

MINUTES

of an **Ordinary Council Meeting** held in the Council Chambers, Municipal Head Office, Swakopmund on **Thursday, 29 October** at **19:00**.

PRESENT:

Councillor N N Salomon	:	Mayor
Councillor R N Andreas-Noabes	:	Alternate Chairperson of MC
Councillor U Kaapehi	:	Member of Council
Councillor P V Steinkopff	:	Member of Council
Alderman E //Khoaseb	:	Member of Council
Councillor F Hamukwaya	:	Member of Council

OFFICIALS:

Mr E U W Demasius	:	Chief Executive Officer
Mr M N Ipinge	:	GM: Community Development Services
Mr D Duvenhage	:	GM: Engineering Services
Mr H !Naruseb	:	GM: Finance
Mr C Lawrence	:	GM: Health Services
Mr A Plaatjie	:	Acting GM: Corporate Services & HR
Mr V S Kaulinge	:	Manager: Community Development Services
Ms M Bahr	:	Manager: Human Resources
Mr A Motinga	:	Acting Manager: Traffic Services
Ms A Gebhardt	:	Corporate Officer: Marketing & Communication
Ms I Ortner	:	Personal Assistant: Mayor
Ms A Kahuika	:	Administrative Officer: Administration

ALSO PRESENT:

Twenty six (26) members of the public attended the meeting and one representative of The Namibian. Also present was the Swakopmund Constituency Councillor, Honourable Juuso Kambueshe.

1. OPENING BY PRAYER

Rev Johannes Trauernicht opened the meeting with scripture reading and a prayer.

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

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

RESOLVED:

That the agenda be adopted.

3. **APPLICATIONS FOR LEAVE OF ABSENCE BY MEMBERS OF COUNCIL**

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

RESOLVED:

That the application for leave of absence of the following members of Council be accepted:

- *Alderwoman R //Hoabes* : *Approved*
- *Councillor E Shitana* : *Approved*
- *Councillor L Thlabanello* : *Approved*

4. **CONFIRMATION OF MINUTES**

(C/M 2015/10/29 - A 2/3/5)

4.1 **MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 01 SEPTEMBER 2015**

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

RESOLVED:

That the minutes of the Ordinary Council Meeting held on 24 September 2015, be confirmed subject to correction on the following items:

- *11.1.2 (Heading)*

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

5.1 Long Service Awards.

Long Service Awards

Ladies and Gentlemen

Today we will acknowledge individuals who have contributed to the quality service delivered by this Municipality.

- *Nandjova Alfeus* - *20 years*

We as council appreciate your effort and commitment towards service rendering of our town. May the almighty bless you with good health.

6. **OFFICIAL ANNOUNCEMENTS, STATEMENTS AND COMMUNICATIONS**
(C/M 2015/10/29 - A 2/3/5)

QUOTED

COUNCIL ANNOUNCEMENTS FOR OCTOBER 2015

Fellow Councilors, Rev. Johannes Trauernicht, Chief Executive Officer, General Managers and Managers, Officials, Members of the media, Ladies and Gentlemen

Good evening to you all,

A warm welcome to our Council Meeting for the month of October 2015. Before I continue with my announcement, Please take note that the November Council meeting is scheduled for Tuesday, 24 November 2015 and no longer Thursday, 26 November as communicated due to upcoming Regional and Local Authority elections that will take place on Friday, 27 November 2015, I urged you all to go and vote for your candidate.

Honorable Councillors, Ladies and Gentlemen

We are fast drawing to the end of the year and the town of Swakopmund is fast gearing itself to receive hundreds of visitors, families and friends.

As usual, the town would be spruced up and beautified, while at the same time ensuring that our expected guests are safe from criminal activities. Therefore Council is availing its annual contribution to the Namibian Police towards the accommodation of additional police force during the festive season and is a sign that Swakopmund Council is putting the necessary mechanisms in place to ensure the safety of its community and entire visitors during this time of the year. I am appealing the community to work together with Council and the Police to ensure that we put our best foot forward and have a crime free holiday ever.

I also want to express my gratitude towards the public members who faithfully attended these informative meetings throughout the year and I humbly requesting you to continue to do so in future and invite your friends or inhabitants.

Honorable Councillors, Ladies and Gentlemen

Illegal shebeens that are operating without Council's consent licence or registration has become a serious concern. We therefore like to inform the public members that no shebeens have been approved by the current Council since 2010 to date.

Nevertheless, the amendment of liquor regulations: liquor act, 1998 under section 79 of the Liquor Act, 1998 (Act No. 6 of 1998 which is effective from 01 March 2015 reads as follows:

"Times of business applicable to shebeen liquor licence 75. The holder of a shebeen licence may sell liquor on -

- (a) Monday to Thursday from 10:00am to 22:00pm;*
- (b) Friday and Saturday from 10:00am to 24:00;*
- (c) Sunday from 14:00pm to 22:00pm."*

Honorable Councillors, Ladies and Gentlemen

The first ever "open session with the Mayor" was held on Sunday afternoon, 25 October 2015 in the Council chambers to address social concerned and engaging stakeholders from group leaders, church leaders (pastors), Nampol officials and NABTA to seek for amicable solutions and we are looking forward to engage more stakeholders in near future..

Honorable Councillors, Ladies and Gentlemen

Furthermore; the Municipality of Swakopmund has introduced special tariffs for our senior citizens and we have realized that a section of our community is not aware of this humanitarian gesture by Council. We once again call upon our senior citizens to provide us with copies of their pension cards, contact details, ID's, particulars of their residential addresses and proof that they are benefiting from the government social grant.

The afore-mentioned documents should be handed to their respective administrators of the churches that will furnish to us, it will be used to identify and to include them in our subsidy programme.

Honorable Councillors, Ladies and Gentlemen,

The work that we do in Council should be informed by our unwavering commitment to implement ideas that seek to ensure a fundamental transformation of our society we live in. At the centre of these changes is the need to improve the quality of our local schools.

For us, to ensure that this becomes a reality the Mayoral Development Fund was established to cater for community's needs. Educational development needs, being one of them. The fund has in the past provided assistance to the Schools in Swakopmund and some other cases of specialized medical supplies, food and clothing to needy community members affected by natural.

Ladies and Gentlemen:

Realising that education is the backbone and great equalizer of the economic development of our country and Swakopmund in particular. It has become imperative for Council's annual undertaking, through the Mayoral Development Fund to sponsor local schools in kind to the value of N\$10 000.00 each and wish to announce that Council has donated an amount of N\$150 000.00 to all public and private schools in Swakopmund. At this juncture, I would like to call upon all school Principals or their representatives to come forward and receive their donation.

I thank you for your attention.

7. **PETITIONS**

None.

8. **MOTIONS OF MEMBERS**

None.

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

None.

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

10.1 **MINUTES OF MANAGEMENT COMMITTEE MEETINGS HELD DURING SEPTEMBER 2015**

(C/M 2015/10/29 - A 2/3/5)

RESOLVED:

That the resolutions taken at the Ordinary Management Committee Meeting held on 10 September 2015 be noted.

11. **RECOMMENDATIONS BY THE MANAGEMENT COMMITTEE**

11.1 **ORDINARY MANAGEMENT COMMITTEE MEETING HELD ON 15 OCTOBER 2015**

11.1.1 **LEGAL OPINION: SALE OF ERF 1525, SWAKOPMUND TO MESSRS WILDERNESS INVESTMENTS CC AND APPLICATION TO NOMINATE NOMINEES**

(C/M 2015/10/29 - E 1525)

RESOLVED:

- (a) That it be recorded that Councillor P V Steinkopff is not part of recommendation (c) below.
- (b) That Council takes note of the legal opinion from Messrs Kinghorn Associates regarding the application from Messrs Wilderness Investment CC to use nominees in respect of the purchase of Erf 1525, Swakopmund.
- (c) That Council does not approve the request of Messrs Wilderness Investments CC to nominate nominees in respect of purchase of Erf 1525, Swakopmund.
- (d) That a standard clause be added to all future conditions of sale and deeds of sale to prevent purchasers from applying for permission to nominate or use nominees when purchasing erven from Council.

11.1.2 **01: CANCELLATION: SALE OF ERVEN BY CLOSED BID SALE**

- **ERF 4330, MONDESA TO OMBALA TRADING ENTERPRISE CC**
- **ERF 4342, MONDESA BY CLOSED BID TO UUNONGO TECHNOLOGIES CC**
- **STATUS ON THE SALE OF ERVEN: M 4328 & 4331**

(C/M 2015/10/29 - M 4328, 4330, 4331, 4342)

RESOLVED:

- (a) That Council confirms the cancellation of the sale of Erf 4330 to Messrs Ombala Trading Enterprise CC and 4342, Mondesa to Messrs Uunongo Technologies CC as the purchasers failed to perform in terms of Clause 11 of the Deed of Sale.
- (b) That the erven be re-advertised at the same upset price, subject to the conditions approved by Council on 26 February 2015, i.e.:

<i>Erf Number</i>	<i>Upset Price</i>
<i>Erf 4330</i>	<i>N\$ 183 600.00</i>
<i>Erf 4342</i>	<i>N\$ 179 622.00</i>

- (c) That it be noted that bank guarantees were received from the purchasers to secure the payment price of the following erven:

<i>Erf Number</i>	<i>Purchaser</i>	<i>Purchase Price</i>
<i>Erf 4328</i>	<i>Mr R N Kamtukwata</i>	<i>N\$459 000.00</i>
<i>Erf 4331</i>	<i>Tuyakula Developers CC</i>	<i>N\$184 200.00</i>

- (d) That should no payment be received for the erven under (c) above:

- ① *The transaction be terminated*
- ② *The erven be advertised for sale*
- ③ *The erven be sold at the same upset price as approved by Council on 02 October 2014 and subject to the conditions as per Council resolution, 26 February 2015.*
- ④ *The closed bid sale be held for all cancelled erven.*

11.1.3 **03: CANCELLATION OF ERF 4341, MONDESA - MESSRS MONDESA MUSEUM CC**

(C/M 2015/10/29 - M 4341)

RESOLVED:

- (a) That Messrs Mondesa Museum CC be informed that the offer to lease Erf 4341, Mondesa is withdrawn.
- (b) That Erf 4341, Mondesa be made available for sale by Closed Bid at the same price per square meter i.e. the upset price of N\$306.00 / m² (cost of installation of services) +25% mark-up (in terms of Property Policy) i.e. N\$ 382.50 / m².
- (c) That the same conditions be applicable as approved by Council on 26 February 2015 in respect of the Closed Bid Sale of 17 April 2015:
 - (i) *The property is sold "voetstoots" or "as is" with the Council giving no warranty or guarantee, whether express or implied, oral or tacit, as to the suitability of the layout or situation or subterranean composition of the property or any improvements thereon. The Council also does not warrant that the services installed at the property are suitable for the use intended by the Purchaser. It is therefore the obligation of the purchaser to verify that the installed electricity, sewage and water connections are suitable for the intended use of the property;*
 - (ii) *That the purchase price be secured by bank guarantee or be paid in cash within 120 days from the date of sale, or from date of Ministerial approval should objections be received; and*
 - (iii) *Failure to pay the purchase price in cash or secure payment by formal guarantee on the 120th day will result in the transaction being cancelled without the need to place the purchaser on terms, should the purchase price be secured by a bank guarantee the transfer must be effected on or before the 120th day, else interest will be levied as from the date of allocation or Ministerial approval until the date of registration of transfer at a rate as confirmed with Council's bank on the date of sale;*
 - (iv) *That the purchaser must construct structural improvements worth at least 4 times the municipal valuation of the property. Structural improvements, for purposes of this condition, shall not include the construction of boundary walls or any changes to the subterranean composition of the property;*
 - (v) *That the said improvements must be completed within 24 months (2 years) from date of transfer. Transfer of the property shall be given to and taken by the purchaser within 120 days of the award of the bid to the purchaser in writing. No extension of the date of transfer of the property shall be considered. If the Purchaser cannot meet the deadline for the transfer of the property, the award of the bid shall fall away and become null and void, without the need to give any further notice to the Purchaser;*
 - (vi) *That the property may not be alienated within 24 months (2 years) from the date of a completion certificate being issued in respect of the structural improvements, referred to in (v) above, prior to the expiry of the said 24 month period. This restraint of alienation is to be registered against the title deed of the property;*
 - (vii) *The property shall revert to Council if no completion certificate is issued within the period of 24 months (2 years);*
 - (viii) *If the property reverts to Council in terms of (viii) above, the compensation payable to the purchaser shall be fixed at the original purchase price plus the value of any improvements;*
 - (ix) *Council's sworn valuator shall determine the value of any useable improvements on the property. The purchaser shall be liable for the cost of the said sworn valuator;*
 - (x) *In the event that the purchaser is a close corporation, a company or a trust, then, the members interest in the close corporation or shareholding in the company or interest in the trust, as the case may be, may not be changed without the prior written approval of Council during the 24 months (2 year) period of restraint on alienation;*

- (xi) *Council shall not accept under any circumstances any process whereby the purchaser of the property will be allowed to nominate a third party as the eventual purchaser of the property. To be more specific, the Council shall not accept any agent bidding on behalf of a principal or any nominee acting on behalf of a legal entity still to be incorporated;*
 - (xii) *A caveat will be registered against the title deed of the property to prevent any contravention of these conditions;*
 - (xiii) *That an individual or entity be restricted to one erf only.*
 - (xiv) *Connected parties defined as per the Income and VAT Act will not be permitted to bid for the property to avoid tender rigging;*
 - (xv) *The Municipality of Swakopmund shall not accept any responsibility for any upgrading work of the erven;*
 - (xvi) *Availability services plus the relevant property taxes will be payable by the purchaser as from the month following the allocation of the erf;*
- (d) That Erf 4341, Mondesa be advertised and sold by closed bid on a date to be determined.

11.1.4 **PERMISSION TO KEEP ANIMALS ON ERF 2747 & ERF 1316
MULTICULTURAL VILLAGE USE OF DONKEY / HORSE CARTS IN
STREETS**

(C/M 2015/10/29 - E 2747, E 1316)

RESOLVED:

- (a) That the application by Messrs Kazak African Experience Cultural Tourism CC to keep only tortoises, a limited number of chickens and birds on Erven 2747 & 1316 Multicultural Village be approved, subject to the terms and conditions of the lease agreement to be signed in respect of Erf 2747.
- (b) That the animals in (a) be kept in adherence to the conditions as stipulated in section 24 of the General Health Regulations in regards to the Keeping of Animals, Birds and Poultry.
- (c) That the applicant be informed to provide confirmation from the Ministry of Environment and Tourism that he has obtained permission to keep tortoises and guinea fowl.
- (d) That the request from Messrs Kazak African Experience Cultural Tourism CC to perform donkey and horse rides on the public streets in Swakopmund not be approved as compliance to stipulations in section 349 of the Road Transport Act, Act 22/1999 cannot be guaranteed.

11.1.5 AESTHETICS COMMITTEE: BI-ANNUAL APPOINTMENT OF MEMBERSHIP: LOCAL ARCHITECTS & COMMUNITY REPRESENTATIVES

C/M 2015/10/29 - J 8)

RESOLVED:

- (a) That according to the guidelines the members of the Aesthetics Committee be determined by Council to nominate two (2) Registered Local Architects and two (2) Community Representatives:

<i>Two (2) registered local architects</i>	1. Ms K Miller 2. Mr K Mackintosh
<i>Two (2) community representatives</i>	1. Mr F Risuro 2. Mr I Petrus

- (b) That the Local Architects and Community Representatives of the Aesthetics Committee be appointed bi-annually by Council in order to ensure that a rotation of membership takes place.

11.1.6 SALE OF ERVEN 1901, 2329 AND 2623, SWAKOPMUND

(C/M 2015/10/29 - E 1901, 2329, 2623)

RESOLVED:

- (a) That Council repeals its decision of 1 September 2015 under item 11.1.13 to make available Erf 1901, Extension 1 and Erf 2329 and 2623, Extension 8, Swakopmund to the public to buy by Private Treaty on a first-come-first-serve basis.
- (b) That Erf 1901, Extension 1 and Erf 2329 and 2623, Extension 8, Swakopmund be sold by Closed Bid Sale at the following upset prices:

<i>Erf No</i>	<i>m²</i>	<i>Upset price</i>
1901	1065	N\$ 706 666.67
2329	1763	N\$ 995 000.00
2623	1333	N\$ 800 000.00

- (c) That Council's standard conditions for Closed Bid Sales be applicable.

11.1.7 SALE OF 15 STAFF ERVEN: EXTENSION OF TIME FOR TRANSFER

(C/M 2015/10/29 - T 676, T 681, T 686, T 691, T 696, T 701, T 707, T 712, T 720, T 896, T 1120, T 1128, T 1201, T 1207 & 1213)

RESOLVED:

That Council grants an additional 3 months to the 15 staff members to secure payment of the purchase prices due to the annual closure of the Deeds Office and attorneys' offices.

11.1.8 **BO JO'S: RENEWAL OF LEASE AGREEMENT: PAVEMENT LEASE FOR OPEN AIR CAFÉ - MUSEUM**
(C/M 2015/10/29 - E 3745)

RESOLVED:

- (a) That a portion of the sidewalk, measuring $\pm 88 \text{ m}^2$ in front Erf 3745, Swakopmund be leased to Messrs Jakaranda Investments Twenty Six CC trading as Bo Jo's Café for a further 5 years commencing on 01 September 2015 and lapsing on 31 August 2020.
- (b) That the monthly rental be $\text{N\$}30.78/\text{m}^2 \times 88 \text{ m}^2 = \text{N\$}2\,708.64 + \text{N\$}406.30$ (15% VAT) = $\text{N\$}3\,114.94$, with an annual escalation of 10% starting 1 July 2016.
- (c) That the lease be subject to the standard conditions and the following:
 - (i) *That a deposit equal to 1 months lease which was previously paid be adjusted in order to equal the current monthly rental amount.*
 - (ii) *That a notice of termination period of three (3) months for both parties be applicable.*
 - (iii) *That the demarcated area be barricaded by way of a non-permanent fixture, such as a rope.*
 - (iv) *That the lessee does not operate later than 22:00.*
- (d) That the lease renewal be advertised in terms of the Local Authorities Act, (Act 23 of 1992) as amended.
- (e) That all costs involved be for the applicant's account. Should they cease operating they must inform Council in writing and reinstate the area to its original condition at their own cost.
- (f) That the applicant shall indemnify and keep Council indemnified during the full period of this agreement against possible claims, which may arise from the use of a portion of the sidewalk concerned by the lessee.

11.1.9 **OBJECTION AGAINST THE LEASE OF A PORTION OF ERF 2747 AND ERF 1316, SWAKOPMUND TO MESSRS KAZAK AFRICAN EXPERIENCE CULTURE TOURISM CC**
(C/M 2015/10/29 - E 2747)

RESOLVED:

- (a) That Council rejects the objections received from Mr A van Biljon of Messrs Alte Brucke Resort and Conference Centre and submits same together with Council's motivation to the Honourable Minister of Urban and Rural Development as required in terms of Section 63 of the Local Authorities Act, Act 23 of 1992, as amended.
- (b) That permission be sought from the Honourable Minister of Urban and Rural Development to proceed with the lease of a portion of Erf 2747 and Erf 1316, Swakopmund measuring $13\,814 \text{ m}^2$ to Messrs Kazak African Experience Cultural Tourism CC (Messrs KAAECT) for a lease period of 9 years and 11 months subject to Council's resolutions passed on 26 November 2014, (item 11.1.12) and on 27 May 2015, (item 11.1.7).

11.1.10 VALUATION OF A PORTION OF LAND ALLOCATED TO THE NAMIBIAN CORRECTIONAL SERVICES

(C/M 2015/10/29 - G 4/1/1)

RESOLVED:

- (a) That a purchase price of N\$5.50 / m² be approved for the sale of a portion of land measuring approximately 250 000 m² to the Ministry of Safety and Security.
- (b) That upon written confirmation from the Ministry of Safety and Security that they accept the purchase price
 - (i) *Approval be sought from the Ministry of Urban and Rural Development in terms of section 30 (1) (t) of the Local Authorities Act 23 of 1992 to proceed with the sale of the land to the Ministry of Safety and Security.*
 - (ii) *That the Engineering Services Department attends to the subdivision of the portion of land as resolved by Council on 26 November 2014 under Item 11.1.1 point (c).*
- (c) That the cost of supplying services to the site be for the cost of the Ministry of Safety and Security.

11.1.11 EXTENSION 10, INDUSTRIAL AREA

① COUNCIL'S RESOLUTION PASSED ON 31 OCTOBER 2013

② COUNCIL'S RESOLUTION PASSED ON 29 APRIL 2015

(C/M 2015/10/29 - G 4/3/1, E 4866, E 4867)

RESOLVED:

- (a) That in terms of Council's resolution passed on 31 October 2013 under Item 11.1.10:
 - (i) *The Engineering Services Department and Community Development Services Department identifies the most suitably located erf for informal subdivision into 10 portions measuring approximately 2 000m² each.*
 - (ii) *That an informal lay-out be designed and surveyed for lease to SME's in order to determine the viability of smaller "General Industrial" erven prior to a formal subdivision.*
 - (iii) *That execution of points (e) and (f) of the above Council resolution be held in abeyance until such time the viability of creating smaller erven is determined.*
 - (iv) *That the Community Development Services Department attend to the allocation and lease of the 10 portions to suitable applicants.*
 - (v) *That the established brickmakers allocated at the abolished "informal incubation area" be considered for re-allocation at the above portions.*
- (b) That in terms of Council's resolution passed on 29 April 2015 under Item 11.1.6:
 - (i) *That Erf 4866, Swakopmund (6 000m²) and Erf 4867 (5 912m²) be reserved for brick making projects and other noxious industries.*
 - (ii) *That portions of ±1 000m² be created on these erven with proper access.*
 - (iii) *That the Community Development Services Department attends to the lease of these portions to small and medium enterprise entrepreneurs.*
- (c) That Council takes note that in total 3 erven will be reserved at Extension 10 for various SME purposes.

11.1.12 **WRITING OFF OF REDUNDANT ITEMS AT COMMUNITY DEVELOPMENT SERVICES DEPARTMENT**

(C/M 2015/10/29 - N 7/3/2, L 2)

RESOLVED:

- (a) That the following redundant items in the Community Development Services Department be written off and be sold at the next public Auction.

<i>No</i>	<i>Description</i>	<i>Model</i>	<i>Year Model</i>
1.	Opel Corsa (1003S)	Bakkie	2001
2.	2 X Cia Water Heat Pump Exchanger & Motor		
3.	Heat Pump water tank and motor		

- (b) That the Chief Executive Officer and the Chairperson of Management Committee determine the upset price for the items in (a) above.

11.1.13 **PROGRESS REPORT - PDA MONDESA BUSINESS ERVEN**

(C/M 2015/10/29 - H 5/7)

RESOLVED:

That Mr Petrus Hangula of Erf 3738 who has exceeded the commencement date for construction activities be requested to furnish Council with an explanation in writing what is causing the delay and the way forward.

11.1.14 **NEW MUNICIPAL OFFICE COMPLEX - REPORT BACK ON INTEREST ON RETENTION MONIES**

(C/M 2015/10/29 - E 1/1, E 2827Re)

RESOLVED:

That Council takes note of the calculation of interest and payment of N\$889 229.10 due to Messrs Le Bau.

11.1.15 **SWAKOPMUND TOURISM GROWTH AND DEVELOPMENT STRATEGY**

(C/M 2015/10/29 - A 2/3/15)

RESOLVED:

- (a) That the Swakopmund Tourism Growth and Development Strategy be approved for implementation.
- (b) That the Minister of Environment and Tourism be invited to officiate at the launching of the strategy.

11.1.16 **REQUEST TO LEASE THE MOLE AREA**

(C/M 2015/10/29 - N 7/2/4, G 4/1/1/10)

RESOLVED:

- (a) That the application by Messrs A Bok and E Snyders to use the Mole not be approved.
- (b) That permission be granted to Messrs A Bok and E Snyders to lease the area South of Tiger Reef in order to launch their Jetlev and Flyerboard water recreation sport at the rate of N\$750.00 per month (for an area less than 16m²) as prescribed in the tariffs book (N\$750.00 for area less than 16m²).
- (c) That Messrs A Bok and E Snyders be allowed to lease the area for a trial period of one year for an amount of N\$750.00 subject to the following standard conditions:
 - (i) *That they will be responsible for keeping the area clean at all times.*
 - (ii) *That Council be indemnified against any claims that may arise from using the area (form to be completed and returned to the Municipality).*
 - (iii) *That the area must be restored to its original condition and to the satisfaction of the Swakopmund Municipality after the function.*
 - (iv) *That sound be restricted to the immediate surrounding area. On receipt of any complaints due to noise or misbehavior, the use of the area will be cancelled immediately.*
 - (v) *That no over-night stay is allowed / permitted.*
 - (vi) *That Council reserves the right to cancel the use of the area should Council need the area for its own purposes or should valid complaints be received in this regard.*

11.1.17 **REQUESTS FOR PUBLIC PRIVATE PARTNERSHIP: OLD COMMUNITY SKATEBOARD RAMP (NORD STRAND) BEACH AFRICAN RESTAURANT AND INTERNATIONAL SKIBOARD BEACH PARK**

(C/M 2015/10/29 - N 7/2/4)

RESOLVED:

- (a) That the request of Messrs Kazak African Experience Cultural Tourism CC not be approved.
 - (b) That the applicant be informed that in terms of the Swakopmund Master Development Plan, the beach areas must remain accessible to all and that Council will not permit any private development on Municipal Land.
 - (c) That Messrs Kazak African Experience Cultural Tourism CC be informed to first complete / finalize their initial project approved by Council before any other projects can be considered.
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11.1.18 APPLICATION BY SWAKOP INFO TO CONSTRUCT A STRUCTURE ON THE PUBLIC ABLUTION AT THE AMPHITHEATRE
(C/M 2015/10/29 - K 7, E 228, N 8/11)

RESOLVED:

- (a) That Council, in principle, approves the application by Messrs Swakop Info to erect a structure on top of the public ablution facilities at the Thomas Amunyela Amphitheatre and to manage the Makalani Hawkers, subject to the following:
- (i) *That the applicant provides a proper plan for the intended structure which must be submitted for consideration by the Aesthetics Committee.*
 - (ii) *That all costs for the compilation of such plan be for the account of the applicant without any expectation of final approval of the lease proposal and claims of reimbursement.*
 - (iii) *That the applicant submits a business plan for the tourist information booth.*
 - (iv) *That the applicant provides proof that the hawkers will participate in the venture.*
 - (v) *A business plan explaining how the hawkers will be managed to the mutual benefit of the parties and Council and whether any expenses will be required from Council or the hawkers.*
 - (vi) *That the management of the hawkers forms part of the agreement to construct a structure on top of the public ablution facility.*
 - (vii) *That the lease be subject to Council's standard lease conditions, Health Regulations and Building Regulations; and that the applicant is responsible for the removal of the structures on termination of the lease at his cost to the satisfaction of the Engineering Services Department.*
 - (viii) *That the applicant confirms what form of business enterprise Messrs Swakop Info is.*
- (b) That once the above requirements are met, a lease tariff be determined for the area above the public ablution facilities at the Thomas Amunyela amphitheatre
- (c) That the provision of the above requirements is at the cost of the applicant without creating any expectation of final approval of the venture.

11.1.19 REPAIRS TO THE REFUSE COMPACTOR TRUCK N 5524 S
(C/M 2015/10/29 - L 6)

RESOLVED:

- (a) That the informal quotation received on enquiry from Messrs Duncanmec for the purchase and delivery of a new tailgate for the vehicle with registration N5524S to the value of N\$294 000.00 (VAT Excl) be approved and that a local engineering company be contracted to install the tailgate at a cost still to be determined.
- (b) That the General Manager: Health Services be given permission to proceed with the repairs to the Refuse Compactor Truck N 5524 S in terms of (a) above and that the funding of related expenses (±N\$450 000.00) to get the truck operational and roadworthy, be transferred from the Maintenance Fund Vote: 301010431100, where sufficient funds are available.
- (c) That the General Manager: Health Services obtains approval from the Tender Board in terms of Tender Regulation 20.1(c), for the exemption of the formal tender procedures.
-

11.1.20 **PERMANENT CLOSURE: ERF 4904, SWAKOPMUND EXTENSION 10 AS PUBLIC OPEN SPACE AND CONSOLIDATION OF ERVEN 4818, 4819 AND 4904**

(C/M 2015/10/29 - E 4904)

RESOLVED:

- (a) That Council approves the Permanent Closure of Erf 4904, Swakopmund as Public Open Space.
- (b) That Erven 4818, 4819 and 4904 (Closed Public Open Space), Swakopmund, respectively, be consolidated into Erf X simultaneous with the transfer.
- (c) That the standard Town Planning Scheme conditions be registered against the new Consolidated Erf X.
- (d) That the pipeline servitude be relocated and other services infrastructure be altered to suit the requirements of Engineering Services Department.
- (e) That all costs incurred from the proposed intentions be for the account of the developer.

11.1.21 **CLOSING OF A PORTION OF MANDUME YA NDEMUFAYO STREET FOR A WEDDING CEREMONY**

(C/M 2015/10/29 - N 8/10/1)

RESOLVED:

- (a) That the application of Ms M Nuukulu to close off a portion of Mandume Ya Ndemufayo Avenue on 07 November 2015 to erect a tent for the wedding ceremony be approved.
- (b) That in future, applications for similar wedding ceremonies not be considered
- (c) That the Traffic Section continues to approve applications for closing of street portions for memorial/funeral purposes.
- (d) That the applicant indemnifies Council for any demaage which may arise from the use of the site.

11.1.22 **ANNUAL FUNDING FOR THE REGIONAL AIDS COORDINATING COMMITTEE (RACOC)**

(C/M 2015/10/29 - B 1/12)

RESOLVED:

- (a) That the Council approves and make an annual contribution of N\$12 000.00 to the Regional AIDS Coordinating Committee (RACOC) to help fund and streamline HIV/AIDS activities under its jurisdiction.
- (b) That the funds referred to in (a) above be defrayed from Vote: 963032105009 (HIV & AIDS), where sufficient funds are available.
- (c) That the General Manager: Finance makes annual budgetary provision for the Regional AIDS Coordinating Committee (RACOC).

11.1.23 **APPLICATION FOR REZONING OF VARIOUS ERVEN AT KRAMERSDORF EXTENSION 18 AND CONSENT TO COMMENCE WITH CONSTRUCTION WHILE REZONING AND CONSOLIDATION PROCESS IS BEING COMPLETED**

(C/M 2015/10/29 -

E 5816, 5817, 5818, 5819, 5821, 5822, 5823, 5825, 5826, 5827, 5829, 5830, 5839, 5840, 5841, 5842, 5843, 5844)

RESOLVED:

- (a) That Council approves the following rezoning and consolidation applications:
 - *Rezoning of Erven 5816, 5817, 5818, 5819, 5825, 5826, 5827, 5828, 5829 and 5830, Extension 18, Swakopmund from "Single Residential" to "General Residential 2" with a density a of 1:250 and the subsequent consolidation of Erven 5816, 5817, 5818, 5819, 5825, 5826, 5827, 5828, 5829 and 5830, Extension 18, Swakopmund.*
 - *Rezoning of Erven 5822 and 5823, Extension 18, Swakopmund, from "Single Residential" to "General Residential 2" with a density of 1:250 and the subsequent consolidation of Erven 5822 and 5823, Extension 18, Swakopmund.*
 - *Rezoning of Erf 5821, Extension 18, Swakopmund, from "Single Residential" to "General Residential 2" with a density of 1:250.*
 - *Rezoning of Erven 5839, 5840 and 5841, Extension 18, Swakopmund, from "Single Residential" to "General Residential 2" with a density of 1:250 and the subsequent consolidation of Erven 5839, 5840 and 5841, Extension 18, Swakopmund.*
 - *Rezoning of Erven 5842, 5843 and 5844, Extension 18, Swakopmund, from "Single Residential" to "General Residential 2" with a density of 1:250 and the subsequent consolidation of Erven 5842, 5843 and 5844, Extension 18, Swakopmund.*
 - (b) That the approved rezonings be included in the next Amendment Scheme for final approval by the Ministry of Urban and Rural Development.
 - (c) That the approved rezonings be subject to a betterment fee calculated according to the betterment fee policy of 2009 and be paid by the applicant before any submission of building plans to the Engineering Services Department for approval.
 - (d) That Mr H J Davel, Mr M J Loots, and Mr J P Gossow be informed of their right to appeal (in terms of Clause 8 of the Swakopmund Town Planning Scheme) to the Minister, within 28 days (in respect of resolution (a) (above) of this notice against Councils decision, provided that written notice of such an appeal shall be given to the Ministry, as well as Council within the said period.
 - (e) That consent to commence with construction while the rezoning and consolidation are in process not be approved by Council.
-

11.1.24 **APPROVAL OF AMENDMENT SCHEME NO. 59**
(C/M 2015/10/29 - G 3/2/2/2)

RESOLVED:

- (a) That Council approves Amendment Scheme No. 59 as submitted by the General Manager: Engineering Services.
- (b) That Amendment Scheme No. 59 be submitted to the Ministry of Urban and Rural Development for approval by the Honourable Minister.

11.1.25 **LAYOUT APPROVAL ON THE REMAINDER OF PORTION 5 OF SWAKOPMUND TOWN AND TOWNLANDS NO. 41**
(C/M 2015/10/29 - G 3/3/2)

RESOLVED:

- (a) That Council approves the layout on the Remainder of Portion 5 of Swakopmund Town and Townlands No. 41.
- (b) That Council approves the application for Township Establishment on the Remainder of Portion 5 of Swakopmund Town and Townlands No. 41.
- (c) That the Engineering Services Department proceeds with the completion of statutory procedures for Township Establishment.

11.1.26 **PUBLIC PROCUREMENT BILL / NOMINATION OF A TASK TEAM & LEADING OFFICER**
(C/M 2015/10/29 - A 2/2/9, A 2/2/9/1, D 16/2)

RESOLVED:

- (a) That the following nominations for the Ministry of Finance's Tender Board of Namibia, task team and leading officer, to ensure that the necessary structures are in place and the staff concerned are well conversant with the new procedure and the mandatory documents once the new Procurement Bill becomes operational, be condoned;

• Chief Executive Officer	: Leading Officer for the task team
• General Manager : Finance	: Task Team Member
• General Manager : Engineering Services	: Task Team Member
• Executive Secretary	: Task Team Member
- (b) That should it be required for the officials to travel for meetings and training the necessary subsistence and travelling allowance be applicable and such cost be defrayed from the relevant department's Conference Expenses votes.

11.1.27 DELEGATED POWERS FOR THE SIGNING OF AGREEMENTS

(C/M 2015/10/29 - A 2/2/1)

RESOLVED:

That the Council resolution of 24 March 2011 under item 11.1.12 be repealed and replaced with the following:

- (a) That all Municipal contracts be signed and co-signed by Chief Executive Officer and the Chairperson of the Management Committee respectively.
- (b) That the Vice Chairperson of the Management Committee co-signs in the absence of the Chairperson of Management Committee.
- (c) That all General Managers be authorized to co-sign agreements in the absence of the Chief Executive Officer.

11.1.28 PROPOSED TOWNSHIP DEVELOPMENT WITH EXTERNAL FUNDS - PROPOSALS RECEIVED

(C/M 2015/10/29 - G 3/2/2)

RESOLVED:

- (a) That Council approves financing of the development cost of the services installation to the six areas listed below by obtaining a Loan Agreement from First National Bank, Swakopmund consisting of the following loan amounts:

(i)	Matutura Ext 138 and 136	(Tamariskia)	N\$ 95 000 000;
(ii)	Mile 4 Ext 1 & 14	(Mile 4)	N\$ 60 000 000;
(iii)	Swakopmund	Ext 32 & 33 (Kramersdorf)	N\$235 000 000;

- (b) That the proposed *pro forma* Agreement be approved as basis for the agreement between First National Bank and Council, with the exception of clause 5.1.3 which is to be deleted.
- (c) That the loan term commences with the first drawdown from the loan facility.
- (d) That Council approves that Engineering Services Department executes the projects after obtaining the Loan Agreement from First National Bank.

11.1.29 REPORT TO COUNCIL - BUILDING PLAN APPROVAL FOR THE CONSTRUCTION OF THE DEVELOPMENT WITHIN THE WATERFRONT AREA

(C/M 2015/10/29 - G 4/1/1 (10), WF 71)

RESOLVED:

That the report by the General Manager: Engineering Services regarding the Waterfront Development be noted with the following comments.

- That it be noted that Councillor P V Steinkopff expressed reservation about some of the notes in the report.
- That it further be noted that Councillor F Hamukwaya has requested a response to the questions posed via email

11.1.30 **KANDUME GROUP : APPLICATION FOR LAND**
(C/M 2015/10/29 - H 5)

RESOLVED:

- (a) That the Kandume Group be officially informed that Council will offer erven directly to the public without “*middlemen*” in terms of current policies and directives of the Minister.
- (b) That the public be informed that Council did not allocate land to the Kandume Group as alleged.

12. **REPORTS AND RECOMMENDATIONS OF COMMITTEES OR THE CHIEF EXECUTIVE OFFICER**

None.

13. **DRAFT REGULATIONS AND TARIFFS, IF ANY**

None.

The meeting adjourned: **19:52**

Minutes confirmed on: **24 November 2015**

N N Salomon
CHAIRPERSON
AK/-

E U W Demasius
CHIEF EXECUTIVE OFFICER