018</i>
<i>H</i>	<i>Messrs PIHM Investment</i>	<i>Intend to sell domestic gas</i>	<i>No lease agreement signed</i>
<i>I</i>	<i>Namib Desert Industries C</i>	<i>Making bricks</i>	<i>01 August 2012 until 31 July 2017</i>
<i>J</i>	<i>P Victor</i>	<i>Making bricks</i>	<i>01 June 2010 until 31 May 2015</i>
<i>K</i>	<i>Mr J Moller</i>	<i>Making bricks</i>	<i>01 June 2010 until 31 May 2015</i>

With reference to Area "H", Council on **28 February 2013** under **item 11.1.11** passed the following resolution among others:

(f) *That Messrs PIHM Investments CC be informed to submit an Environmental Compliance Certificate for the operation of their proposed business venture.*

Messrs PIHM Investment was requested to submit an Environmental Clearance Certificate before signing a lease agreement to operate a gas depot on the allocated site. Mr I

Shikongo of PIHM Investment informed the Property Section that he applied to the Environment Commissioner for the certificate of which he is awaiting a reply.

2. Lease agreements signed

As per signed lease agreements, the lease period for the brick making projects commenced 01 June 2010 and will lapse on 31 May 2015 while lease agreements for site E and F started on 01 October 2012 until 30 September 2018. Both lessees are paying a monthly rental of N\$ 230.00 (inclusive of VAT) for a period of five (5) years; this amount is escalating with 10% annually.

3. Current Status of leased sites

On **25 November 2013**, an inspection was conducted at the Light Industrial Incubation site and revealed that only Mr J Moller is in operation and the rest are not.

Following is a report of each site inspected.

Lease area	Comments	Balance due 7/02/2014
Area A Mr W Onesmus	<ul style="list-style-type: none"> Was in operation but his machines are stolen. There are less than 10 bricks on site. Received new machinery from the Ministry of Trade and Industry Lessee is residing on site and was informed to remove his shack and other belongings that are not used for business purposes. 	N\$1 474.49
Area B Mr J D Mouton	<ul style="list-style-type: none"> Business not in operation at the moment. There is a shack on site 	N\$423.42
Area C Mr Kari-Hab	<ul style="list-style-type: none"> Business not in operation at the moment. There is a shack on site. 	N\$3 842.93
Area D Mr G Guidoa-Oab	<ul style="list-style-type: none"> Manufactured bricks for a while but stopped. There is a shack on site 	N\$762.11
Area E Rivatera Community Project (Mr Alfons Katjivikua)	<ul style="list-style-type: none"> Was allocated the site by Council on 30 May 2013 and ministerial approval was granted on 9 July 2013 Not on site yet Area was only identified by Engineering Services during December 2013. 	N\$1 196.00
Area F Johannes Bamm	<ul style="list-style-type: none"> Ministerial approval was received on 04 September 2013. Lease agreement was compiled and signed by all parties on 5 November 2013. Finance Department was informed on 14 November 2013 to start levying basic charges Business not in operation yet. 	N\$1 214.40
Area H PIHM Investment (Mr I Shikongo)	<ul style="list-style-type: none"> Council on 28 February 2013 approved to lease the site to Messrs PHM Investment to sell domestic gas. Applicant was requested to submit an Environmental Compliance Certificate from Environmental Commissioner. 	Account not yet opened

Lease area	Comments	Balance due 7/02/2014
	<ul style="list-style-type: none"> Waiting the compliance certificate whereafter a lease agreement will be compile and signed. 	
Area I Messrs Namib Desert Industries CC (Mr A A Naibab)	<ul style="list-style-type: none"> Vacant, business not in operation at the moment 	N\$5 623.50
Area J P Victor	<ul style="list-style-type: none"> No business activity taking place since the site was allocated to him. 	N\$404.47
Area K Mr J Moller	<ul style="list-style-type: none"> Business is fully in operation 	N\$640.45

It was also noted that some of the lessees built shacks to stay in and it is not permissible as the sites are only allowed for business purposes and not for residential occupation.

4. **Lease condition regarding operations**

With reference to Clause 4 (v) of the signed lease agreements quoted:

- (v) *The **Lessee** must commence with production within six (6) months from the date of signing the lease agreement, failing which the lease shall be terminated by the **Lessor** by giving thirty (30) days' notice.*

The inspection conducted revealed that only two lessees being Mr J Moller and Mr W Onesmus of area A and K whose business are active while the rest of the brick makers are not. The lessees who are not functional are blocking other entrepreneurs from entering the market. Council can terminate the lease agreements for lessees that are not operational for six months and allocate the sites to the applicants on the waiting list who are in need of business land.

The leases in respect of Area E, F and H cannot be terminated as they have not been in operation for six months yet.

Following an inspection which was done on **02 December 2010**, it was reported to the Management Committee on 16 June 2011 to consider the cancellation of the lease agreements for the non-performers. The following resolution was passed under item 7.12:

- (a) *That the status quo regarding the lease agreements of the informal brick makers remains and that they be made aware of the concerns.*
- (b) *That any new allocation only be considered when current lease agreements are terminated.*
- (c) *That Council considers to purchase from the informal brick makers for future projects.*

The extension has not led to a change and accordingly serves no purpose to reserve the sites for the lessees who are not in operation; apart from allocating the sites to other small and medium

entrepreneurs who are in need of business land. This area is regarded as a poverty relief and SME promotion project.

Although most of the lessees are paying their monthly rental for leasing of sites, the fact remains that their business are not active. It is questionable as from where they get money to pay their accounts as they generate no income at the leased sites.

5. **New applications received**

Several applications were received from the public for sites at the Light Industrial Incubation Area previously known as the Informal Brick Making Area. Most of the applicants are looking for land to operate a brick making business. Since Council decided not to terminate the current leases not in operation, they were informed of Council's resolution passed on **11 February 2010**, under item 8.5.

That, in future, applications for brick making at the informal brick making area not be considered by the Management Committee and that such applications not be submitted to the Management Committee.

Following are the applications received and their letters are attached:

Name of applicant	Date of application received	Proposed business activity
1. Mr R Valentine	10 March 2010	To make bricks
2. Mr J Hamutenya	10 March 2010	To make bricks
3. Mr F. A van Wyk	06 April 2010	To make bricks
4. Mr K N Ashilungu	08 February 2011 (letter dated 20 Dec.2010)	To make bricks
5. V. P Brick Works 6. (Mr Gottlieb)	19 October 2010	To make bricks
7. CCC.R project Welfare Organisation	01 February 2011	To make bricks for low cost project
8. Andries J Bock	02 February 2011	To make bricks
9. Flamingo Bricks	04 March 2011	To make bricks
10. Izaan J Moller	31 March 2011	To make bricks
11. Dr Brick World cc	26 April 2011	To make bricks
12. A Beukes	03 August 2011	To make bricks
13. PG's Enterprise	06 September 2011	To make bricks
14. Justus Ameh	30 September 2011	To make business
15. Omuhoongo Investments CC	07 October 2011	To make bricks and interlocks
16. Namib Desert Industries	13 January 2012	To make bricks(was submitted to Council on 30 May 2013 together with proposals received for the area)
17. NCRAC cc	07 March 2013	To make bricks (was submitted to Council on 30 May 2013 together with proposals received for the area)
18. Waininga Trading CC	03 April 2013	To make bricks
19. Mr Kambalala & Partners	05 May 2013	To establish garden
20. Immanuel Vries	20 May 2013	To operate sandblasting, storage and scrap metal for buying and selling
21. Brian K Kukuri	18 November 2013	To make bricks
22. Sylvia Petrus	20 December 2013	To make bricks

<i>Name of applicant</i>	<i>Date of application received</i>	<i>Proposed business activity</i>
23. George Munene	27 January 2014	To make bricks and car wash business

In view of the above applications received, it can be seen that there is a need for sites for brick making entrepreneurs in our community. Although Council sold industrial erven in 2013, none of the applicants above participated in the closed bid as they could not afford to purchase the erven. In order to assist the Small, Micro and Medium Entrepreneurs, Council may consider terminating lease agreements for those that are not in operation for six months since the sites were allocated to them.

6. **Conclusion**

Considering that the lessees of **Area "B, C, D, I and J"** are not in operation, it is proposed that their lease agreements be cancelled and the sites be allocated to the applicants on file that applied first.

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

RECOMMENDED:

- (a) That the lease agreements entered into by Council and the following lessees be cancelled by giving three (3) months' notice as their business have not been in operation for longer than six months; since commencement of the lease period:

• Mr J D Mouton	-	Area "B"
• Mr Kari-Hab	-	Area "C"
• Mr G Guidoa-Oab	-	Area "D"
• Messrs Namib Desert Industries CC	-	Area "I"
• Mr P Victor	-	Area "J"
 - (b) That these sites be allocated for brick making activities to the applicants on file who applied first and should the first applicants decline the site be offered to the next applicant listed.
 - (c) That ministerial approval be applied for the lease of areas in terms of Section 31 (1) (t) of the Local Authorities Act, Act 23 of 1992, as amended, as the proposed lease areas are undivided Townlands.
 - (d) That the lease conditions for the new applicants be the same as the existing lease agreements.
 - (e) That the lessees who built shacks for residential occupation be informed to remove their shacks immediately.
 - (f) That applicants on file for land at the Light Industrial Incubation Area be informed that Council will only allocate sites to the applicant on file who applied first and only once the current lease agreements are terminated.
-

11.1.7 **(05) 2008 TO DATE: LAND APPLICATIONS (x 2) - PORTION 5 OF SWAKOPMUND TOWN AND TOWNLANDS NO. 41**

(C/M 2014/03/27 - H 5/8)

Ordinary Management Committee Meeting of 13 March 2014, Addendum 7.8 page 70 refers.

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

1. Introduction

With reference to the land applications received since 2008 to date, the Management Committee on **12 September 2013** under items 7.11 and 7.12 passed the following resolution:

- (a) *That this item be referred back and that applications be resubmitted individually in batches of 10 (ten) at a time, starting with applications for township developments.*
- (b) *That the General Manager: Corporate Services and Human Resources formulate a definition as to what constitutes "Large Portions of Land" and submit same to Management Committee.*
- (c) *That permission be granted to the General Manager: Corporate Services and Human Resources to ascertain the nature and purpose of the application from applicants, where necessary.*

With reference to point (b) above, large portions of land can be defined as a portion of land, developed (meaning streets, sidewalks, water, sewerage and electricity) or undeveloped land in extent of 5 000m² or 0.5 hectares and mainly intended for subdivision to create a township.

2. Land Applied For

This submission deals with the Remainder of Portion 5 of the Swakopmund Town and Townlands No 41.

This area is located to the east of Mondesa, adjacent to the railway reserve and stretches along the railway reserve up to the Mondesa Cemetery in the north; as per the attached map (**Annexure "A"**).

The Remainder of Portion 5 measures approximately **211 028m²**, it is zoned "*undetermined*". Ten, 1 000m² portions are located on the portion and are leased for five year periods for *light industrial use*; this area is known as the Light Industrial Incubation Area.

3. Applications Received

The following two applications were received for this portion of land:

- 3.1 Messrs Elize Investment and Partners' application dated 27 March 2013 and a grievance letter dated 03 September 2013 (**Annexure "B"**). Their first application was dated **28 May 2010**; and
- 3.2 Ms Helvi Mupupa dated 22 January 2014 (**Annexure "C"**).

3.1 **Messrs Elize Investment and Partners**

A letter dated **27 March 2013** was received from Messrs Elize Investment and Partners reminding Council that they are still interested to purchase a portion of the Remainder of Portion 5 of Swakopmund Town and Town Lands No. 41 for the purpose of constructing general residential development as per their first application dated 28 May 2010.

They have indicated that as women they believe that they can also make a change in the housing problem and they are now requesting Council to reconsider the decision taken regarding their previous application.

Management Committee on **16 May 2013** discussed the application and passed the following resolution:

- (a) *That this item be kept in abeyance and be resubmitted to the Management Committee of June 2013.*
- (b) *That all applications for land being held in abeyance be submitted to the next Management Committee meeting for consideration.*

Their first application dated **28 May 2010** and was discussed by the Planning Forum on **24 August 2010** whereafter the following was concluded:

- (a) *That the Engineering Services Department provides a lay-out of Portion 5 of Swakopmund Town and Townlands No 41, clearly indicating the lay-out of the services, location of the extension of the cemetery and the railway line for submission to the Planning Forum for discussion.*
- (b) *Subsequent to (a) above, a submission be tabled to the Management Committee for consideration of the application by Messrs Elize Investment CC.*

There is no record on file indicating that the lay-out was submitted and the Town Planning Section of the Engineering Services confirmed such.

The above conclusion is also in line with the decision passed by the Management Committee on 10 March 2011 whereby Management Committee decided to attend to all town planning issues before land is made available for sale.

Subsequent to the above, two more letters were received from Messrs Elize Investments CC following up on their initial application whereafter the Management Committee on **11 November 2011** and **16 February 2012** passed the following resolution:

That this item be kept in abeyance until the revised Property Policy is finalized.

Messrs Elize Investment and Partners was informed of the above resolution.

The Property Policy was approved by Council on **31 January 2013** and all outstanding submissions are now being submitted for consideration.

3.2 **Helvi Mupupa**

Ms Helvi Mupupa also applied to purchase a portion of the Remainder of Portion 5 of Swakopmund Town and Town Lands No. 41 for the purpose of constructing mixed residential development in order to provide affordable housing to low and middle income groups and also to bring basic amenities close to the people.

4. **Council's Policy regarding the allocation of Large Portions of Land**

With reference to the development applications received for large portion of land, the Management Committee of **10 March 2011** passed the following resolution:

(c) That in future Council attends to all Town Planning issues before land is sold to the public.

5. **Conclusion**

It should be kept in mind that Council on 27 February 2014 approved the sale of various blocks of land located in the PDA and DRC to the Government initiated Mass Housing Initiative, which can be regarded as a combined effort to solve the immediate housing need of our lower income groups.

Apart from the above, previous sales proved that Council can provide serviced land at a lower price (upset price) than the private developers and also run no risk of not generating income to recover the capital invested in servicing the land.

Furthermore, it should be kept in mind that although the generating of profits is essential, especially for cross subsidizing low income areas, this is not the main objective of a public institution such as Council who needs to balance profit against providing affordable erven for the residents.

It is therefore proposed that the Engineering Services Department attend to the lay-out, subdivision, surveying and servicing of Portion 5 of Swakopmund Town and Townlands No. 41 for the creation of residential township establishment.

Once the surveying and servicing of the area are finalized, it be submitted to Council to consider the future sale of the created erven.

It is further proposed that:

- *Council decides on the current need to attend to the lay-out and servicing of the Remainder of Portion 5 of the Swakopmund Town and Townlands No 41.*

- *That the applicants and a future applicants be informed that Council will decide on the method of sale (either as individual erven, as a surveyed block by closed bid or participatory development); whereafter Council will publish notices in terms of the Local Authorities Act, Act 23 of 1992, as amended, thereby affording the general public transparent, fair and equal opportunity to participate.*

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

RECOMMENDED:

- (a) That Council attends to the lay-out and servicing of the Remainder of Portion 5 of the Swakopmund Town and Townlands No 41.
 - (b) That the following applicants and future applicants be informed that Council will decide on the future development and sale of the subdivided Remainder of Portion 5 of Swakopmund Town and Town Lands No. 41; whereafter Council will advertise its intention in two newspapers circulating locally as required in terms of the Local Authorities Act, Act 23 of 1992, as amended, thereby affording the general public transparent, fair and equal opportunity to participate by either submitting a development proposal or closed bids (*as will be decided by Council at the time*):
 1. *Messrs Elize Investment and Partners dated 28 May 2010*
 2. *Ms Helvi Mupupa dated 22 January 2014*
 - (c) That subject to point (a) above, the Engineering Services Department co-ordinates the progress on the lay-out and servicing of the Remainder of Portion 5 of Swakopmund Town and Town Lands No. 41 with the Corporate Services and Human Resources Department in order to submit these to Council to decide on the method of alienation in line with the respective uses.
 - (d) That once point (c) above is finalized, Council decides whether to service and sell the erven to be created to the public or invite proposals from developers to sell the townships for development.
 - (e) That the brick makers on site be given notice prior to area being serviced.
-

11.1.8 **REZONING OF ERF 172, SWAKOPMUND, FROM “SINGLE RESIDENTIAL” WITH A DENSITY OF 1:900 TO “GENERAL BUSINESS” WITH A BULK OF 2.0**
(C/M 2014/03/27 - E 172)

Ordinary Management Committee Meeting of 13 March 2014, Addendum 8.21 page 252 refers.

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

Application was received from Messrs PD Town and Regional Planners on behalf of their client, Messrs Guogang Cai and Guo Qiang Cai for the rezoning of Erf 172, Swakopmund from “*Single Residential*” with a density of 1:900 to “*General Business*” with a bulk of 2.0.

Erf 172 is located in Windhuker Street. The Erf measures 1001m² in extent and is zoned “*Single Residential*” with a density of 1:900. The Erf currently accommodates a few rundown outbuildings which are currently being used for storage purposes.

This area of Swakopmund already consists of many “*General Business*” erven. This area of Swakopmund is changing more and more into a more business like area since it is so closely located to the Central Business District. Over time more and more “*Single Residential*” erven in this area will be rezoned to either “*General Business*” or “*General Residential*” as it is seen as natural growth of the Central Business District. The rezoning of Erf 172 will not have any negative impact on the current and future character of the area and will enhance the potential of the area.

The owner of the property intends to develop this property into shops, offices and flats.

The intended rezoning was advertised in The Republikein and The New Era on 16th and 20th of December 2013. The surrounding neighbours were also notified of the intended rezoning and notices were placed on site and at the municipality. The closing date for objections was on 7th of January 2014 and no objections were received.

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

RECOMMENDED:

- (a) That Council approves the rezoning of Erf 172 Swakopmund from “*Single Residential*” with a density of 1:900 to “*General Business*” with a bulk of 2.0.
 - (b) That the approved rezoning of Erf 172, Swakopmund, be included in the next Amendment Scheme for final approval by the Ministry of Regional and Local Government, Housing and Rural Development.
-

11.1.9 **SALE OF ERF 5159, SWAKOPMUND TO MESSRS ELI INVESTMENTS TEN CC - CLOSED BID OF 21 JUNE 2013**
(C/M 2014/03/27 - E 5159)

Ordinary Management Committee Meeting of 13 March 2014,
Addendum 7.10 page 83 refers.

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

Erf 5159, Swakopmund was sold to Messrs Eli Investments Ten CC at the Closed Bid of **21 June 2013**. An extension of the due date for securing the purchase price was requested by the purchaser on the basis that an Erongo RED substation is present on the property of which neither Council nor the purchaser was aware of on the date of sale.

This was tabled to Council on **28 November 2013** where it was resolved:

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

A letter dated **27 February 2014** was received from Mr Randall Louw of Messrs Eli Investments Ten CC. (Annexure "A") Attached to this writing were letters from Messrs Old Mutual Investment Group and Messrs Preferred Management Services (Pty) Ltd indicating that they were willing to fund the acquisition and development of Erf 5159, Swakopmund by the purchaser. A letter from Messrs SME Bank Ltd. indicated that they were willing to issue a guarantee for the total purchase price of N\$ 7 662 375.00. All financial institutions indicated that the approval of their funding would be dependent on the completion of successful due diligence and feasibility studies. (Annexure "B")

These letters do however not meet the requirement of the Deed of Sale that a written guarantee by an accredited financial institution for the total purchase price must be presented to Council by the due date of 28 February 2014 to secure the purchase price and avoid the cancellation of the sale.

The purchaser is now requesting another extension of the due date for payment of the purchase price to 30 April 2014. He motivates his request for the further extension of time on the below mentioned facts:

- *The meeting between all the concerned parties to this transaction in order to discuss possible methods by which the sale of Erf 5159 can proceed even though the Erongo RED substation was present on the property, was held on 15 November 2013.*
- *At this meeting it was decided that the best alternative would be to try and incorporate the existing substation in the design of the envisaged development of sectional title units. This would necessarily involve a redesign of the plans that was drawn up prior to the presence of the substation being known, a copy of which plans were also available at the meeting.*
- *It was agreed that Engineering Services would supply Messrs Eli Investments Ten CC with a map indicating the exact positioning of the substation in relation to the property to allow the purchaser to make the necessary adjustments. This would then enable him to present the amended project details to financial institutions to conclude the required due diligence and feasibility studies to secure the required funding.*

The purchaser again requested the relevant map in an email dated **4 December 2013**, but due to the relevant Engineering Services' employees having already gone on leave at the time, the required map was only made available to the developer on **4 February 2014**.

The combination of many institutions being either closed or personnel being on leave in the months of December and early January as well as the fact that the purchaser only received the required map on **4 February 2014**, is submitted as motivation by the purchaser why Council should grant him an extension for securing the purchase price by **30 April 2014**.

As the Deed of Sale states that the due date for the presentation of the guarantee is **28 February 2014**, the purchaser is currently in breach of contract.

Clause 11.1 of the Deed of Sales which deals with the breach of contract states that:

Should the PURCHASER be in default to punctually comply with any material stipulation or condition of this agreement the SELLER will be entitled (but not compelled) to cancel this agreement in which case the SELLER will be entitled (but not compelled) to stipulate a certain period, by means of a written notice to the PURCHASER, within which period the PURCHASER shall remedy such breach and, failing compliance therewith this agreement shall be terminated.

Should Council therefore agree to the extension of the due date for payment, it will by implication not invoke its right to cancel the agreement as it provided for in the above clause. An addendum to the agreement will then have to be signed to stipulate the amended due date of payment which will be forthwith applicable.

It is proposed that an extension of the due date to **31 March 2014** would allow the purchaser an additional month to get his financial affairs in order and would be reasonable considering the circumstances. The General Manager: Engineering Services supports the above proposed extension of time.

This matter is submitted to the Management Committee for its consideration and to Council for the condonation of the decision taken by the Management Committee.

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

RESOLVED: (For Condonation By Council)

- (a) That Council condones the decision not to invoke its right to cancel the sale of Erf 5159, Swakopmund to Messrs Eli Investment Ten CC in terms of clause 11.1 of the Deed of Sale.**
 - (b) That an extension for the due date for securing the purchase price of N\$7 662 375.00 for the purchase of Erf 5159, Swakopmund be extended to 31 March 2014 failing which the contract will be automatically cancelled without Council having to inform the purchaser thereof.**
 - (c) That an addendum to the agreement be drafted and signed to reflect the conditions in (a) and (b).**
-

11.1.10 **CONDONATION OF THE BTS SITE EAST OF BLOCK 55, KRAMERSDORF**
(C/M 2014/03/27 - G 4/2/2/2)

Ordinary Management Committee Meeting of 13 March 2014, Addendum 7.11 page 89 refers.

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

At the Council meeting of **30 August 2007** under item 11.1.8 (d) and (f), Council resolved:

That permission be granted to MTC Namibia and Cell One to lease portions of land to erect BTS sites at the following locations:

(d) *A 20m high Palm Tree with a 3m x 3.5m Equipment room on the Trans Namib railway reserve east of Block 55 for MTC Namibia and Cell One respectively.*

(f) *That the above sites be further subject to the following conditions:*

(a) *That a lease of 9 years and 11 months be entered into with MTC Namibia and Cell One respectively in respect of the applicable sites.*

(b) *That the exact area be determined on site by the Engineering Services Department.*

(c) *That a rental fee of N\$6.05/m² + VAT per month, with an escalation of 10% per annum on 1 July every year be applicable; and further subject to the following conditions:*

(i) *The applicant to provide all infrastructure of services to the premises for its own account and to the specifications of the Department of Engineering Services and Erongo RED.*

(ii) *That the requirements regarding the lease of immovable property as prescribed in the Local Authorities Act 23 of 1992, be dealt with successfully.*

(iii) *That all costs related to this transaction (advertising- and any legal costs, etc. that may arise from this transaction) shall be borne by the applicant.*

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

Following the above, Messrs Mobile Telecommunications Limited (MTC) proceeded to conclude an agreement with Messrs TransNamib to lease a portion of the railway reserve as BTS site and erected their tower and equipment room. The site is 144 m² in size (12 m x 12m). (See Annexure "A")

Towards the end of 2013, it came to the attention of the Properties Section that the relevant BTS site was however wrongly established on Council's land just south of the railway reserve and not on the railway reserve itself. The relevant portion of Council's land is zoned as 'Undetermined'. (Annexure "B")

The General Manager: Engineering Services also confirmed that no building plans are on record for the structures that were erected on the site and that the Building Inspectors have been instructed to follow up the submission thereof by the lessee.

Messrs MTC was informed of the situation at a meeting held at the Municipal Head Office on **29 January 2014**. A memorandum dated **30 January 2014** was received from them, wherein it is stated that the relevant site where the tower and equipment room is currently situated was indicated by the representatives of the Municipality prior to its establishment. (Annexure "C")

They now request Council's condonation of the existing BTS site so that a lease agreement can be concluded to regulate the rental of Council's land.

It is suggested that Council condones the existing site and that a lease agreement be entered into between Council and Messrs MTC on the basis of the same conditions as were approved by Council on **30 August 2007**.

The agreement's commencement date is proposed to be the date on which the lease agreement which was wrongfully concluded between Messrs MTC and Messrs TransNamib commenced, namely **1 October 2007**.

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

RECOMMENDED:

- (a) That the lease of a portion of land 144m² in extent and zoned '*Undetermined*' situated east of Block 55, Kramersdorf to Messrs Mobile Telecommunications Limited be condoned.
 - (b) That a rental fee of N\$6.05/m² (15% VAT excluded) per month with an escalation of 10% per annum on 1 July every year be applicable; and further be subject to the following conditions:
 - (c) That Engineering Services Department requires the submission of the drawings and designs for the existing structures from the lessee.
 - (d) That the requirements regarding the lease of immovable property as prescribed in the Local Authorities Act 23 of 1992 as amended, be dealt with successfully.
 - (e) That all costs related to this transaction (advertising- and any legal costs, etc. that may arise from this transaction) be borne by the lessee.
 - (f) That the lessee indemnifies Council against any public claims / liability related to the use of the above area.
 - (g) That the lease period be for a term of 9 years and 11 months and be back dated from 1 October 2007.
-

11.1.11 **INTERNAL AUDIT FOLLOW-UP AUDIT REPORT**
(C/M 2014/03/27 - D 10/1)

Ordinary Management Committee Meeting of 13 March 2014,
Addendum 7.12 page 94 refers.

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

BACKGROUND:

In the table below is a summary of the findings raised during the previous audits in 2011/12, and the status of these findings from the follow-up review was reported to Council during **November 2013**:

No	Finding	Rating	Corrective action implemented	Corrective action Partially implemented	Corrective action has not yet been implemented	Not Applicable
Tenders						
1	Not all tender recommendations and/or documentation of the various departments are on file.	Medium	✓			
2	No letters to convey to the renderers that the tender has been awarded.	Low	✓			
3	No evidence could be obtained from Archives that all tenders have been published in at least two newspapers	Low	✓			
General Administration						
4	Follow-ups on the execution of Council resolutions not performed.	High		✓		
5	Data incorrectly captured from the Orbit system on to the administration reports.	High		✓		
6	Inadequate or incorrect feedback on the administration report.	High		✓		
7	Incorrect filing or use of file reference numbers.	High	✓			
8	Subsequent documentation relating to initial letters not stored on the Orbit system.	High		✓		
9	File control register not signed by individuals when files are taken from/ returned to the archive.	High		✓		
10	Non-compliance with the Archives Act, 1992.	High		✓		
11	No formal policies and procedures with respect to the general administration processes.	Medium		✓		
12	Access to the archive not restricted when archive officials are absent.	Medium	✓			
13	Orbit application shortcomings.	Medium		✓		

No	Finding	Rating	Corrective action implemented	Corrective action Partially implemented	Corrective action has not yet been implemented	Not Applicable
Rest Camp						
14	Cash-up surplus not recorded	Medium		✓		
15	Key Deposits not obtained	Medium		✓		
16	Semi-permanent' guests not paying within 30 days	Medium	✓			
17	Some formal policies and procedures with respect to the Municipal Rest Camp process does not exist	Low	✓			
18	Inadequate key control (Cleaners)	Low	✓			
Planning & Building						
19	Inadequate communication and controls between the Corporate Property and Finance Departments	High			✓	
20	Building/Application Fees incorrectly calculated	High		✓		
21	No formal and documented procedures with respect to planning and building control process	Medium		✓		
22	Building material delivery notes not filed	Medium		✓		
23	Building Plan approval checklist not adequately completed or on file	Low		✓		
24	Building plan approval time not within the set target of 3 weeks	Improve ment idea			✓	
Halls & Sports Grounds						
25	Events are not recorded on the bookings spread sheet.	High		✓		
26	Inconsistent income balances between the monthly income report and the Venus report.	High			✓	
27	Incorrect application of tariffs charged to the clients.	Medium		✓		
28	No standard operating procedures exist for the Halls and Sports Ground Functions.	Medium	✓			
29	Inadequate segregation of duties between the bookings function and custody of keys.	Medium				✓
30	Not all cheques recorded in the cheque register.	Medium		✓		
31	Missing Pre- and Post-Inspection Lists.	Low	✓			
Traffic						
32	Inadequate review of the Vehicle Log Forms	Medium		✓		
33	Inadequate controls to monitor the validity and accuracy of overtime claimed	Medium		✓		

No	Finding	Rating	Corrective action implemented	Corrective action Partially implemented	Corrective action has not yet been implemented	Not Applicable
34	Face value books not found	Low			✓	
35	Record room not properly organised	Improve ment Idea	✓			
36	Inability of the Traffic system to generate certain information	Improve ment Idea		✓		
Erven Sales & Rentals						
37	Rentals are not levied promptly	High		✓		
38	Missing documents on the erven file for the sale or lease of property	Medium	✓			
39	No copies of newspaper advertisements placed on the erven file	Medium	✓			
Expenditures & Stores						
40	Orders can be changed by the store staff members without additional HOD authorisation	Medium		✓		
41	Invoices are not collected / returned on a timely basis by the Head of Department when certified.	Medium			✓	
42	No evidence exists of goods received from the warehouse (stores) by recipient.	Low		✓		
43	Policies and procedures are not comprehensive for the ordering and receiving function	Low		✓		
44	Re-order levels are not reviewed annually	Improve ment Idea			✓	
Housing Services						
45	Approval of a housing loan in excess of what the beneficiary qualifies for.	High	✓			
46	Overdue accounts not administered in line with the Municipality's credit policy	High		✓		
47	No completeness check performed on the monthly statements sent to housing loan account holders.	Low				✓
Total		47	14	25	6	2
% of action plans implemented		100%	30%	53%	13%	4%

Council at its ordinary Council meeting held **28 November 2013** item **11.1.27**, resolved as follows:-

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

UPDATED FEEDBACK:

In the table below is a summary of the updated findings after a review meeting held by the Chief Executive Officer, General Managers and Messrs Ernst & Young on **Monday, 17 February 2014:**

No	Finding	Rating	Corrective action implemented	Corrective action Partially implemented	Corrective action has not yet been implemented	Not Applicable
Tenders						
1	Not all tender recommendations and/or documentation of the various departments are on file.	Medium	✓			
2	No letters to convey to the renderers that the tender has been awarded.	Low	✓			
3	No evidence could be obtained from Archives that all tenders have been published in at least two newspapers	Low	✓			
General Administration						
4	Follow-ups on the execution of Council resolutions not performed.	High	✓			
5	Data incorrectly captured from the Orbit system on to the administration reports.	High	✓			
6	Inadequate or incorrect feedback on the administration report.	High	✓			
7	Incorrect filing or use of file reference numbers.	High	✓			
8	Subsequent documentation relating to initial letters not stored on the Orbit system.	High		✓ (Await final approval from Nat. Archives)		
9	File control register not signed by individuals when files are taken from/ returned to the archive.	High	✓			
10	Non-compliance with the Archives Act, 1992.	High		✓ (Await final approval from Nat. Archives)		
11	No formal policies and procedures with respect to the general administration processes.	Medium	✓			
12	Access to the archive not restricted when archive officials are absent.	Medium	✓			
13	Orbit application shortcomings.	Medium		✓ (due Feb/March 14)		
Rest Camp						
14	Cash-up surplus not recorded	Medium	✓			
15	Key Deposits not obtained	Medium	✓			

No	Finding	Rating	Corrective action implemented	Corrective action Partially implemented	Corrective action has not yet been implemented	Not Applicable
16	Semi-permanent' guests not paying within 30 days	Medium	✓			
17	Some formal policies and procedures with respect to the Municipal Rest Camp process does not exist	Low	✓			
18	Inadequate key control (Cleaners)	Low	✓			
Planning & Building						
19	Inadequate communication and controls between the Corporate Property and Finance Departments	High	✓			
20	Building/Application Fees incorrectly calculated	High	✓			
21	No formal and documented procedures with respect to planning and building control process	Medium	✓			
22	Building material delivery notes not filed	Medium	✓			
23	Building Plan approval checklist not adequately completed or on file	Low	✓			
24	Building plan approval time not within the set target of 3 weeks	Improve ment idea	✓			
Halls & Sports Grounds						
25	Events are not recorded on the bookings spread sheet.	High		✓		
26	Inconsistent income balances between the monthly income report and the Venus report.	High			✓	
27	Incorrect application of tariffs charged to the clients.	Medium	✓			
28	No standard operating procedures exist for the Halls and Sports Ground Functions.	Medium	✓			
29	Inadequate segregation of duties between the bookings function and custody of keys.	Medium				✓
30	Not all cheques recorded in the cheque register.	Medium	✓			
31	Missing Pre- and Post-Inspection Lists.	Low	✓			
Traffic						
32	Inadequate review of the Vehicle Log Forms	Medium	✓			
33	Inadequate controls to monitor the validity and accuracy of overtime claimed	Medium	✓			
34	Face value books not found	Low	✓			
35	Record room not properly organised	Improve ment Idea	✓			

No	Finding	Rating	Corrective action implemented	Corrective action Partially implemented	Corrective action has not yet been implemented	Not Applicable
36	Inability of the Traffic system to generate certain information	Improve ment Idea	✓			
Erven Sales & Rentals						
37	Rentals are not levied promptly	High	✓			
38	Missing documents on the erven file for the sale or lease of property	Medium	✓			
39	No copies of newspaper advertisements placed on the erven file	Medium	✓			
Expenditures & Stores						
40	Orders can be changed by the store staff members without additional HOD authorisation	Medium	✓			
41	Invoices are not collected/returned on a timely basis by the Head of Department when certified.	Medium	✓			
42	No evidence exists of goods received from the warehouse (stores) by recipient.	Low	✓			
43	Policies and procedures are not comprehensive for the ordering and receiving function	Low	✓			
44	Re-order levels are not reviewed annually	Improve ment Idea	✓			
Housing Services						
45	Approval of a housing loan in excess of what the beneficiary qualifies for.	High	✓			
46	Overdue accounts not administered in line with the Municipality's credit policy	High	✓			
47	No completeness check performed on the monthly statements sent to housing loan account holders.	Low	✓			
Total		47	41	4	1	1
% of action plans implemented		100%	87%	9%	2%	2%

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

RECOMMENDED:

- (a) That the summary of the combined Internal Audit Follow-up and Tracking Report by the Chief Executive Officer and Messrs Ernst & Young, be noted.
- (b) That the updated findings of the 9% partially implemented corrective actions as well as the 2% actions not yet been implemented on findings, be noted and that the Chief Executive Officer and Messrs Ernst & Young continue to ensure that full implementation takes place.

11.1.12 **REQUEST FOR FINANCIAL ASSISTANCE BY ROMAN CATHOLIC CHURCH**

(C/M 2014/03/27 - A 2/3/2/1/3)

Ordinary Management Committee Meeting of 13 March 2014, Addendum 8.2 page 04 refers.

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

Attached is the fire report, quotations and letter from Marienheim Roman Catholic Church requesting financial assistance to purchase the items needed by the learners that were affected by the fire outbreak on **19 January 2014**.

The total cost to Council

<i>Stationary at Denu</i>	<i>N\$2 565.55</i>	<i>Denu</i>
<i>Pep Stores - underwear, cosmetics and fitted sheets</i>	<i>N\$13 385.36</i>	<i>Pep Stores</i>
<i>Total cost</i>	<i>N\$15 950.91</i>	

The Mayoral Development Fund resolved that the item be submitted to the Management Committee. **Attached** are Tax invoices.

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

RESOLVED: (For Condonation By Council)

- (a) That the action taken by the Mayoral Development Fund to donate an amount of N\$15 950.91 to the Marienheim Roman Catholic Hostel for the purchasing of items for 43 learners affected by fire on 19 January 2014 be condoned.**
 - (b) That the amount of N\$15 950.91 be defrayed from the Mayoral Development Fund, Vote 960120408709 where N\$334 540.77 is available.**
-

11.1.13 **OWNERSHIP OF ERVEN 101, 102 AND 103 MILE 4**
(C/M 2014/03/27 - N 7/3/2/2; M4 - 101, 102, 103)

Ordinary Management Committee Meeting of 13 March 2014,
Addendum 8.5 page 21 refers.

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

1. Introduction

The attached letter dated **06 February 2014 (Annexure “A”)** was received from the Namibian Defence Force claiming that the transfer of Erven 101, 102 and 103, Mile 4 was erroneously done.

Due to a misconception, they request that the erven be transferred to the Defence Force Foundation (DFF).

2. Brief Background

In order to confirm that Council is the rightful owner of these erven, the following brief background is given (summary from the letter received from Stubenrauch Planning Consultant - **Annexure “B”**):

2.1 A letter dated **28 July 1995 (Annexure ‘B’)** was received from Messrs Stubenrauch Planning Consultant stating that Messrs Theunissen, Van Wyk & Partners (*attorneys and conveyancers of DFF at the time*) pointed out that the layout of Mile 4 has been incorrectly planned and approved.

The layout was designed on the following portions of land:

- (a) *the Remainder of Portion 16 (municipal land - previously known as Erven 101, 102 and 103, Mile 4, but now known as Mile 4, Extension 1) and*
- (b) *Portion 20 (DFF land)*

2.2 The error came about during 1992 when consulting engineers were appointed by DFF to survey Portion 16, which was being developed into what is now Mile 4. Unknown by the consulting engineers at the time, Portion 16 was subdivided into:

- (a) *The Remainder of Portion 16 (municipal land); and*
- (b) *Portion 20 (this portion was transferred to DFF)*

The consulting engineers of the DFF erroneously included both portions in the base plan for the development of Mile 4. The land surveyor appointed to survey the base plan noted that the Remainder of Portion 16 (*belonging to Council*) was included and the surveyor had to compile a consolidation diagram. But as the Remainder of Portion 16 belongs to Council, it was not possible to consolidate the two portions.

After consultations with Messrs Theunissen, Van Wyk & Partners, Messrs Stubenrauch Planning Consultants proposed the following options to rectify the mistake:

- A. ***Re-Design of the Layout to cut out (exclude) the portion belonging to Council***

This would imply a repeat of the whole process resulting in a time loss of approximately 2 years and financial losses to the developer.

B. Outright Sale of the Remainder of Portion B (Re of Portion 16) to Mile 4

The sale would mean that both portions belong to the same entity and consolidation would be possible.

Council would however lose prime sea-front land.

C. Consolidation of Portion 20 with the Remainder of Portion 16

This process was very costly and long process. The consolidation could be done with the undertaking that the original area be transferred back to Council on completion of the consolidations and subdivisions.

D. Consolidation of the two portions with the understanding that the Remainder of Portion 16 (Erven 101 (phase 6), 102 (phase 4) & 103 (phase 5), Mile 4) be transferred back to the local authority

This option means that the three erven were included in the proclamation of Mile 4, a further advantage was that the necessary statutory approvals were granted.

Option D was considered most favorable to Council and would not cause any delays or financial losses to the development. Council on **31 August 1995** approved Option D to be followed in order to rectify the mistake by Messrs Defence Force Foundation.

2.3 Council's resolutions quoted:

Resolution passed on **31 August 1995**:

- (a) *That option "D" viz. the consolidation of the two portions (Portion 20 and the Remainder of Portion 16) be accepted and approved; provided that phases 4, 5 and 6 (numbered erven 101, 102 and 103 on the General Plan) be transferred back to the Town Council, free of charge, once the Township has been proclaimed.*
- (b) *That the proposed methods, in order to rectify the matter for which Council is not to blame, be taken up in an agreement acceptable to both parties involved.*

Following the above resolution, Messrs Theunissen, Van Wyk & Partners provided an agreement, which was scrutinized by Council's attorneys in order to safeguard Council's interests.

Council on **31 August 1995** approved the agreement as follows:

That Council accepts the Memorandum of Agreement as contained in Council agenda for 31 August 1995 provided that Council requests Messrs Kinghorn Associates to formulate an additional clause to the effect that the Directors of Mile 4 (Pty) Ltd must stand surety towards the Municipality of the due compliance of the Developer's obligations towards Council in terms of the said agreement and for the payment to Council of an amount equal to the value of the land concerned viz, erven 101, 102 and 103 at that point in time.

Council on **26 October 1995** passed the following resolution:

- (a) *That Council resolution no 9.2.2 of 31 August 1995 be amended by the substitution of the proviso with the following:*

"That Council accepts the Memorandum of Agreement as contained in Council agenda for 31 August 1995 provided that Council requests Messrs Kinghorn Associates to formulate an additional clause to the effect that a second bond for an amount of N\$ 500 000.00 be registered in favour of the Municipality of Swakopmund against Portion 20, which bond may be

cancelled once erven 101, 102 and 103 has been retransferred to the Municipality."

- (b) *That all costs related to the registration of such bond and the acquisition of valuation certificates, be for the amount of Mile 4 (Pty) Ltd.*
- (c) *That the Town Clerk submits the sworn valuation in respect of erven 101/102/103 received on 26 October 1995 from Messrs Ludwig Schroder to the next Management Committee meeting in November 1995.*

Council and Myl 4 (Eiendoms) Beperk entered into a memorandum of agreement on **27 November 1995 (Annexure "C")**.

Attached as **Annexure "D"** is a diagram indicating the boundaries of the Remainder of Portion 16; and as **Annexure "E"** a layout indicating the phased development of the proposed consolidation by the developer.

The transfer document for the retransfer of Council's property is attached as **Annexure "F"**.

Messrs Theunisen, Van Wyk & Partners confirmed on 18 March 1996 that the transfer was registered on 19 February 1996 (**Annexure "G"**).

The Deed of Transfer is attached as **Annexure "H"**.

- 2.4** In conclusion, it is evident that Erven 101, 102 and 103, Mile 4 always belonged to the Swakopmund Municipal Council, although as the Remainder of Portion 16 at the time.

Due to a planning mistake by Messrs Defence Force Foundation, this portion was erroneously included in the proclamation of Mile 4 and upon mutual agreement in an effort to accommodate Messrs Defence Force Foundation by not causing any delays or financial losses for the developer, Council agreed to the proclamation on condition that Council's land be retransferred to Council.

3. Conclusion

The DFF has no claim whatsoever to the land as Council only agreed to transfer it to them temporarily in order to assist them to avoid a costly and long delay. They are laboring under a complete misconception since a brief perusal of their own records should reveal that prior to the mistake made by their professional team, the land did not belong to them.

It is unclear how the DFF came to the conclusion that the relevant property had been transferred to Council due to unpaid rates and taxes because our records do not reflect any correspondence at all relating to unpaid or arrear rates and taxes in this matter.

It is proposed that Council takes note of the above information and Corporate Services compiles a letter in reply to the Namibian Defence Force reflecting the facts of the ownership of Erven 101, 102 and 103, being the property of the Swakopmund Municipal Council.

Should the DFF wish to dispute the matter further they should first prove how the land became theirs in the first place.

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

RECOMMENDED:

- (a) That Council takes note of the information regarding the ownership of Erven 101, 102 and 103, Mile 4.**
 - (b) That the General Manager: Corporate Services and Human Resources compiles a letter in reply to the Namibian Defence Force reflecting the facts of the ownership of Erven 101, 102 and 103, being the property of the Swakopmund Municipal Council.**
-

11.1.14 **APPLICATION TO RENT A PORTION OF ERF 2827, SWAKOPMUND TO DISPLAY AND SELL VEHICLES**

(C/M 2014/03/27 - E 2827)

Ordinary Management Committee Meeting of 13 March 2014,
Addendum 8.6 page 46 refers.

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

Application was received on 23 January 2014 from Mr John Kapepu to rent a portion of Erf 2827, Swakopmund situated off Daniel Kamho Avenue to park and sell vehicles on behalf of members of the public. (Annexure "A")

At the Council meeting of **24 June 2010** under item 11.1.1 it was resolved:

(a) *That a portion of the Fresh Produce Market Stall Area in Daniel Kamho Avenue be designated for the display of vehicles which are on sale, subject to the following conditions:*

- *That no commercial dealers be allowed to display vehicles.*
- *That the rental tariff be N\$5.00/m² per month +15% VAT ($\pm 6m^2$) for the existing unpaved area.*
- *That a permit for the vehicle be issued and be displayed on the windscreen.*
- *That the vehicles be parked at the owners' risk and that Council be indemnified from any claim that may be arise.*
- *That signs be erected indicating the display area.*

(b) *That the area for the display of vehicles in (a) above be paved and a new rental tariff be determined accordingly.*

Council's intention was therefore made clear to establish an area where the general members of the public can park and sell their vehicles privately. The relevant area west of Daniel Kamho has been in use as such and this practice is regulated by the Traffic Department. Council expressly indicated that the intention was not to utilize the area as a business premises where commercial enterprises operate to make a profit.

The zoning of Erf 2827, Swakopmund is 'Public Open Space' which also does not support any business related activities.

Council's Property Policy also directly addresses the management of a car sales display area in a corresponding manner:

(v) *Car Sales Display Area*

Applications in writing are attended to by the Traffic Services upon payment of the relevant fee.

- (a) *No commercial dealers are allowed to display vehicles.*
- (b) *The sites measure $\pm 6m^2$ each.*
- (c) *A permit for the vehicle is issued by Traffic Services and must be displayed on the windscreen.*
- (d) *The vehicles are parked at the owners' risk and that Council must be indemnified from any possible claims.*

Council already successfully created the platform from where any member of the public can park and sell their vehicle under controlled conditions. Previous Council decisions also make it clear that the intended usage of this property is not to establish a business location. It is therefore recommended that this application not be supported and turned down.

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

RECOMMENDED:

That Council turns down the application of Mr John Kapepu to rent a portion of Erf 2827, Swakopmund to display and sell vehicles as such a facility is already provided by Council and the zoning of the property does not support business activities.

11.1.15 **APPLICATION TO LEASE BTS SITE ON ERF 507, TAMARISKIA BY
MESSRS INTERNET TECHNOLOGIES NAMIBIA**
(C/M 2014/03/27 - G 4/2/2/2)

Ordinary Management Committee Meeting of 13 March 2014,
Addendum 8.7 page 48 refers.

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

During 2013, the Properties Section invited telecommunications suppliers that have previously indicated they were interested in leasing BTS sites from Council with a request to indicate whether they would be interested in leasing such a site on Erf 507, Tamariskia. (**Annexure “A”**)

The reason for this market research was that a portion of this ‘Cemetery’ zoned property has been allocated to host a number of BTS lessees. Messrs TN Mobile, Telecom Namibia and Multichoice Namibia all rent sites adjacent to each other here as indicated in Annexure “B”. Once the demand for BTS sites was determined, the erf would be subdivided in an orderly manner instead of haphazardly.

The land lends itself ideally to this purpose as it is high lying. It is also preferable to rather have the BTS sites located in one designated location rather than them being spread sporadically on many locations throughout town.

Messrs Internet Technologies Namibia was the only one who reverted with a letter dated 8 November 2013 indicating that they would like to lease a BTS site on this property. (**Annexure “C”**). They identified the site east of the existing BTS site belonging to Messrs Multichoice Namibia suitable for their needs. This area was identified as a potential BTS site by the Town Planning Section should any such requests be received.

The towers currently situated on Erf 507, Tamariskia are all metal structures and higher than the palm tree type found in and around town. This type of structure allows a much bigger carrying capacity. It is proposed that Messrs Internet Technologies Namibia similarly be allowed to erect a lattice type structure of a maximum height of 40m similar to the other existing towers on this property.

The General Manager: Engineering Services has indicated that he has no objection to the application. It is proposed that Council leases this site to Messrs Internet Technologies Namibia on the same basis as the other existing lessees on the property.

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

RECOMMENDED:

- (a) That the erf be subdivided and rezoned to an appropriate zoning to ensure the usage of the property hosting the BTS site is supported by the Town Planning Amendment Scheme.**
 - (b) That subject to the completion of (a), Council enters into a lease agreement with Messrs Internet Technologies Namibia for the BTS site indicated on of Erf 507, Tamariskia.**
 - (c) That the Engineering Services Department be responsible to have the boundaries of the relevant site indicated to the applicant.**
 - (d) That the lease be subject to the lessee obtaining an Environmental Impact certificate.**
 - (e) That a rental fee of N\$20.92/m² (15% VAT excluded) per month with an escalation of 10% per annum on 1 July every year be applicable; and further be subject to the following conditions:**
 - (i) That the lease be for a period of 5 years.***
 - (ii) That the lease be advertised in terms of the Local Authorities Act 23 of 1992 as amended.***
 - (iii) That all costs related to this transaction (advertising- and any legal costs, etc. that may arise from this transaction) be borne by the lessee.***
 - (iv) That building plans of all proposed buildings must be submitted to the Engineering Services Department;***
 - (v) That the lessee indemnifies Council against any public claims/liability related to the use of the above area.***
 - (vi) That Messrs Internet Technologies Namibia installs their own electrical meter so that any expense and cost generated be allocated to them.***
 - (vii) That the maximum height of the tower be restricted to 40m.***
 - (viii) That the applicant obtains approval from the Communication Regulatory Authority of Namibia and submits same to Council for confirmation.***
-

11.1.16 **APPLICATIONS TO LEASE PORTIONS OF LAND AT THE WASTE WATER TREATMENT WORKS FOR:**

① LAWN FARMING (Messrs Disa Landscaping) AND

② COMPOST PLANT (Messrs Palms for Africa)

(C/M 2014/03/27 - N 7/3/4, N 6/1/3)

Ordinary Management Committee Meeting of 13 March 2014,
Addendum 8.8 page 52 refers.

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

An application received from Messrs Disa Landscaping dated **20 December 2012** to lease a portion of land at the new sewerage plant to establish a lawn farm was discussed at the Planning Forum on *29 January 2013 and 13 August 2013*. The letter is attached as **Annexure “A”**, quoted:

“2. *Furthermore we wish to apply to lease a piece of land at the new sewerage plant with a supply of effluent water to establish a lawn turf nursery. An area of 2-3 hectares.*”

The Minutes of the above meetings are attached as **Annexure “B”**.

As per the attached memo dated **2 December 2013** received from our Engineering Services Department, Messrs Palms for Africa withdrew their application due to the restriction on the erection of permanent structures.

Therefore this submission only deals with the application by Messrs Disa Landscaping.

1. Introduction

Messrs Disa Landscaping applies to lease a portion of land in the buffer zone surrounding the new Waste Water Treatment Works for lawn farming and harvesting and confirmed that they require an area between 2-3 hectares, but they further stated that it will be a benefit should Council be able to avail up to 5 hectares.

2. Location and Sizes

The Engineering Services Department had a meeting with Messrs Disa Landscaping and the comments as per attached memo dated **2 December 2013** were discussed (**Annexure “C”**).

It was confirmed at the Planning Forum held on **11 February 2014** that an area of 5 ha is available for lease, located to the south of the new purification works and west of the ridge, for the full length of the plant.

3. Lease Conditions

It is proposed that Council's standard lease conditions be applicable as per the approved Property Policy, i.e.:

9. LEASE

9.1 General Conditions

9.1.1 *that all costs for the lease transaction be for the lessee's account, inclusive of, but not limited to the cost of advertising Council's intention to lease in terms of the*

Local Authorities Act, Act 23 of 1992, as amended and the cost of compiling a lease agreement

(As the area is located on undivided Townlands, an application for the lease must be submitted to the Ministry of Regional and Local Government, Housing and Rural Development for permission to lease as required in terms of section 30 (1) (t) of the Local Authorities Act, Act 23 of 1992, as amended)

- Including the comments received from the Engineering Services Department:

2. Area shall be identified and the applicant shall have the area surveyed, alternatively such will be done at the applicant's cost.

9.1.2 *1 month's rental amount be levied as a refundable deposit (exclusive of 15% VAT), of which costs such as rental in arrears at the expiry of the lease period be recovered, the balance be refunded to the lessee*

9.1.3 *Council to be indemnified against any possible claims*

9.1.4 *3 months' termination period for both parties as a standard condition, which period can be longer or shorter depending on the lease period*

- Which includes the comments received from the Engineering Services Department:

4. Lease shall be subject to bail-out clause should Council want to utilise the land.

9.1.5 *No construction of permanent structures will be permitted*

☞ A **permanent structure** is any structure with a cement floor covered by any type of roof material

- Including the comments received from the Engineering Services Department:

3. No permanent structures shall be constructed. This shall pertain to larger structures only, not storage space for tools / vehicles or sheds. Applicant informed that should such be erected, it shall be removed upon termination of the lease by applicant, with option left to Council to acquire.

7. Suitable site facilities shall be made available to labour on site – potable water, hand wash basin, eating place, ablution.

☞ Layout plans of any structures to be submitted to the Engineering Services Department for approval and be to the satisfaction of both the Engineering Services and Health Services Departments.

9.1.6 *The lessee has no option to purchase, unless the land is leased for an interim pending the finalization of a sale already approved by Council*

- 9.1.7 *The current highest rental per category will be used to determine rental amount, subject to a 10% escalation annually on 1 July*
- 9.1.8 *No indefinite lease periods will be considered*
- 9.1.10 *No subletting without Council's approval*
- 9.1.11 *The lease agreement is not transferable and will not form part of an estate*
- 9.1.12 *In cases where the lessee is a legal entity, for example such as a close corporation, company or trust, Council be informed of any change in membership or shareholding*
- 9.1.13 *The commencement date for the lease period is to be approved by Council, irrespective of the date of signing the lease agreement*

It is proposed that the lease be considered to commence on the second month following approval being granted by the said Ministry.

In addition to the above, the following conditions should also be considered (*numbered to correspond per memo from Engineering Services Department*):

- 5. *Potable water and purified effluent connections are possible and shall be done at applicant's cost.*
- 6. *Purified effluent flow may be intermittent only and pressure may not be constant. Applicant shall make provision for suitable flow / pressure alteration to suit irrigation system requirements.*
- 8. *Waste water shall be suitably disposed - connection to sewer system not available.*
- 9. *Access road shall be provided at own cost and similarly maintained at own cost.*
- 10. *Area need not be fenced, yet fencing is recommended to prevent unwanted vehicular access.*

The following conditions should also be considered as provided by Engineering Services during January 2013:

- *No workmen will be allowed to visit staff inside the works;*
- *the installation of fresh water and electrical supply shall be to the cost of the applicant in its entirety;*
- *No claims shall be entertained on any "Nuisances" (e.g. odours, insects, pests, spills, flooding, dust etc.) originating from the works. Operating within the 500 m buffer strip shall be totally at the risk of the applicant / operator.*
- *Leave a 3 m clean space around the plant adjacent to the boundary walls so that municipal staff can drive around if needed and to prevent the applicant from spraying effluent water against the boundary wall.*

4. **Rental Amount**

With reference to the rental amount, Council's revised Property Policy reads as follows:

- 9.1.7 *The current highest rental per category will be used to determine rental amount, subject to a 10% escalation annually on 1 July*

It is therefore proposed that the rental amount be calculated at a rental tariff per square meter compared with that of Messrs R & R Karting, i.e. N\$0.089/m², i.e. **50 000 m² x N\$0.089 = N\$ 4 450.00 (excluding 15%)**. It is further proposed that the first annual escalation be on 1 July 2014 in order to be consistent with the escalation for R & R Karting.

Council has no other lease sites in the area for businesses with which to compare a rental tariff.

As it is proposed to levy a rental tariff per square metre, Messrs Disa Landscaping must confirm whether the size of the area meets his requirements.

20 000m ²	=	N\$0.089c / m ² i.e. N\$ 1 780.00 + 15% VAT (N\$ 267.00)
30 000m ²	=	N\$0.089c / m ² i.e. N\$ 2 670.00 + 15% VAT (N\$ 400.50)
40 000m ²	=	N\$0.089c / m ² i.e. N\$ 3 560.00 + 15% VAT (N\$ 534.00)
50 000m ²	=	N\$0.089c / m ² i.e. N\$ 4 450.00 + 15% VAT (N\$ 667.50)

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

RECOMMENDED:

- (a) That it be noted that Messrs Palms for Africa is no longer interested to lease a portion of land at the Waste Water Treatment Plant for a compost plant and related activities.
- (b) That Council approves the lease of a portion of land (2 ha in size) located in the buffer zone surrounding the new Waste Water Treatment Works to Messrs Disa Landscaping for the purpose of establishing a lawn farm.
- (c) That a lease period of 1 year with an option to renew be approved at a monthly rental tariff of N\$0.089c, subject to an annual escalation of 10% effective July 2014; i.e.:

20 000m ²	=	N\$0.089c / m ² i.e. N\$ 1 780.00 + 15% VAT (N\$ 267.00)
30 000m ²	=	N\$0.089c / m ² i.e. N\$ 2 670.00 + 15% VAT (N\$ 400.50)
40 000m ²	=	N\$0.089c / m ² i.e. N\$ 3 560.00 + 15% VAT (N\$ 534.00)
50 000m ²	=	N\$0.089c / m ² i.e. N\$ 4 450.00 + 15% VAT (N\$ 667.50)

- (d) That Messrs Disa Landscaping indicates the size required taking into consideration the per square metre rental per month.
- (e) That the lease period commences on the second month following approval being granted by the Ministry of Regional and Local Government, Housing and Rural Development for the lease of the undivided Townlands.
- (f) That Council's standard lease conditions be applicable as per the approved Property Policy, i.e.:
 - 1. *That all costs for the lease transaction be for the lessee's account, inclusive of, but not limited to the cost of compiling a lease agreement*
 - 2. *As the area is located on undivided Townlands, an application for the lease must be submitted to the Ministry of Regional and Local Government, Housing and Rural Development for permission to lease*

as required in terms of section 30 (1) (t) of the Local Authorities Act, Act 23 of 1992, as amended

3. *The area shall be identified and the applicant shall have the area surveyed, alternatively such will be done at the applicant's cost.*
4. *1 month's rental amount be levied as a refundable deposit (exclusive of 15% VAT), of which costs such as rental in arrears at the expiry of the lease period be recovered, the balance be refunded to the lessee*
5. *Council to be indemnified against any possible claims*
6. *3 months' termination period for both parties as a standard condition*
7. *No construction of permanent structures will be permitted*
8. *Suitable site facilities shall be made available to labour on site – potable water, hand wash basin, eating place, ablution.*
9. *Layout plans of any structures to be submitted to the Engineering Services Department for approval and be to the satisfaction of both the Engineering Services and Health Services Departments.*
10. *The lessee has no option to purchase the lease area*
11. *No subletting is allowed*
12. *The lease agreement is not transferable and will not form part of an estate*
13. *In cases where the lessee is a legal entity, Council be informed of any change in membership or shareholding*

(g) That the following special conditions also be noted:

1. *Potable water and purified effluent connections are possible and shall be done at applicant's cost*
 2. *Purified effluent flow may be intermittent only and pressure may not be constant. Applicant shall make provision for suitable flow / pressure alteration to suit irrigation system requirements*
 3. *Waste water shall be suitably disposed - connection to sewer system not available*
 4. *Access road shall be provided at own cost and similarly maintained at own cost*
 5. *Area need not be fenced, yet fencing is recommended to prevent unwanted vehicular access*
 6. *No claims shall be entertained on any "Nuisances" (e.g. odors, insects, pests, spills, flooding, dust etc.) originating from the works. Operating within the 500 m buffer strip shall be totally at the risk of the applicant / operator*
 7. *A 3 m clean space around the plant adjacent to the boundary walls so that municipal staff can drive around if needed and to prevent the applicant from spraying effluent water against the boundary wall.*
 8. *That the facility not be used for accommodation purposes and no one my overnight.*
-

11.1.17 **APPLICATION FOR CONSENT TO CONSTRUCT RESIDENTIAL DWELLINGS ON THE GROUND FLOOR OF ERF 3398, MONDESA SWAKOPMUND**

(C/M 2014/03/27 - M 3398)

Ordinary Management Committee Meeting of 13 March 2014, Addendum 8.10 page 64 refers.

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

Application was received from Gunther M.A. Toll on behalf of his client, Messrs Erf Five Six Nine Kramersdorf CC (J.D Engels) to construct residential dwellings on the ground floor of Erf 3398, Mondesa.

The applicant intends to develop Erf 3398, Mondesa into 6 town houses and 18 Residential Flats as well as 2 shops and 2 offices. The erf is zoned “*Local Business*” and according to the Swakopmund Town Planning Scheme, an applicant may only with the special consent from Council erect blocks of flats or residential buildings on the ground floor.

Erf 3398 is bounded by a street on the north and east boundaries, and a “*Local Business*” erf on the south. On the west is 2 “*Single Residential*” erven. The erf is currently vacant.

The development by Messer Erf Five Six Nine Kramersdorf CC will benefit the area by creating more housing for this area.

The building has been designed to conform to the regulations of the Swakopmund Town Planning Scheme for requirements of a “*Local Business*” zoning; height, bulk, coverage and parking.

- *Actual Coverage 50%*
- *Bulk allowable (Residential Building) 0.6*
- *Bulk allowable (shop and offices) 0.4*

The intended use was further advertised as per Clause 6 of the Swakopmund Town Planning Scheme, and one objection was received.

Objection raised by Mr Jesaja Herberth !Aibeb:

1. *“There is a great need for other social event in our community as well, as integrity responsible for the community development even allocated this erven for churches if possible.”*
2. *“Yes, I do understand municipality is there to make business at whatever but please this time around can we consider other social obligation.”*
3. *“We can consider even youth centurms, churches or conference centres.”*

“With these few remarks I opposed erecting of town houses at that particular erf.”

Discussion on objection:

This erf was purchased by a private buyer. One cannot simple object to the proposed intention of the owner because someone feels there is a need to do something else on the property. The owner of the property is

allowed to do what he wants on it as long as it's not in contravention of the Swakopmund Town Planning Scheme.

The intentions of the owner will enhance the character of the area and positively respond the need for housing. The intention is of such nature that it does cater for a sort of mixed use development which is in line with the provisions of the Swakopmund Town Planning Scheme.

It is of opinion that creating roofs over the people is more important than social obligations at this stage. This development will surely benefit the community in this area by creating housing.

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

RECOMMENDED:

- (a) That the erection of residential units on the ground floor on Erf 3398, Mondesa, Swakopmund be approved as per the drawing (on file).**
 - (b) That the applicant be advised to strictly abide to the provision of the Swakopmund Town Planning Scheme in terms of bulk, coverage, etc.**
-

11.1.18 **APPLICATION FOR PERMISSION TO OPERATE A HOUSE OF SAFETY**

(C/M 2014/03/27 - M 3703)

Ordinary Management Committee Meeting of 13 March 2014,
Addendum 8.11 page 73 refers.

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

Application was received from Messrs Sandra van der Ploeg Interior Designs on behalf of the Welfare Organization Tears of Hope for consent to operate a House of Safety for the current orphans and displaced children in Mondesa.

Erf 3703, Mondesa is zoned as “*Single Residential*” and does not make provision for such use. It is suggested that the Erf be rezoned to “*Institutional*” purposes and the applicant be given consent to use the property for such use while the rezoning is in process.

Insert from the Town Planning Amendment Scheme No.12:

“PLACE OF INSTRUCTION” means a school, crèche, college, technical institute, academic lecture hall, or other educational centre, and includes a hostel appertaining thereto, a monastery, convent, public library, art gallery, museum, gymnasium, but does not include a building used or intended to be used wholly or principally as a certified reformatory or industrial school, or as a school for mentally defective children.

The proposed intentions were advertised in terms of Clause 6 of the Swakopmund Town Planning Scheme (**Notice No. 3/2014-02-25**) and no objections were received from the general public. All relevant neighbours were contacted and no objections were received.

Since no objections were received it can thus be concluded that the neighbours and general public is in favour of the application. The application can thus be considered favourable in terms of the aforesaid and supported by Council.

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

RECOMMENDED:

- (a) That the Engineering Services Department proceeds with the rezoning of Erf 3703 from Single Residential to Institutional.**
 - (b) That the application from Messrs Tears of Hope for consent to operate a House of Safety from Erf 3703, Mondesa be condoned while the rezoning is in process.**
 - (c) That Messrs Tears of Hope register with the Health Services Department and that the standard Health Regulations will apply.**
 - (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 institution must operate within the Town Planning Scheme regulations.*
 - *That the consent is not transferable.*
 - *That sufficient parking be provided on the premises.*
 - *That no on-street parking will be tolerated.*
-

11.1.19 **APPLICATION FOR PERMISSION TO OPERATE A PLACE OF INSTRUCTION (DAY CARE)**
(C/M 2014/03/27 - M 368)

Ordinary Management Committee Meeting of 13 March 2014,
Addendum 8.12 page 84 refers.

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

Attached application has been received for the registration of a “*Place of Instruction*” in terms of the Swakopmund Town Planning Scheme Regulations:

- *Erf 368, Mondesa (319 Immanuel Kamho Street) - Ms I H Itewa t/a Ndatitangi Day Care*
(**Notice No. 3/2014-02-25**)

The owner of the above-mentioned erf has requested Council for permission to operate a Day Care from the property. The property is zoned “*Single Residential*” and according to the Swakopmund Town Planning Scheme, with special consent from Council a place of instruction 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:

“PLACE OF INSTRUCTION” means a school, crèche, college, technical institute, academic lecture hall, or other educational centre, and includes a hostel appertaining thereto, a monastery, convent, public library, art gallery, museum, gymnasium, but does not include a building used or intended to be used wholly or principally as a certified reformatory or industrial school, or as a school for mentally defective children.

All adjacent neighbours were contacted and to which no neighbours objected. The proposed consent use was also advertised as per Clause 6 of the Swakopmund Town Planning Scheme, **Notice No. 3/2014-02-25**. No objections were received.

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

RECOMMENDED:

- (a) That the following application for permission to operate place of instruction - Day Care be approved:
- *Erf 368, Mondesa - Ms I H Itewa t/a Ndatitangi Day Care (Notice No 3/2014-02-25)*
- (b) That Messrs Ndatitangi Day Care registers with the Health Services Department and that the standard Health Regulations will apply.
- (c) That the consent use be subject to the following:
- *That Council reserves the right, to cancel a consent use should there be valid complaints.*
 - *That the 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.*
-

11.1.20 **APPLICATION FOR PERMISSION TO OPERATE A PLACE OF INSTRUCTION**

(C/M 2014/03/27 - G 2)

Ordinary Management Committee Meeting of 13 March 2014, Addendum 8.13 page 102 refers.

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

Application was received from Namibian Woodcraft Institute for consent to operate a Place of Instruction from Plot 67, Nonidas. The institute will provide training for students to a maximum of 10 at a time in joinery and cabinet making. No products will be sold from the property.

Plot 67, Nonidas (a portion of portion 28 of Farm 163) Swakopmund is zoned as “*Agriculture*” and in terms of the Swakopmund Town Planning Scheme application can be made for consent to operate a “*Place of Instruction*” from the property.

Insert from the Town Planning Amendment Scheme No.12:

“PLACE OF INSTRUCTION” means a school, crèche, college, technical institute, academic lecture hall, or other educational centre, and includes a hostel appertaining thereto, a monastery, convent, public library, art gallery, museum, gymnasium, but does not include a building used or intended to be used wholly or principally as a certified reformatory or industrial school, or as a school for mentally defective children.

The proposed intentions were advertised in terms of Clause 6 of the Swakopmund Town Planning Scheme (**Notice No. 3/2014-02-25**) and no objections were received from the general public. All relevant neighbours were contacted and no objections were received.

Since no objections were received it can thus be concluded that the neighbours and general public is in favour of the application. The application can thus be considered favourable in terms of the aforesaid and supported by Council.

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

RECOMMENDED:

- (a) That the application of Mr D Albat of Messrs Namibian Woodcraft Institute for consent to operate a “*Place of Instruction*” from Plot 67, Nonidas be approved.
 - (b) That Messrs Namibian Woodcraft Institute register with the Health Services Department and that the standard Health Regulations will apply.
 - (c) That the consent use be subject to the following:
 - That Council reserves the right, to cancel a consent use should there be valid complaints.
 - That the institution must operate within the Town Planning Scheme regulations.
 - That the consent is not transferable.
 - That no goods be sold from the premises.
-

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

(C/M 2014/03/27 - T 1026, E 1284, E 2347, M 2215, M 2401)

Ordinary Management Committee Meeting of 13 March 2014,
Addendum 8.14 page 113 refers.

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

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

- Erf 1026, Tamariskia - Mr E Kamesiepo t/a Golden Footsteps Investments cc - Administrative Office
(Notice No. 3/2014-02-25)
- Erf 1284, Flat 2 Kramersdorf (91 Anton Lubowski Avenue) - Mr H Kolb - Administrative Office
(Notice No. 3/2014-02-25)
- Erf 2347, Swakopmund (15 Aragonit Street) - Mr S van der Merwe & Mr E Klein t/a S & E Group - Administrative Office
(Notice No. 3/2014-02-25)
- Erf 2215, Mondesa (Kovambo Nuyoma Street) - Mr J Shiwalo t/a New Game Trading cc - Administrative Office
(Notice No. 3/2014-02-25)
- Erf 2401, Mondesa (Mandume Ya Ndemufayo Street) - Mr P N Shimhanda t/a Shimhanda Trading Enterprise - Administrative Office
(Notice No. 3/2014-02-25)

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

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

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

Insert from the Town Planning Amendment Scheme No.12:

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

- (i) The resident occupation shall be confined to one third of the total floor area of the said dwelling;

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

All adjacent neighbours were contacted and no objections were received. The proposed consent use was also advertised as per Clause 6 of the Swakopmund Town Planning Scheme (**Notice No 3/2014-02-25**). 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 1026, Tamariskia - Mr E Kamesiepo t/a Golden Footsteps Investments cc - Administrative Office (Notice No. 3/2014-02-25)***
 - ***Erf 1284, Flat 2 Kramersdorf (91 Anton Lubowski Avenue) - Mr H Kolb - Administrative Office (Notice No. 3/2014-02-25)***
 - ***Erf 2347, Swakopmund (15 Aragonit Street) - Mr S van der Merwe & Mr E Klein t/a S & E Group - Administrative Office (Notice No. 3/2014-02-25)***
 - ***Erf 2215, Mondesa (Kovambo Nuyoma Street) - Mr J Shiwallo t/a New Game Trading cc - Administrative Office (Notice No. 3/2014-02-25)***
 - ***Erf 2401, Mondesa (Mandume Ya Ndemufayo Street) - Mr P N Shimhanda t/a Shimhanda Trading Enterprise - Administrative Office (Notice No. 3/2014-02-25)***
- (b) **That the applicants register with the Health Services Department and that the standard Health Regulations will apply.**

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

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

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

(C/M 2014/03/27 - E 3102)

Ordinary Management Committee Meeting of 13 March 2014,
Addendum 8.15 page 168 refers.

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

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

- *Erf 3102, Swakopmund (3 Nelken Street) - Mr C Kostrzewa t/a K&K Solar cc - Administrative Office*
(Notice No. 3/2014-02-25)

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

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

	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;

- (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 3/2014-02-25**). No objections were received.

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

RECOMMENDED:

- (a) **That the following application for permission to operate an administrative office be approved:**
 - *Erf 3102, Swakopmund (3 Nelken Street) - Mr C Kostrzewa t/a K&K Solar cc - Administrative Office
(Notice No. 3/2014-02-25)*
 - (b) **That the applicant registers with the Health Services Department and that the standard Health Regulations will apply.**
 - (c) **That the consent use be subject to the following:**
 - *That Council reserves the right, to cancel a consent use should there be valid complaints.*
 - *That the 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 no sales of products are allowed to be done from the premises.*
 - *That no storage of equipment be done on the premises.*
 - *That only one third of the total floor area of all the buildings on the erf is allowed to be used for the resident occupation.*
-

11.1.23 **APPLICATION FOR PERMISSION TO OPERATE RESIDENTIAL GUESTHOUSES**

(C/M 2014/03/27 - E 4176, E 4299)

Ordinary Management Committee Meeting of 13 March 2014, Addendum 8.16 page 185 refers.

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

Attached applications were received from Mr W Camm t/a Atlantic Breeze Guesthouse and Mr & Mrs de Klerk t/a Tripple C Guesthouse CC to operate Residential Guesthouses from their properties.

Both erven are zoned "*Single Residential*" and in terms of the Swakopmund Town Planning Amendment Scheme the applicants may apply for a residential guesthouse provided that all the requirements are met.

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

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

Single Residential - TABLE A2: Provision of Parking

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

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>

In order to establish a Residential Guesthouse the applicants must also obtain approval from the Namibian Tourism Board stating that such an establishment meets all their requirements according to the

Accommodation Establishment and Tourism Ordinance (Ord. 20 of 1973) and its Amendments.

All the surrounding neighbours have been contacted for comments. All the neighbours were informed as to the proposed consent required. No objections were received. The intended consent use was also advertised as per Clause 6 (**Notice No. 3/2014-02-25**) and no objections were received.

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

RECOMMENDED:

That the applications of Mr W Camm and Mr & Mrs de Klerk to operate Residential Guesthouses from erven 4176, Emerald Street and 4299, 40 Delphinium Street Swakopmund be approved subject to the following:

- *That final approval only be granted once permission from the Namibian Tourism Board has been received.*
 - *That the applicants register with the Health Services Department and that the standard Health Regulations will apply.*
 - *That the applicants adhere to Council's Accommodation Establishment policy at all times.*
 - *That Council reserves the right, to cancel a consent use should there be valid complaints.*
 - *That a minimum of 2 plus 1.5 per room parking bays be provided on the premises.*
 - *That the consent is not transferable.*
 - *That the applicants must operate within the Town Planning Amendment Scheme Regulations.*
 - *That no on street parking will be tolerated.*
 - *That the floor area ratio of all buildings to be used for the accommodation establishment may not exceed 40% of the total floor area of the house.*
-

11.1.24 **APPLICATION FOR PERMISSION TO OPERATE A RESIDENT
OCCUPATION (BARBER SHOP/GENTS HAIRDRESSER)**
(C/M 2014/03/27 - M 675)

Ordinary Management Committee Meeting of 13 March 2014,
Addendum 8.17 page 209 refers.

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

Attached application has been received for the registration of a barber shop/gents hairdresser in terms of the Town Planning Scheme Regulations:

- Erf 675, Mondesa (Rakotoka Street) - Mr I Gabohumise t/a Messrs C Breez Trading (Notice No. 3/2014-02-25)

The owner of the above-mentioned erf has requested Council for permission to operate a barbershop/gents hairdresser on the property. The property is zoned “Single Residential” and according to the Town Planning Scheme Regulations, with special consent from Council a resident occupation may be allowed.

Insert from the Town Planning Amendment Scheme No.12:

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

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

All adjacent neighbours were contacted and no objections were received. The proposed consent use was also advertised as per Clause 6 of the Town Planning Scheme Regulations (**Notice No. 3/2014-02-25**) and no objections were received.

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

RECOMMENDED:

- (a) That the following application for permission to operate a barbershop / gents hairdresser be approved:
- *Erf 675, Mondesa (Rakotoka Street) - Mr I Gabohumise t/a Messrs C Breez Trading
(Notice No. 3/2014-02-25)*
- (b) That Messrs C Breez Trading 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 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.*
-

11.1.25 **APPLICATION FOR SUBDIVISION OF ERF 356A SWAKOPMUND, INTO PORTION A AND REMAINDER AND THE SUBSEQUENT REZONING OF PROPOSED PORTION A (OF ERF 356A) FROM "INSTITUTIONAL" TO "GENERAL BUSINESS" WITH A BULK OF 1.0**

(C/M 2014/03/27 - E 356A)

Ordinary Management Committee Meeting of 13 March 2014, Addendum 8.18 page 219 refers.

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

Application was received from Messrs Urban Dynamics Africa on behalf of their client, Messrs Deutsches Rotes Kreuz Schwesternschaft "*Übersee*" for the subdivision of Erf 356A into portion "A" and the remainder as well as the subsequent rezoning of proposed portion "A" from "Institutional" to "*General Business*" with a bulk of 1.0.

Erf 356A is located in Bismarck Street. The Erf measures ±6 527m² in extent and is zoned "*Institutional*". The Erf currently accommodates a hotel, old age home and a frail care centre.

The erf is located in a high density area and within the Swakopmund Central Business District, with most of the adjacent erven being zoned "*General Residential 1*" and "*General Business*" with a few "*General Residential 2*" and "*Institutional*" erven also found in close proximity. The proposed Portion A is currently being used for "*General Business*" purposes and therefor will have no negative impact on the surrounding area.

Erf 356A, Swakopmund, accommodates multiple uses ranging from a hotel, old age Home and a frail care centre. It is the intension of the owner to have Erf 356A subdivided into Portion A and the Remainder in order to separate the hotel from the old age home and the frail care centre. Subsequently, the newly created Portion A must be rezoned to from "*Institutional*" to "*General Business*" with a bulk of 1.0 in order to bring the existing use in line with the Swakopmund Town Planning Scheme. The Remainder of Erf 356A will remain "*Institutional*". If this is not done the property will remain in conflict with the zoning requirements of the property and could in future become a point of concern. The ordinance allows for such rectification to be done in order to bring the use of the property in line with the provisions of the Scheme.

The intended rezoning was advertised in The Namibian and The Republikein on 29th of August 2013 and 05th of September 2013. The surrounding neighbours were also notified of the intended rezoning and notices were placed on site. The closing date for objections was on 20th of September 2013 and no objections were received.

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

RECOMMENDED:

- (a) That Council approves the rezoning of proposed Portion A of subdivided Erf 356A from "*Institutional*" to "*General Business*" with a bulk of 1.0.
 - (b) That the approved rezoning of Portion A of subdivided Erf 356A Swakopmund be included in the next Amendment Scheme for final approval by the Ministry of Regional and Local Government, Housing and Rural Development.
-

11.1.26 **REZONING OF ERF 1273, SWAKOPMUND, EXTENSION 6, FROM “SINGLE RESIDENTIAL” WITH A DENSITY OF 1:900 TO “GENERAL RESIDENTIAL 2” WITH A DENSITY OF 1:300**

(C/M 2014/03/27 - E 1273)

Ordinary Management Committee Meeting of 13 March 2014, Addendum 8.20 page 234 refers.

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

Application was received from Stubenrauch Planning Consultants on behalf of their client, Mr Horst Jochen Blume for the rezoning of Erf 1273 Swakopmund, Extension 6, (Kramersdorf) from “*Single Residential*” with a density of 1:900 to “General Residential 2” with a density of 1:300.

Erf 1273 is located on the corner of Ebony Street and Libertine Amathila Avenue. The Erf measures 937m² in extent and is zoned “*Single Residential*” with a density of 1:900. The Erf is currently accommodates two sectional dwellings.

This area of Swakopmund already consists of many “*General Residential 2*” erven. It will not be long until other property owners in this area follow the trend of rezoning their properties to accommodate higher densities. The rezoning of Erf 1273 will not have any negative impact on the current and future character of the area.

The owner of the property does however intend to keep the property as is. He is of the intention to sell one unit to his daughter under Sectional Title Scheme and can only transfer once the rezoning is approved.

The intended rezoning was advertised in the Namib Times and Namibian on 19th and 26th of September 2013. The surrounding neighbours were also notified of the intended rezoning and notices were placed on site and at the municipality. The closing date for objections was on 14th of October 2013 and no objections were received.

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

RECOMMENDED:

- (a) That Council approves the rezoning of Erf 1273, Swakopmund Extension 6 (Kramersdorf) from “*Single Residential*” with a density of 1:900 to “*General Residential 2*” with a density of 1:300m².
 - (b) That the approved rezoning of Erf 1273, Swakopmund Extension 6 (Kramersdorf) be included in the next Amendment Scheme for final approval by the Ministry of Regional and Local Government, Housing and Rural Development.
-

11.1.27 **OLD AND REDUNDANT ITEMS / EQUIPMENT: COMMUNITY DEVELOPMENT SERVICES, RESTCAMP**

(C/M 2014/03/27 - N 7/3/1/2, L 2)

Ordinary Management Committee Meeting of 13 March 2014, Addendum 8.22 page 276 refers.

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

The following old and redundant vehicles, equipment and materials need to be written off and sold at the next public auction.

Vehicles:

<i>Fleet No.</i>	<i>Reg No</i>	<i>Make</i>	<i>Model</i>	<i>Reason</i>
111	N11686S	Toyota Panel Van	1998	Old and costly

Here follows the list of items

<i>Quantity</i>	<i>Description</i>
5	Single Mattresses
150	Pillows
150	Duvets inners
247	Fitted sheets
5	Television
1	Lawn mower
4	Blinds
1	Roll Wire
5	Rolls of diamond mesh
27	Fridges
1	Geyser
120	Carpets
1	Electrical water Pump
1	High Pressure machine
1	Big stove
64	Hot plates
140	Poles

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

RESOLVED: (For Condonation By Council)

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

Vehicles:

<i>Fleet No.</i>	<i>Reg No</i>	<i>Make</i>	<i>Model</i>	<i>Reason</i>
111	N 11686 S	Toyota Panel Van	1998	Old and costly

Here follows the list of items

<i>Quantity</i>	<i>Description</i>
5	Single Mattresses
150	Pillows
150	Duvets inners
247	Fitted sheets
5	Television

1	<i>Lawn mower</i>
4	<i>Blinds</i>
1	<i>Roll Wire</i>
5	<i>Rolls of diamond mesh</i>
27	<i>Fridges</i>
1	<i>Geyser</i>
120	<i>Carpets</i>
1	<i>Electrical water Pump</i>
1	<i>High Pressure machine</i>
1	<i>Big stove</i>
64	<i>Hot plates</i>
140	<i>Poles</i>

(b) That the Chief Executive Officer and the Chairperson of the Management Committee determine the upset prices for the above mentioned redundant vehicles, equipment and materials.

(c) That the following items be reserved for fire victims:

<i>Quantity</i>	<i>Description</i>
5	<i>Single Mattresses</i>
150	<i>Pillows</i>
150	<i>Duvets inners</i>
247	<i>Fitted sheets</i>

11.1.28 **WRITING OFF: OLD AND REDUNDANT EQUIPMENT - OFFICE OF THE CHIEF EXECUTIVE OFFICER**

(C/M 2014/03/27 - L 2)

Ordinary Management Committee Meeting of 13 March 2014, Addendum 8.23 page 278 refers.

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

The following old and redundant equipment in the Office of the Chief Executive Officer needs to be written off:

No	Description	Quantity
1.	Deskjet 1220C Printer	1
2.	HP Scanner	1
3.	Minolco Fax Machine	1
4.	Royal Twin : Kettle & Percolator	1
5.	Defy Microwave	1
6.	Pineware Percolator	1

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

RESOLVED: (For Condonation By Council)

- (a) That the following old and redundant equipment in the Department of the Chief Executive Officer be written off and be sold at the next public auction:

No	Description	Quantity
1.	Deskjet 1220C Printer	1
2.	HP Scanner	1
3.	Minolco Fax Machine	1
4.	Royal Twin : Kettle & Percolator	1
5.	Defy Microwave	1
6.	Pineware Percolator	1

- (b) That the Chairperson of Management Committee, Chief Executive Officer and the General Manager: Finance determines the upset prices for the above.
-

11.1.29 **OLD AND REDUNDANT EQUIPMENT: ENGINEERING SERVICES
DEPARTMENT - WORKS SECTION**

(C/M 2014/03/27 - L 2)

Ordinary Management Committee Meeting of 13 March 2014,
Addendum 8.24 page 279 refers.

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

The following old and redundant vehicles, equipment and material need to be written off and sold at the next auction.

Vehicles and equipment:

<i>Fleet No.</i>	<i>Reg. No</i>	<i>Make</i>	<i>MODEL</i>	<i>Reason</i>
<i>PG 0144</i>	<i>N 3728 S</i>	<i>Diahsu 2ton Truck</i>	<i>2003</i>	<i>Spare parts not available</i>
<i>SI 0256</i>	<i>NONE</i>	<i>Hoffmann Plate Vibrator</i>	<i>-</i>	<i>Spare parts not available</i>

Other used materials, including the following:

<i>Quantity</i>	<i>Item</i>
<i>3 Bags</i>	<i>Used shade netting</i>
<i>1</i>	<i>Submersible flyght pump</i>

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

RESOLVED: (For Condonation By Council)

- (a) The following old and redundant vehicles, equipment and material be written off and sold at the next auction.

Vehicles and equipment:

<i>Fleet No.</i>	<i>Reg. No</i>	<i>Make</i>	<i>MODEL</i>	<i>Reason</i>
<i>PG 0144</i>	<i>N 3728 S</i>	<i>Diahsu 2ton Truck</i>	<i>2003</i>	<i>Spare parts not available</i>
<i>SI 0256</i>	<i>NONE</i>	<i>Hoffmann Plate Vibrator</i>	<i>-</i>	<i>Spare parts not available</i>

Other used materials, including the following:

<i>Quantity</i>	<i>Item</i>
<i>3 Bags</i>	<i>Used shade netting</i>
<i>1</i>	<i>Submersible flyght pump</i>

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