

AGENDA

Ordinary Council Meeting

on

THURSDAY

25 JUNE 2020

at

19:00



MUNICIPALITY OF SWAKOPMUND



2

Ordinary Council Meeting – 25 June 2020

MUNICIPALITY OF SWAKOPMUND

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11 June 2020

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, 25 JUNE 2020 AT 19:00.

A Benjamin
CHIEF EXECUTIVE OFFICER

AKI-

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4. **CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING OF COUNCIL**
(C/M 2020/06/25 - A 2/3/5)
 - 4.1 Minutes of an **Ordinary Council Meeting** held on **28 May 2020**.
(pp 48/2020 - 63/2020)
 - 4.2 Minutes of a **Special Council Meeting** held on **19 June 2020**.
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5. **OFFICIAL ANNOUNCEMENTS, STATEMENTS AND COMMUNICATIONS**

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 - 6.1 Long Service Awards.

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None.

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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 **REPORT TO COUNCIL ON RESOLUTIONS TAKEN BY MANAGEMENT COMMITTEE DURING MARCH 2020**

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11. **RECOMMENDATION OF THE MANAGEMENT COMMITTEE**
 11.1 **ORDINARY MANAGEMENT COMMITTEE MEETING HELD ON 11 JUNE 2020**

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

None.

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

None.

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MINUTES

of an **Ordinary Council Meeting** held in the Council Chambers, Municipal Head Office, Swakopmund on **Thursday, 28 May 2020 at 19:00.**

PRESENT:

| | | |
|---------------------------|---|--------------------------------|
| Councillor N N Salomon | : | Mayor |
| Councillor A M Marsh | : | Deputy Mayor |
| Councillor E Shitana | : | Chairperson of MC |
| Councillor K N Jason | : | Alternate Chairperson of MC |
| Councillor P Nashilundo | : | Member of Management Committee |
| Councillor A Jonas | : | Member of Management Committee |
| Alderman E //Khoaseb | : | Alternate Member of MC |
| Councillor E K Hangula | : | Member of Council |
| Councillor U Kaapehi | : | Member of Council |
| Councillor W O Groenewald | : | Member of Council |

OFFICIALS:

| | | |
|-----------------|---|--|
| Mr A Benjamin | : | Chief Executive Officer |
| Mr H !Naruseb | : | GM: Finance |
| Mr M P C Swarts | : | GM: Corporate Service & HC |
| Mr C McClune | : | GM: Engineering Services |
| Mr C Lawrence | : | GM: Health Services and Solid Waste Management |
| Mr V Kaulinge | : | Acting GM: Economic Development Services |

ALSO PRESENT:

Five (5) members of the media, 3 Managers and 3 members of the public.

1. SCRIPTURE READING AND OPENING BY PRAYER

Reverend van Niekerk opened the meeting with a Scripture reading and prayer.

2. ADOPTION OF THE AGENDA OF THE MEETING OF COUNCIL

On proposal of Councillor P Nashilundo seconded by Councillor E Shitana it was:

RESOLVED:

That the agenda be adopted.

| |
|--------------------|
| CO: A GM: CS&HC |
|--------------------|

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

3.1 Application for leave of absence:

None.

3.2 Declaration of interest:

None.

4. **CONFIRMATION OF MINUTES**
(C/M 2020/02/27 - A 2/3/5)

4.1 **MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 26 MARCH 2020**

On proposal of Councillor P Nashilundo seconded by Councillor E Shitana it was:

RESOLVED:

CO: A
GM: CS&HC

That the minutes of the Ordinary Council Meeting held on 26 March 2020, be confirmed as correct.

5. **OFFICIAL ANNOUNCEMENTS, STATEMENTS AND COMMUNICATIONS**
(C/M 2020/05/28 - A 2/3/5)

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

Honorable Councillors, The Chief Executive Officer, Mr. Alfeus Benjamin, General Managers, Managers, Officials, Rev Martin van Niekerk, Members of the Community, Members of the Media, Ladies and Gentlemen, All Protocol observed

Good evening and welcome to the Council meeting for the month of May 2020 and after two months of lockdown.

Honourable Councillors, Ladies and Gentlemen

The COVID-19 pandemic has caused great concerns and negative implications amongst the Namibian nation and the entire world. As people witness the rise of positive cases and the death toll, it leaves people in worry and anxiety. However, the Namibian government has swiftly implemented various initiatives in its efforts to strengthen its readiness and response to the pandemic. Thus, we have recorded a total of 14 recoveries and no death to date as a result of this pandemic at this point. On a sad note, over the past few days, there has been an increase in the number of confirmed positive cases which rise from only 16 to 22 persons. But we remain hopeful, that we will conquer this challenge as a nation. The Erongo regional leadership and the Namibian government at large have ensured that all protective and preventative measures are put in place in efforts to prevent the spread of the COVID-19 further.

Honourable Councillors, Our Chief Executive Officer, Ladies and gentlemen,

The Municipality of Swakopmund greatly concerns itself with the safety of its residents and thus we proactively aim to provide safety and security for its community during this challenging time. In its efforts to combat the spread of the COVID-19, Council has implemented a number of measures such as; the reconnection of water supply in order to ensure that all residents have access to water, installation of taps, provision of mobile facilities in the informal settlements as well as distribution of food parcels to the vulnerable community members. Council further registered local businesses in order to allow them to operate during this time of COVID-19.

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However, we have realized that Council on its own will not be able to achieve this task to assist its community members that are really in need and we are calling upon smart partnerships from different stakeholders to step in. Therefore, Council implores on our business partners and the community at large to work hand in hand in order to fight this pandemic in unity.

Honourable Councillors, Our Chief Executive Officer, Ladies and gentlemen,

It gives me great pride to announce that the Office of the Governor launched the Erongo Regional toll free number for rapid response to the residents on COVID-19 related matters. There is no airtime required and this line is linked directly to the regional health workers who will be able to assist with any COVID-19 related enquiries. The toll free number is 0800 064 064. Please make maximum use of the number on COVID-19 related cases only.

Ladies and gentlemen

The public is hereby urged to be cautious and let us please keep disseminating the relevant messages and take the necessary precautions by adhering to all informative and educative content available to avoid the further spread of Coronavirus as stipulated by World Health Organization and our Ministry of Health and Social Services.

Honourable Councillors, Ladies and gentlemen,

On a delightful note, I am pleased to share with you that the Municipality of Swakopmund in cooperation with the Build Together Beneficiaries Committee members inaugurated the construction of 149 houses for beneficiaries on 19 May 2020. The Swakopmund Municipal Council approved a total of 149 erven due to the massive capital outlay and consideration was given to the types of houses to be constructed. The rigid procurement procedures had to be followed in order for us to ensure the best quality of houses at the best price to meet our available funds. We are now ready to construct the first 30 houses for the Build Together Group beneficiaries and the rest will follow soon.

I therefore wish to extend warm congratulations to the Swakopmund Municipal team, especially the frontline winning team, for their continuous hard work and dedication as they strive to improve the lives of its communities.

In conclusion,

On behalf of Council, I wish to express my sincere gratitude to Mr. Sebastian Klein, A Goldsmiedemeister, who has been continuously offering a pro-bono service for the maintenance of the Mayoral chain. Entrepreneurs are currently facing a difficult time and as a result as the flow of businesses have been negatively affected; however, your generosity shows great humility and your commitment towards the town of Swakopmund. Once again, on behalf of the town of Swakopmund, thank you once again.

In addition, we would like to thank all our stakeholders for their support rendered during this time of need.

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

6.1 Long Service Awards

Long service Award

Honourable Councillors, Ladies & Gentlemen

We hereby would like to acknowledge the following staff members, who have been serving at the Municipality for many years. As we present them with this long service awards, I wish to express our gratitude to them for their priceless contribution made towards the work of this institution and they are as follow:

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10 YEARS SERVICE*Ms. Michelle Uwites***30 YEARS SERVICE***Mr. Daniel Kambonga***RETIREMENT**

Mr. Sakarias Shipanga, who served 44 years at the Municipality of Swakopmund. May the divine interventions from Above continuously protect and guide you during your resting time.

*Ladies & Gentlemen**Thank you for your undivided attention.*

*Nehemiah Salomon
MAYOR*

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 REPORT TO COUNCIL ON RESOLUTIONS TAKEN BY MANAGEMENT COMMITTEE DURING MAY 2020**

10. Minutes of Ordinary Management Committee meeting held on 14 May 2020.

11. RECOMMENDATIONS BY THE MANAGEMENT COMMITTEE**11.1 ORDINARY MANAGEMENT COMMITTEE MEETING HELD ON 14 MAY 2020****11.1.1 PERMANENT CLOSURE OF A STREET PORTION BETWEEN ERF 639, 640, 647 AND 648, MONDESA**

C/M 2020/05/28 - M 639, 640, 647, 648)

RESOLVED:

GM: E&PS

That the Council resolution of 28 March 2019 under item 11.1.19 be replaced to read as follows:

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- (a) That the objection received against the closure of the "Street" portion between Erven 639, 640, 647, 648, Mondesa, Extension 2 be turned down as invalid.
- (b) That the "Street" portion between Erven 639, 640, 647, 648, Mondesa be closed in terms of Section 50 of the Local Authorities Act of 1992, (Act 23 of 1992).
- (c) That the "Street" portion between Erven 639, 640, 647 & 648 Mondesa be subdivided into Portion A, B, C and Remainder.
- (d) That Portion A be consolidated with Erf 639, Mondesa.
- (e) That Portion B be consolidated with Erf 640, Mondesa.
- (f) That Portion C be consolidated with Erf 647, Mondesa.
- (g) That the Remainder of the "Street" portion be consolidated with Erf 648, Mondesa.
- (h) That the objector be informed of his right to appeal to the Minister against Council's Resolution above in terms of Clause 8 of the Swakopmund Town Planning Scheme within 28 days of receipt of notice of this Resolution, provided that written notice of such an appeal shall be given to the Ministry, as well as Council within the said period.

11.1.2

APPLICATION BY MR L D KAYAWALA FOR EXTENSION OF TIME TO PAY THE PURCHASE PRICE OF ERF 4327, MONDESA

C/M 2020/05/28 - M 4327, 19.03.02, 4327)

RESOLVED:

CO: P
GM: CS&HC

- (a) That Council approves Mr D L Kayawala's application for an extension of the due date for payment of the purchase price until 30 September 2020, in respect of Erf 4327, Mondesa.
- (b) That Council takes note of the letter from Mr D L Kayawala dated 03 March 2020 (being 1 day after the due date of 02 March 2020).
- (c) That Council approves the application of Mr D L Kayawala, interest be applicable at a rate of 10.5% for the period 01 February 2020 until date of registration and an addendum be compiled to record the decision.
- (d) That Council takes note that the interest charged from 01 February 2020 until 30 September 2020 amounts to N\$33 671.47.
- (e) That the approval for extension of time be given to Mr D L Kayawala and the transfer of ownership takes place prior than 30 September 2020, the interest be recalculated.

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11.1.3

MESSRS REITERVEREIN SWAKOPMUND: RENEWAL OF LEASE PERIODS FOR TWO LEASE SITES

C/M 2020/05/28 - 19.03.08,1307, E 1307)

RESOLVED:CO: P
GM: CS&HC

- (a) That Council approves the extension of the lease periods of Messrs Reiterverein Swakopmund for a further 5 year period for the following two lease sites:

| Size m ² | Commencement Date | Expiry Date | Purpose |
|---------------------|-------------------|-----------------|---|
| ±16 013 | 1 November 2020 | 31 October 2025 | Day camp for keeping the horses. |
| ± 21 500 | 1 November 2020 | 31 October 2025 | Country track and park for hosting events and training. |

- (b) That the rental tariffs be as follows, the next escalation of 10% on 1 July 2021:

| Lease Portion | Size | Annual Lease Tariffs for 2020/2021 | |
|--|-----------------------|------------------------------------|---------------------|
| Portion Erf 1307, Swakopmund, next to the SPCA | ±16 013m ² | N\$ 2 143.59 - | annual lease tariff |
| | | N\$ 321.54 - | 15% VAT |
| | | N\$ 2 465.13 - | total |
| Portion of Erf 1307, Swakopmund | ±21 500m ² | N\$ 5 846.15 - | annual lease tariff |
| | | N\$ 876.92 - | 15% VAT |
| | | N\$ 6 723.07 - | total |

- (c) That the leases be advertised in terms of Section 63 (2) of the Local Authorities Act, Act 23 of 1992, (as amended), at the cost to Messrs ReiterVerein Swakopmund.
- (d) That Council reserves the right to cancel the lease if valid objections from the public are received.
- (e) That the following conditions be applicable:
- (i) That the lease terms be set for 5 years, commencing 1 November 2020 to 31 October 2025, with an option to renew for a further period.
 - (ii) The annual rental amounts be as set-out under point (b) above.
 - (iii) That a refundable deposits, equal to one year's rent be adjusted according to the annual increases and any shortfall be levied.
 - (iii) That the lease period is terminable by either party by giving / receiving 3 months' written notice.
 - (iv) That no fixed structures be erected and that temporary structures be erected at the risk of the lessee and to be removed at the cost of the lessee at the termination / lapsing of the lease period.
 - (v) That Council be indemnified against any claims from the public or members of the club which may arise due to the use of the site by the club.
 - (vi) That the Municipal Council has unrestricted right of access to the area.
 - (vii) That the lease sites only be used for the following purposes:

| Size m ² | Purpose |
|---------------------|---|
| ±16 013 | Day camp for keeping the horses. |
| ± 21 500 | Country track and park for hosting events and training. |

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- (viii) That the site be restored to an acceptable condition on termination / lapsing of the lease period to the satisfaction of Council; and, failing which Council will restore the lease area to its previous condition for the account of the Messrs ReiterVerein Swakopmund.
- (ix) That the club erects a perimeter fence (such as used tyres or split poles) and warning signs to warn the public of the horses on the site to the satisfaction of Council.
- (x) That access to the lease site measuring $\pm 21\,500\text{m}^2$ to the public not be denied, but controlled for the enjoyment of the community.
- (xi) The lease may not be ceded or assigned to a third party without the written permission of Council first being obtained.

11.1.4 **CONFIRMATION OF CANCELLATION OF VARIOUS ERVEN SOLD ON 11 OCTOBER 2019 IN EXTENSIONS 8 AND 14, SWAKOPMUND**

C/M 2020/05/28 - E 2623, 4938, 4943, 4950, 4954, 4953)

RESOLVED:

CO: P
GM: CS&HC

That extension of time for the transactions in respect of the following erven sold on 11 October 2019 be granted until 30 September 2020, subject to the standard penalty interest being levied:

| Erf No | Name of Purchaser | Purchase Price | Comments |
|----------|-----------------------------|----------------|--|
| Erf 2623 | Amushila Lisias Amushila | N\$670 000.00 | Purchaser has submitted a letter from FNB that the bank in principle approved his loan and are in process to issue the guarantee |
| Erf 4953 | Harold C Nekaro | N\$450 000.00 | Guarantee in place submitted on 12 March 2020 |

11.1.5 **REPORT OF THE SALE OF ERVEN LOCATED IN EXTENSIONS 34 & 35, SWAKOPMUND**

C/M 2020/05/28 - G 3/3/2, 9027, 9073, 8926)

RESOLVED:

CO: P
GM: CS&HC

That this item be referred back and be resubmitted to the next Management Committee meeting

11.1.6 **PERFORMANCE REVIEW OF THE 40/40 HOUSING PROJECT**

C/M 2020/05/28 - 14/2/1/1)

RESOLVED:

A: HO
GM: CS&HC

- (a) That the remaining erven in Extension 6 and 7 be allocated to the contractors who only received 4 erven.

| | | |
|-----|-----------------------------------|---|
| 1) | Alfresco Developers CC | 8 |
| 2) | Aradio's Concrete Developers | 8 |
| 3) | Bay Engineering & Construction | 8 |
| 4) | Dalt Investments | 8 |
| 5) | Dappa Estates | 8 |
| 6) | Embamba Investment | 8 |
| 7) | Ehangano Building Construction CC | 8 |
| 8) | Güther's Maintenance | 8 |
| 9) | Hydraform Namibia | 8 |
| 10) | Jatties Group | 8 |
| 11) | JJIPP's | 8 |

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| | | |
|-----|--|---|
| 12) | Magnetize Properties | 8 |
| 13) | NCO Investments Number Eight (Pty) Ltd | 8 |
| 14) | Ongoshi Trading Investment CC | 8 |
| 15) | Pewa Business | 8 |
| 16) | Versatile Trading CC | 8 |
| 17) | Yoshi Trading | 8 |

- (b) That Council continues with the relocating process and clear the area to start where the social houses must be build, as two contractors already finished with the credit link houses for them to be able to start with the social houses.
- (c) That Council accelerates the servicing of Block 161 - 163 in order to re-allocate residents within the DRC Settlement to that area.

11.1.7 **SPECIAL TARIFFS FOR SENIOR CITIZENS AND SMALLHOLDINGS**

C/M 2020/05/28 - 19.03.08, E 2266)

RESOLVED:

GM: F

- (a) That a special tariff to Senior Citizens upon proof of age as well as a copy of a signed Lease Agreement, be approved.
- (b) That applications of Smallholdings Lessees for special water tariffs upon submission of a copy of a signed Lease Agreement, be approved.

11.1.8 **APPLICATION FOR THE REZONING OF ERF 10061, SWAKOPMUND FROM "GENERAL RESIDENTIAL 2" WITH A DENSITY OF 1:250M² TO "PARASTATAL"**

C/M 2020/05/28 - E 10061)

RESOLVED:

GM: E&PS

- (a) That Erf 10061, Swakopmund, Extension 15 be rezoned from "General Residential" with a density of 1:250m² to "Parastatal".
- (b) That the rezoning of Erf 10061, Swakopmund, Extension 15 be included in the next Swakopmund Amendment Scheme.
- (c) That the rezoning of Erf 10061, Swakopmund, Extension 15 be exempted from betterment fee levy.

11.1.9 **APPLICATION FOR SPECIAL CONSENT OR PERMISSION TO CONSTRUCT A DWELLING HOUSE (CARETAKER HOUSE) ON ERF 4443, SWAKOPMUND, EXTENSION 9**

C/M 2020/05/28 - E 4443)

RESOLVED:

GM: E&PS

- (a) That consent to construct a dwelling house on Erf 4443, Swakopmund, Extension 9 be approved.

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- (b) That construction of the proposed dwelling house may not commence unless building plans have been submitted and approved by the Engineering Services and Town Planning Department.
- (c) That on-site parking be provided in line with the Swakopmund Town Planning Scheme.
- (d) That the objectors be informed of Council's decision and their right to appeal to the Minister against Council's Resolution in respect of resolution (a) above in terms of Clause 8 of the Swakopmund Town Planning Scheme within 28 days of receipt of notice of this Resolution, provided that written notice of such an appeal shall be given to the Ministry, as well as Council within the said period.

11.1.10 REZONING OF ERF 620 MYL 4 FROM "SINGLE RESIDENTIAL" TO "PARASTATAL
C/M 2020/05/28 - M4 E 620)

RESOLVED:

GM: E&PS

- (a) That the rezoning of Erf 620, Myl 4, Extension 1 from "Single Residential" to "Parastatal" be approved.
- (b) That the rezoning of Erf 620, Myl 4, Extension 1 be included in the next Swakopmund Amendment Scheme.
- (c) That no betterment fee levies applicable as the erf belong to the Municipal Council.

11.1.11 APPLICATION FOR THE RELAXATION OF THE HEIGHT RESTRICTIONS OF THE STREET BOUNDARY WALL ON ERF 3102, SWAKOPMUND
C/M 2020/05/28 - E 3102)

RESOLVED:

GM: E&PS

- (a) That the street boundary wall height restriction for Erf 3102, Swakopmund be relaxed from 2 meters to 2.9 metres higher subject to certification of a Structural Engineer.
- (b) That no Completion Certificate be issued without the Structural Engineer Certification.

11.1.12 THE REVIEW AND AMENDMENT OF THE SWAKOPMUND TOWN PLANNING SCHEME
C/M 2020/05/28 - G 3/2/2)

RESOLVED:

GM: E&PS

- (a) That the progress made so far, with respect to the review and amendment of the Swakopmund Town Planning Scheme, be noted.

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- (b) That it be noted that Erf 136A- Ludwig Koch Street, Swakopmund and Erf 4332 - Kuruseb Street, Mondesa intend to apply for the no-bulk factor, therefore, these sites be left for a subsequent scheme and be shown with no indication of bulk on the Amendment Scheme No. 71 map.
- (c) That the consultant be granted authority to respond to the interested parties on behalf of the Municipal Council of Swakopmund provided that the responses are agreed upon.

11.1.13

AVAILABILITY OF INSTITUTIONAL ZONED SITES SUITABLE FOR TERTIARY EDUCATION FACILITIES

C/M 2020/05/28 - 16/1/4/2/1/15)

RESOLVED:

CO: P
GM: CSHC

- (a) That Erf 3342, Swakopmund, Extension 9, measuring 5.6 Hectares be deemed suitable for the development of a tertiary education facility for any institution for which this size and location might prove suitable.

| Erf Number | Township | Area (Ha) |
|------------|------------------------|-----------|
| 3342 | Swakopmund Extension 9 | 5.6 |

- (b) That Erf 3342, Swakopmund be sold immediately for the construction of a tertiary education facility, provided that Council revokes its decision of 2014.
- (c) That Council revokes its resolution of 02 September 2014 under Item Number 11.1.11 and replace it with this Council Decision.
- (d) That Council call for development proposals for the following Erven:
- Erf 982, Matutura, Extension 4
 - Erf 1143, Matutura, Extension 6
 - Erf 2028, Matutura, Extension 12
 - Erf 2809, Matutura, Extension 13
 - Erf 7546, Swakopmund, Extension 28
 - Erf 7643, Swakopmund, Extension 28
- (e) That Council offer available vacant institutional erven to interested institutions subject to development agreements.

11.1.14

ERONGO RED BOARD OF DIRECTORS: RESIGNATION

C/M 2020/05/28 - 11/1/4/17)

RESOLVED:

CEO

- (a) That the resignation of Ms Nathalia Goagoses as a representative of Swakopmund Municipality on the Erongo RED board of directors be noted.

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- (b) That the following representatives and alternates represents Council as non-executive members on the Board of Directors of Erongo RED:

| | Director | Alternate |
|----|--------------------|------------------|
| 1. | Mr Econia Petrus | Mr Paul Rooi |
| 2. | Ms Elizabeth Manga | Ms Connie Basson |

11.1.15 **OBJECTION AGAINST THE SALE OF TWO ERVEN LOCATED IN EXTENSION 13, MONDESA - FUTURE SALE OF REMAINING ERVEN**

C/M 2020/05/28 - 4674, 4675, 4676, 4677, 4678, 4679, 4680, 4681, 4682, 4683, 4684, 4685, 4686, 4687, 4688, 4689, H 4/6/13)

RESOLVED:

GM: E&PS

- (a) That Council takes note of the objection received from Turnkey Building and Engineering Consultants CC against the sale of the following two erven located in Extension 13, Mondesa:

| Erf Number | Purchaser | Size |
|-------------------|-------------------------|----------------------|
| Erf 4675, Mondesa | DRC Joint Venture | 10 148m ² |
| Erf 4679, Mondesa | HW Investment (Pty) Ltd | 11 343m ² |

- (b) That the objection not be approved as it was received after the closing date and is based on general resolutions which are not specifically for Extension 13, Mondesa.

11.1.16

STATE OF EMERGENCY:

① **EXEMPTION OF PAYMENT OF PENALTY INTEREST; AND**

② **EXTENSION OF PERIODS**

(C/M 2020/05/28 - G 3/3/2, G 3/3/2/14, N 7/3/2/2)

RESOLVED:

CO: P
GM: CS&HC

- (a) That Council takes note of the following arrangement with reference to the effect of the State of Emergency on Council's property transactions and condones the following arrangements which were implemented:

① **Exemption from Payment of Penalty Interest**

All purchasers who incurred penalty interest during the period 27 March until 04 May 2020 be exempted from payment of penalty interest for the duration of the lockdown, being 37 days.

② **Payment Due Dates which Lapsed during the Lockdown**

In the cases where payment due dates lapsed during the lockdown, purchasers be provided with a 37 day notice period to rectify the breach; instead of the standard 21 day notice period.

③ **Payments / Provision of Guarantees from Purchasers whose 21 day Notice Period Lapsed during the Lockdown**

Payments and / or the provision of guarantees for those purchasers whose notice period lapsed during the lockdown will be granted 37 days to comply.

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Therefore payments must be made or guarantees must be provided by Wednesday, 10 June 2020.

- (b) The above arrangement is applied in order to ensure reasonable and fair treatment of purchasers who were unable to finalize their transactions due the closure of the Municipality during the lockdown.

11.1.17

CAPITAL AND OPERATIONAL BUDGETS FOR 2020 / 2021 FINANCIAL YEAR

(C/M 2020/05/28 - (D 2/1)

GM: F
CEO
ALL GM's:

RESOLVED:

- (a) That Council approves the zero balance operational budget for the 2020 / 2021 financial year.
- (b) That Council approves the Capital budget amounting to N\$196 178 500.00
- (c) That Council approves the Project Implementation Plan as submitted by the General Managers.
- (d) That the Chief Executive Officer ensures that the approved Projects Implementation Plan be adhered to and implemented by the General Managers, before 30 June 2021.
- (b) That Council approves the below listed staggered tariffs for the 2020 / 2021 financial year:

Staggered tariffs Swakopmund & Smallholdings:

| Tariffs | Current Tariff (N\$) | Proposed increased Tariff (N\$) |
|-------------------------------------|----------------------|---------------------------------|
| 9m ³ - 30m ³ | 16.00 | 17.85 |
| 31m ³ - 60m ³ | 22.50 | 22.50 |
| 61m ³ and above | 34.80 | 34.80 |

Special tariff (Agricultural) - Smallholdings:

| Tariffs | Current Tariff (N\$) | Proposed increased Tariff (N\$) |
|-------------------------------------|----------------------|---------------------------------|
| 9m ³ - 30m ³ | 16.00 | 17.85 |
| 31m ³ - 60m ³ | 17.30 | 19.30 |
| 61m ³ and above | 19.30 | 21.53 |

- (c) That Council approves the below listed Economic Stimulus for the rate payers for the period relating to State of Emergency relating to COVID-19 pandemic:
- (i) That NO tariffs be increased for the 2020 / 2021 financial year.
- (ii) That Council approves that NO late fees (interest) be levied on service accounts due to non-payments.
- (iii) That NO interest be charged for late renewal of businesses registrations.
- (iv) That NO interest also be paid by prospective Property Owners, who have purchased erven, and who were also expected to pay their purchases prices.
- (d) That the Erongo Regional Council be informed that Council are not in a financial position, for paying over

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five (5%) from assessment fees payments, for the period 01 January 2020 to 30 June 2020.

- (e) That Council do not approve the waiving of the payment of services accounts for the rate payers.
- (f) That Council approves the reduction in rates of bungalows to attract visitors (on file).

11.1.18

**FEEDBACK REPORT ON WORKSHOP PRESENTED BY
NAMIBIA CIVIL AVIATION AUTHORITY**

C/M 2020/05/28 - 18/1)

CO: P
CEO
GM: F
GM: E&PS
GM: CSHC

RESOLVED:

- (a) That the General Manager: Engineering and Planning Services with the Chief Executive Officer on behalf of the Swakopmund Municipal Council commence with the application for Aerodrome Licence Certificate.
- (b) That provision be made in the 2020/2021 and 2021/2022 budget for the following upgrading to the Aerodrome in preparation for the Aerodrome License application:
 - (i) N\$800 000.00 for Aerodrome data survey: Geographical coordinates (expressed in WGS-84, degrees minutes seconds format).
 - (ii) N\$500 000.00 for ICAO Compliance Painting of Reservoir Tower.
 - (iii) N\$500 000.00 for the upgrading of the Runway and Taxiway paving & installation of Signs.
- (c) That Council approves the provisional budget for the developing of the Aerodrome and its shortcomings.
- (d) That the General Manager: Engineering and Planning Services with the Chief Executive Officer liaise with the Namibia Civil Aviation Authority on the provision of staff to operate the ATC tower and the maintenance on the associated cost.
- (e) That the General Manager: Corporate Services and Human Capital in collaboration with the General Manager: Finance Services compiles a legal agreement with the fuel company as well as determine a fuel levy payable to Council on the sale of every litre of fuel by the Company.
- (f) That the General Manager: Corporate Services & Human Capital reviews the current hanger agreements.

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11.1.19

APPLICATION FOR A SITE TO ACCOMMODATE WORKFORCE FOR THE COMPLETION OF PROJECT FOR THE UPGRADING OF THE RAILWAY LINE BETWEEN WALVIS BAY AND KRANZBERG

C/M 2020/05/28 - 13/3/1/5)

| |
|--------------------|
| CO: P GM: CS&HC |
|--------------------|

RESOLVED:

- (a) That the application by Luka Roads, Rails and Civils (Pty) Ltd (as subcontractor of Project C001: Upgrading of the Railway Line between Walvis Bay and Kranzberg) to lease a portion of land measuring 6 000m² be approved, for the exclusive purposes:
- (i) *Of establishing a construction site to store equipment and a workshop for the execution of their project; and*
 - (ii) *Accommodation of their personnel (number of persons and accommodation units still to be confirmed).*
- (b) That permission be applied for from the Honourable Minister of Urban and Rural Development in terms of section 30 (1) (t) to enter into the lease agreement.
- (c) That Luka Roads, Rails and Civils (Pty) Ltd be granted permission to occupy the lease site whilst point (b) is being attended to.
- (d) That the following conditions be applicable:
- (i) *That the lease term be set for 36 months, without an option to renew as Council will require the land for the commercial township which will be finalized / established at the time.*
 - (ii) *That either party can give 3 calendar months' written notice of the cancellation of the agreement.*
 - (iii) *That the lease of the land be at a rental amount of:*
 - ⌘ *6 000m² - total area being leased at N\$2.42 / m² / month = N\$14 520.00 / month + 15% VAT (N\$2 178.00) = N\$16 698.00*
 - ⌘ *Accommodation units / unit / month = N\$332.75 / month + 15% VAT (N\$49.91) = N\$382.66 per unit (the number of staff units be confirmed by Luka Roads, Rails and Civils)*
- The first 10% escalation will be on 1 June 2021.*
- (iv) *That a refundable deposit, equal to one month's rent be paid.*
 - (v) *That a deposit of N\$100 000.00 be paid for the rehabilitation of the area, if required.*
 - (vi) *That, if applicable, Luka Roads, Rails and Civils (Pty) Ltd be required to pay a refundable electricity deposit equal to the monthly rental which shall be applied and used only if an outstanding account remains with Messrs Erongo RED upon termination of the lease.*

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- (vii) *That the remainder of (vi) be refunded to the lessee on presentation of proof to the General Manager: Finance that the electricity account from Messrs Erongo RED in the name of the lessee has been paid in full.*
 - (viii) *That Luka Roads, Rails and Civils (Pty) Ltd makes arrangements for the provision and usage of electricity with Messrs Erongo RED at its own cost.*
 - (ix) *That, if required due to the zoning of the lease area being "Undetermined", Council gives consent to Luka Roads, Rails and Civils (Pty) Ltd in terms of the Town Planning Amendment Scheme 12 to engage in construction and manufacturing activities required for the road tender.*
 - (x) *That Luka Roads, Rails and Civils (Pty) Ltd register as a business with the Health Services & Solid Waste Management.*
 - (xi) *That Council's standard conditions of lease be applicable to the agreement.*
 - (xii) *That the following special conditions be applicable:*
 1. *That the lessee shall be responsible for the cleanliness and tidiness of the property.*
 2. *That there is no guarantee that the property is suitable for the lessee's purposes.*
 3. *That written permission be obtained, should the lessee wishes erect any, sign or advertising material on the outside of the Property.*
 4. *That no subletting be allowed.*
- (e) **That the following conditions be applicable specifically to the accommodation of personnel:**
- (i) *The accommodation facilities shall be fenced off from the working area.*
 - (ii) *Suitable firefighting equipment shall be installed in all facilities and shall be inspected by Fire Fighting Section prior to occupation.*
 - (iii) *That before occupation of the accommodation units, the facility shall be inspected by Health Services & Solid Waste Management Department and only if found fit for habitation, may it be occupied.*
 - (iv) *As an alternative to the sewage treatment system, a containment tank may be used, with the tank emptied regularly with a water-truck and the sewage disposed to the municipal disposal works with prior arrangement with the Swakopmund Municipality.*
 - (v) *If meals are prepared on site, and food stored on site, a fully functional kitchen shall be provided, complete with suitable refrigeration / freezers to maintain food in safe condition. This facility shall be inspected by Health Services & Solid Waste Management Department at regular intervals.*
 - (vi) *An area shall be prepared for personnel recreation after hours / outside working time.*

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- (vii) *All accommodation facilities, and all walking areas shall be provided with sufficient lighting.*
- (viii) *It is also recommended that:*
- *no pets be kept at the accommodation*
 - *alcohol not be allowed*
 - *walkways provided with gravel to keep the accommodation clean*
- (ix) *Potable water for residential purposes be provided at the cost of the lessee to the satisfaction of the Health Services & Solid Waste Management Department and Engineering & Planning Services Department.*

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

None.

The meeting adjourned: **20:00**

Minutes confirmed on: **25 June 2020**

**Councillor N N Salomon
MAYOR**

**A Benjamin
CHIEF EXECUTIVE OFFICER**

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MINUTES

of an **Special Council Meeting** held in the Council Chambers, Municipal Head Office, Swakopmund on **Friday, 19 June 2020 at 09:00.**

PRESENT:

PRESENT:

| | | |
|-----------------------------|---|--------------------------------|
| Councillor E Shitana | : | Chairperson of M/C |
| Councillor K N Jason | : | Alternate Chairperson of M/C |
| Councillor P N D Nashilundo | : | Member of Management Committee |
| Councillor A Jonas | : | Member of Management Committee |
| Councillor N N Salomon | : | Mayor |
| Councillor A M Marsh | : | Deputy Mayor |
| Councillor E K Hangula | : | Member of Council |
| Councillor U Kaapehi | : | Member of Council |

OFFICIALS:

| | | |
|-----------------|---|---|
| Mr A Benjamin | : | Chief Executive Officer |
| Mr M Swarts | : | GM: Corporate Service & Human Capital |
| Mr C McClune | : | GM: Engineering and Planning Services |
| Mr H !Naruseb | : | GM: Finance |
| Mr C L Lawrence | : | GM: Health Services |
| Mr V S Kaulinge | : | Acting GM: Community Development Services |

ALSO PRESENT:

None.

1. **SCRIPTURE READING AND OPENING BY PRAYER**

Honourable N N Salomon opened the meeting with a prayer.

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

None.

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

3.1 Application for leave of absence:

Alderman E //Khoaseb : Approved
Councillor W O Groenewald : Approved

3.2 Declaration of interest:

None.

4. CONFIRMATION OF MINUTES
(C/M 2020/06/19 - A 2/3/5)

None.

5. OFFICIAL ANNOUNCEMENTS, STATEMENTS AND COMMUNICATIONS
(C/M 2020/06/19 - A 2/3/5)

5.1 None.

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 REPORT TO COUNCIL ON RESOLUTIONS TAKEN BY MANAGEMENT COMMITTEE DURING JUNE 2020**

10. None.

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11. **RECOMMENDATIONS BY THE MANAGEMENT COMMITTEE**
 11.1 **SPECIAL MANAGEMENT COMMITTEE MEETING HELD ON 19 JUNE 2020**

11.1.1 **INVITATION FOR BUSINESS PROPOSALS: LEASE / OPERATION OF MUNICIPAL CAFETERIA**

(S/M/C 2020/06/19 - E 1/1)

RESOLVED:

CO: P
GM: CS&HC

- (a) That Council approves the application of Mr Barnard Rittmann on behalf of Messrs Searock Investment CC trading as Braai World (Swakopmund) as the service provider for the renting of cafeteria.
- (b) That the proposals received from the following applicants not be approved.
- Ⓞ *Noria Trading CC (Dankie Katumbo)*
 - Ⓞ *Die Mam's Kitchen CC*
 - Ⓞ *Kalinasho Trading Enterprises CC*
 - Ⓞ *Fieveey Investments CC*
 - Ⓞ *Matuiipi Investment CC- no experience indicated*
 - Ⓞ *Mega Welwitschia Investment CC*
 - Ⓞ *Chill & Grill Swakopmund*
 - Ⓞ *Planet Miranda Catering CC (Swakopmund)*
- (c) The proposal of Dontre Investments and Yokohama Seafood & Sushi Bar cc not be approved as they have submitted their proposals after the closing time on 03 March 2020.
- (d) That it be noted that Council gave preference to the local based service providers hence the exclusion of Mude and Rua Investment CC, a Windhoek based service provider.

11.1.2 **REDUCTION OF SERVICE ACCOUNTS**
 (S/M/C 2020/06/19 - D 7/3/1/3; D 2/1)

RESOLVED:

GM: F

That Council approves the reduced water consumption levies for the month of the May 2020, and that it only be levied on staggered tariffs of N\$16.00 and N\$22.50 per cubic meter respectively.

11.1.3 **APPLICATIONS RECEIVED FOR JOINED SERVICED LAND DELIVERY**

(S/M/C 2020/06/19 - H5, H5/4 & H5/7)

RESOLVED:

CO: P
GM: CS&HC

- (a) That the item heading of item 11.1.22 of 30 November 2017 which reads "Public Private Partnership Applications" be amended to read "Applications Received for Joint Service Land Delivery" in terms of Local Authority Act. Act 23 of 1992, as amended.

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- (b) That the content of the decision reflected in points (a) until (h) of item 11.1.22 remains unchanged.
- (c) That Council confirms that Council's intention and the agreement to be entered into with the 8 developers (point (a) of Council's decision of 30 November and Item 11.1.25 of 30 May 2018) is a development agreement i.e Joint Venture in terms of the Local Authorities Act 23 of 1992; and not a public private partnership agreement.

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

12.1 **INVITATION FOR BUSINESS PROPOSALS: LEASE / OPERATION OF MUNICIPAL CAFETERIA**

(M/C 2020/06/19 - E 1/1)

| |
|--------------------|
| CO: P GM: CS&HC |
|--------------------|

RESOLVED:

That with reference to item 11.1.1 of this minute, Council evaluated the presentations of the selected service providers menus and approved the presentation of Messrs Searock Investment CC trading as Braai World effective from 1 July 2020 for a period of 5 years i.e. until 2025.

The meeting adjourned: 10:00

Minutes confirmed on: 25 June 2020

Councillor N N Salomon
MAYOR

A Benjamin
CHIEF EXECUTIVE OFFICER

11. **RECOMMENDATIONS AN ORDINARY MANAGEMENT COMMITTEE MEETING HELD ON 11 June 2020**

10. **REPORT TO COUNCIL ON RESOLUTIONS TAKEN BY PREVIOUS MANAGEMENT COMMITTEE MEETING HELD DURING MARCH 2020**

10 (A) **MINUTES OF THE ORDINARY MANAGEMENT COMMITTEE MEETING HELD ON 11 June 2020**

2. **CONFIRMATION OF MINUTES**
(M/C 2020/05/14 - A 2/3/5)

2.1 **MINUTES OF THE ORDINARY MANAGEMENT COMMITTEE MEETING HELD ON 14 MAY 2020**

On proposal of Councillor K N Jason on and seconded by Councillor A Jonas it was:

RESOLVED:

CO: A
GM: CS&HC

That the Minutes of the Ordinary Management Committee meeting held on 14 May 2020 be confirmed as correct.

2.2 **MINUTES OF THE SPECIAL MANAGEMENT COMMITTEE MEETING HELD ON 19 MAY 2020**

On proposal of Councillor K N Jason on and seconded by Councillor A Jonas, it was:

RESOLVED:

CO: A
GM: CS&HC

That the Minutes of the Special Management Committee meeting held on 19 May 2020 be confirmed as correct.

2.3 **MINUTES OF THE SPECIAL MANAGEMENT COMMITTEE MEETING HELD ON 27 MAY 2020**

On proposal of Councillor K N Jason on and seconded by Councillor A Jonas, it was:

RESOLVED:

CO: A
GM: CS&HC

That the Minutes of the Ordinary Management Committee meeting held on 27 May 2020 be confirmed as correct.

2.4 **MATTERS ARISING FROM THE PREVIOUS MINUTES**

None.

5.5 **FINANCE**5.5.1 **TOTAL EXPENDITURE**

(M/C 2020/06/11 - D 7/3/2/1)

RESOLVED:

GM: F

That the total expenditure of N\$37 125 806.46 and total revenue of N\$23 853 700.21 for the period 01-31 May 2020, be accepted and approved as correct.

7. **MATTERS REFERRED BY PREVIOUS COUNCIL- AND MANAGEMENT COMMITTEE MEETINGS**7.3 **PROPOSAL TO ESTABLISH A CEO'S & SME NETWORKING FORUM AS A COLLABORATIVE INITIATIVE WITH THE SWAKOPMUND MUNICIPALITY**

(M/C 2020/06/11 - 14/1/1/2)

Acting GM: EDS
CEO**RESOLVED:**

That this item be referred back and resubmitted to the next Management Committee meeting.

7.7 **INVITATION FOR BUSINESS PROPOSALS: LEASE / OPERATION OF MUNICIPAL CAFETERIA**

(M/C 2020/06/11 - E 1/1)

CO: P
GM: CSHC**RESOLVED:**

- (a) That Council chooses and approves the qualified Service Provider among the qualified applicants being:

- ① *Barnard Rittmann trading as Braai World (Swakopmund)*
- ② *Planet Miranda Catering CC (Swakopmund)*

- (b) That the proposals received from the following applicants not be approved as they did not submit the required documents.

- ① *Noria Trading CC (Dankie Katumbo)*
- ② *Die Mam's Kitchen CC*
- ③ *Kalinasho Trading Enterprises CC*
- ④ *Fieveey Investments CC*
- ⑤ *Matuiipi Investment CC- no experience indicated*
- ⑥ *Mega Welwitschia Investment CC*
- ⑦ *Chill & Grill Swakopmund*
- ⑧ *Mude and Rua Investments CC (Windhoek)*

- (c) The proposal of Dontre Investments and Yokohama Seafood & Sushi Bar cc not be approved as they have submitted their proposals after the closing time on 03 March 2020.

- (d) That the two applicants mentioned in (a) above be invited to the next Special Management Committee Meeting to display some of their menu samples.

8. **POLICY MATTERS**8.1 **REQUEST FOR DONATIONS - STATE OF EMERGENCY: COVID-19 RELATED ACTIVITIES, SWAKOPMUND POLICE STATION**

(M/C 2020/06/11 - 3/15/1/5/2)

RESOLVED:

GM: HS & SWM

- (a) That Council takes note of the request for assistance from the Ministry of Safety and Security.
- (b) That Council supports the Ministry of Safety and Security by providing hand sanitizers and masks.
- (c) That the costs for the assistance referred to in (b) to the value of N\$2 000.00 be defrayed from the COVID-19 Vote: 100510206100, where N\$26 417.00 is available.
- (d) That permission be given to the General Manager: Health Services and Waste Management to procure logo mask for councillors and as determined by the Chief Executive Officer.

10. MATTERS NOT ON THE AGENDA, BUT DISCUSSED WITH PERMISSION OF THE CHAIRPERSON10.1 **PRESENTATION: THE DOME SWAKOPMUND**

(M/C 2020/06/11 - 14/1/1/2)

Acting GM: EDS

RESOLVED:

- (a) That the Management Committee takes noted of the presentation by the Chief Executive Officer of the The Dome and that the General Manager: Economic Development Services compiles a submission to the next Management Committee meeting for consideration.
 - (b) That the Dome Swakopmund be requested to submit a comprehensive proposal outlining the areas in which it seeks partnership
-

10.6 **ALLOCATION OF LAND TO DEVELOPERS**
(M/C 2020/06/11 - H5, H5/4 & H5/7)

RECOMMENDED:

- (a) That Council takes note of the delays being caused by the outstanding approval of the standard development agreement by the Office of The Attorney-General.
 - (b) That Council takes note that the distribution of erven approved on 31 May 2018 was done on informal lay-outs as the general plans were not available; therefore once the Engineering & Planning Services Department compared the allocations with the actual general plans the distribution of the erven might differ.
-

11. **RECOMMENDATIONS BY THE MANAGEMENT COMMITTEE**
- 11.1 **ORDINARY MANAGEMENT COMMITTEE MEETING HELD ON 11 June 2020**
- 11.1.1 **POWERCOM (PTY) LTD: APPLICATION FOR TWO SITES FOR BASE TRANSCIVER STATIONS**
(C/M 2020/06/25 - 13/3/17, M 1824, M 4326)

Ordinary Management Meeting of 11 June 2020, Addendum 7.1 page 03 refers.

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

1. **Introduction**

A letter dated **22 October 2019 (Annexure “A”)** was received from PowerCom (Pty) Ltd applying to lease two portions of land to erect base transceiver stations at Erf 1824, Matutura and Erf 4326, Mondesa.

Attached as Annexure “B” is a locality map.

A memorandum was sent to the Engineering & Planning Services Department requesting their comments regarding the application. Attached as **Annexure “C”** is the memo from the said department indicating the following:

| Erf No. | Size (m²) | Zoning |
|------------------------|-----------------------------|------------------------|
| <i>RE 4326 Mondesa</i> | <i>14 327</i> | <i>Local Business</i> |
| <i>1824 Matutura</i> | <i>883</i> | <i>Local Authority</i> |

With reference to Erf 4326, Mondesa, the Engineering & Planning Services Department confirmed that the application can only be considered once the layout of the various sports courts are in place.

Engineering Services & Planning Department has no objection against the construction of a tree tower on Erf 1824, Matutura, subject to an environmental impact assessment study and technical engineering requirements.

2. **Latest Council Resolution Approving a Lease Site for a BTS**

Council on **28 September 2017** under item 11.1.18 approved a new lease site as follows:

- (a) *That a portion of land measuring 144m² of the “Public Open Space”, located in Block 8 (Extension 10, Matutura) (S22.63853 E14.56642), Mondesa be leased to Mobile Telecommunications Limited.*
- (b) *That Messrs MTC adheres to the following requirements:*
- *A maximum height of 25m*
 - *Consent letter from the neighbours*
 - *Environmental Impact Assessment (EIA)*

- (c) *That the following standard lease conditions be applicable to the leasing of the lease portion in (a) above.*
- (i) *Lease period of 5 years;*
 - (ii) *That building plans of all proposed buildings must be submitted to the Engineering Services Department;*
 - (iii) *That the portion of land is leased on the explicit condition that the lessee indemnifies Council against any claim for damages resulting from its occupation by the lessee.*
 - (iv) *That the lease be at the current tariff of N\$30.62/m² per month with an annual escalation of 10% every July (first being 1 July 2018).*
- (d) *That the Engineering Services Department provides a lay-out plan for the exact location on the identified erf to be used for the tower.*
- (e) *That Messrs MTC installs their own electrical meter so that any expenses and costs generated be allocated to Messrs MTC.*
- (f) *That the proposed lease of the site be dealt with in terms of section 64 of the procurement Act.*
- (g) *That Council's standard lease conditions be made applicable to the lease.*
- (h) *That all costs relating to the lease, including, but not limited to advertising costs, be for the account of the lessee.*
- (i) *That the following conditions be made applicable in addition to points (b) to (h) above to the lease:*
- (i) *That Council will not reimburse Mobile Telecommunications Limited for any costs relating to the installation or removal of its properties or any other expense incurred during or after the termination of the lease agreement.*
 - (ii) *That any damages that may be caused to the lease site be for the account of Mobile Telecommunications Limited and shall be repaired at their cost and on demand.*
 - (iii) *That Mobile Telecommunications Limited will be responsible for the proper maintenance of the equipment and should such equipment not be well maintained and thus rust and become unsightly, the lease be cancelled and equipment removed at the cost of the lessee.*

Subsequent resolutions were passed for the renewal of existing lease sites. The latest being on **26 July 2018** under item 11.1.3.

3. Tower Height

Council entered into various lease agreements with other telecommunication companies for the leasing of land for the hosting of Base Transceiver Sites (BTS).

These sites host the towers that the telecommunications provider needs to transmit its digital signals. For the erection of BTS towers in town Council normally allows palm-tree type towers to be a maximum height of 25m. An exception is the lattice type towers that are situated on Erf 507, Tamariskia which exceed this height.

4. Lease Tariff and Period

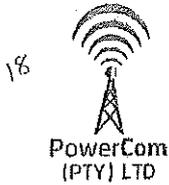
Council further approved a standard rental per square meter for BTS sites which currently amounts to N\$40.75/m² (1 July 2020) and a standard lease period of 5 years. The lease period will commence after the lessee complies with point (c) below and the successful publication in terms of point (g) below.

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

RECOMMENDED:

- (a) That a portion of land measuring 8m x 8m located on Erf 1824, Matutura, zoned "Local Authority" be leased to PowerCom (Pty) Ltd.
- (b) That the application for a portion of land located on Re of Erf 4326, Mondesa be considered after finalisation of the draft lay-outs for the tennis, netball and basketball courts.
- (c) That Messrs PowerCom (Pty) Ltd adheres to the following requirements:
 - *A maximum height of 25m*
 - *Consent letter from the neighbours*
 - *Environmental Impact Assessment (EIA)*
- (d) That the following standard lease conditions be applicable to the leasing of the lease portion in (a) above.
 - (i) *Lease period of 5 years;*
 - (ii) *That building plans of all proposed buildings must be submitted to the Engineering and Planning Services Department;*
 - (iii) *That the portion of land is leased on the explicit condition that the lessee indemnifies Council against any claim for damages resulting from its occupation by the lessee.*
 - (iv) *That the lease be at the current tariff of N\$40.75/m² per month with an annual escalation of 10% every July (first being 1 July 2021).*
- (e) That the Engineering & Planning Services Department provides a lay-out plan for the exact location on the identified erf to be used for the tower.
- (f) That Messrs PowerCom (Pty) Ltd installs their own electrical meter so that any expenses and costs generated be allocated to Messrs PowerCom (Pty) Ltd.
- (g) That the proposed lease of the site be dealt with in terms of section 63 of the Local Authorities Act 23 of 1992, as amended.
- (h) That Council's standard lease conditions be made applicable to the lease.
- (i) That all costs relating to the lease, including, but not limited to advertising costs, be for the account of the lessee.

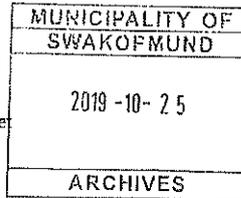
- (j) That the following conditions be made applicable in addition to points (c) to (i) above to the lease:**
- (i) That Council will not reimburse PowerCom (Pty) Ltd for any costs relating to the installation or removal of its properties or any other expense incurred during or after the termination of the lease agreement.*
 - (ii) That any damages that may be caused to the lease site be for the account of PowerCom (Pty) Ltd and shall be repaired at their cost and on demand.*
 - (iii) That PowerCom (Pty) Ltd will be responsible for the proper maintenance of the equipment and should such equipment not be well maintained and thus rust and become unsightly, the lease be cancelled and equipment removed at the cost of the lessee.*
-



PowerCom (pty) Ltd
Unit 2, Maama Heights
Dr Tito-Ben Guritab Street,
Klein Windhoek
P.O. Box 80399 Windhoek
Tel: +264 (61) 201 2030
Fax: +264 (61) 88 655 898
info@powercom.na

Enquiries: Mercutio B.T. Mowes

Mr. Aipheus Archle Benjamin
Chief Executive Officer
Municipality of Swakopmund
Cnr. Rakutoka & Daniel Kamho Street
Swakopmund
Namibia



22 October 2019

Dear Sir,

Application to lease portions of land in Swakopmund

PowerCom (PTY) LTD, a subsidiary of Telecom Namibia hereby apply to lease portions of land to construct two telecommunications towers in Swakopmund.

The proposed tower structure will enable various operators to extend their network coverage to their respective customers in the Mondesa and DRC areas. Operators will provide 2G, 3G and 4G mobile services, as well as other fixed wireless services from this location.

Details of the Proposed tower structures are as follows:

Mondesa tower

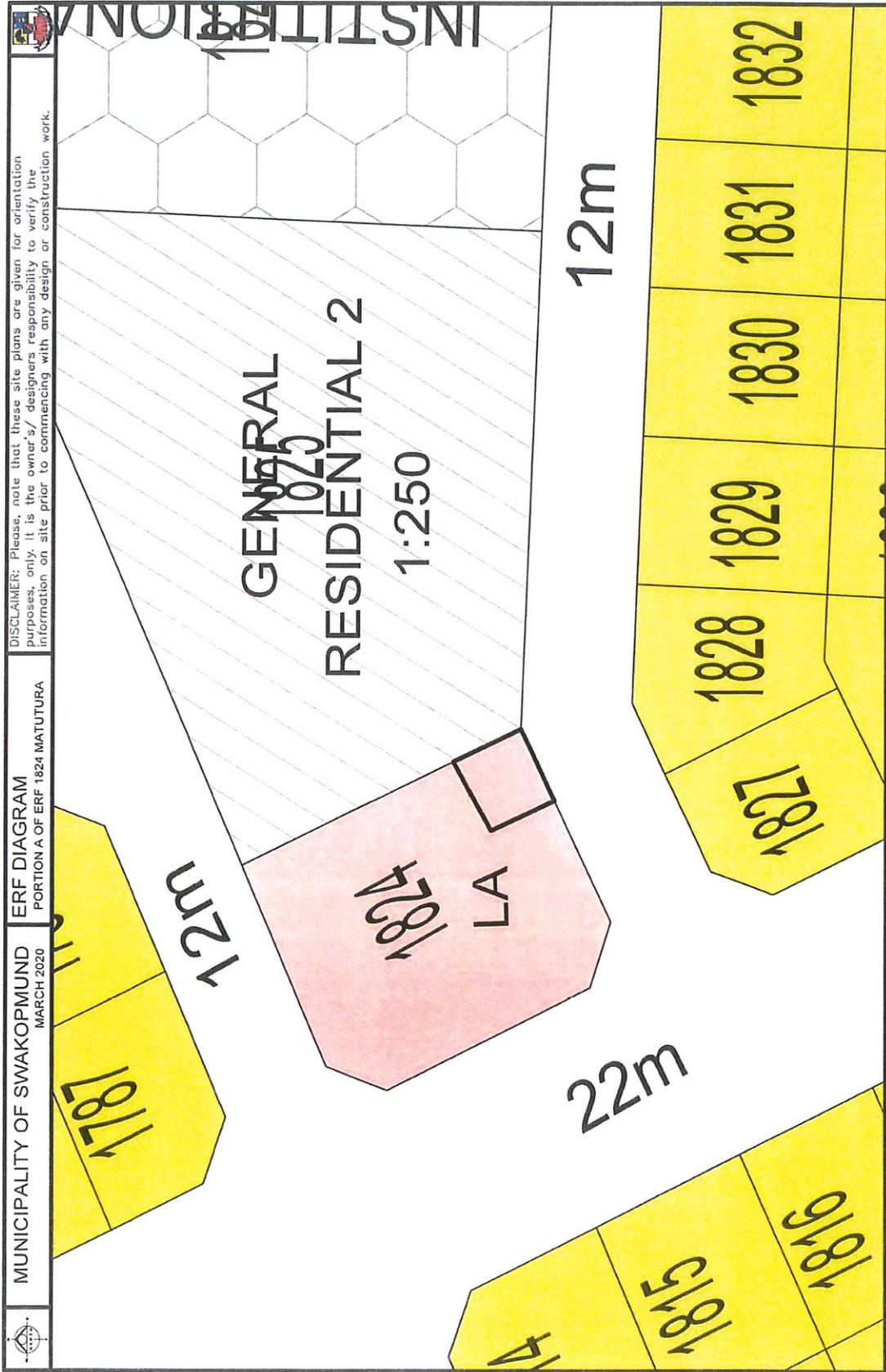
- The lease of a portion of land, approximately 8m x 8m, on Erf 4326 Mondesa (RE 4326) to erect a communications tower and construct a small equipment room with a dimension of 4m x 3m to accommodate the equipment of the different operators. The area will be fenced off to secure the site.
- 25m high camouflaged "tree" tower.

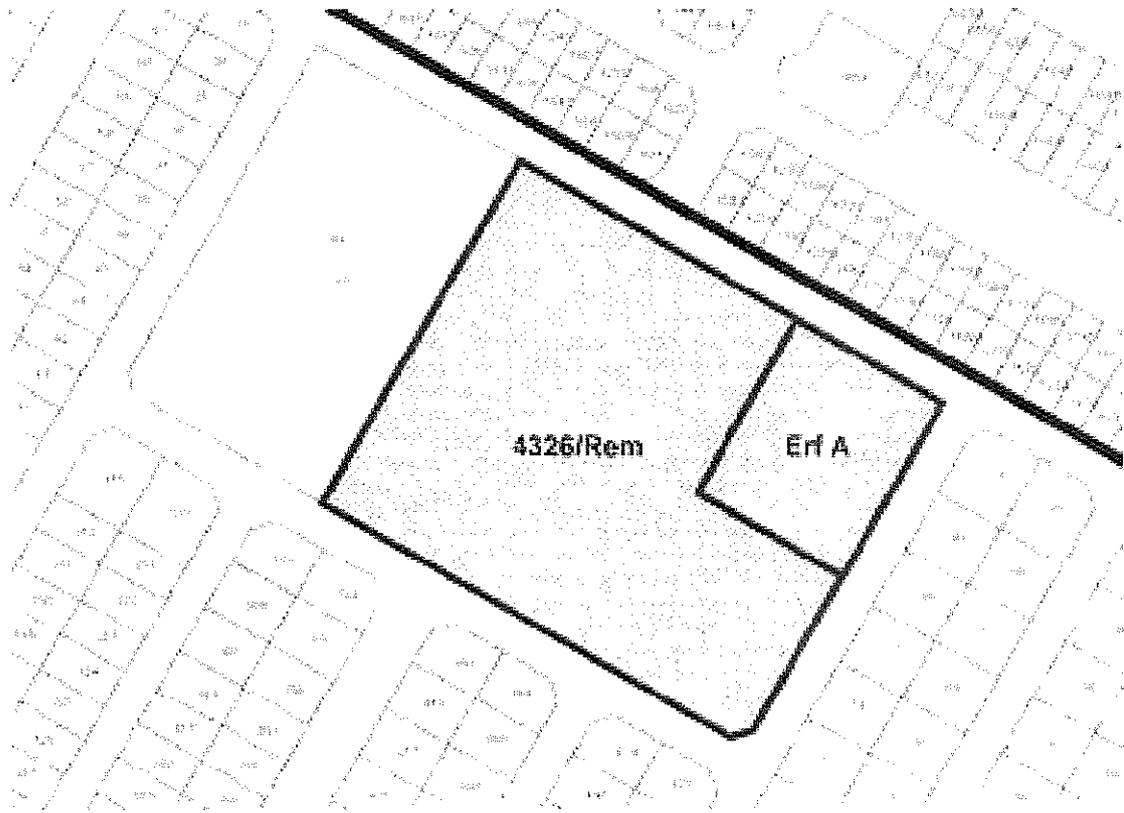
DRC tower

- The lease of a portion of land, approximately 8m x 8m, on Erf 1824 Matutura (LA 1824) to erect a communications tower and construct a small equipment room with a dimension of 4m x 3m to accommodate the equipment of the different operators. The area will be fenced off to secure the site.
- 25m high camouflaged "tree" tower.

The camouflaged tree is ideal in keeping to the aesthetics of the town. Furthermore, PowerCom will apply for the required electrical connection from ErongoRED.

I trust that the above is adequate for Council to consider all relevant factors and request their favourable consideration. If the town council approves this request, PowerCom will ensure to conduct an Environmental study to obtain an Environmental Clearance Certificate before construction starts.







MEMORANDUM

OFFICE OF ENGINEERING AND PLANNING SERVICES DEPARTMENT

To: The General Manager: Corporate Services & Human Capital

From: The General Manager: Engineering & Planning Services Department

Date: 6 March 2020

Reference: M 4326; 19.03.02 & 13/3/1/5

Subject: POWERCOM (PTY) LTD – APPLICATION TO LEASE PORTIONS OF LAND IN SWAKOPMUND



Reference is made to your memorandum dated 5 February 2020.

The Remainder Erf 4326 Mondesa is zoned "local business" and measures 14327m² in extent. The application by Messrs PowerCom (Pty) Ltd to lease a portion of 64m² on Erf 4326 Mondesa will only be considered when the draft layouts for the tennis, netball and basketball courts are in place. Subject to the availability of excess space suitable for the proposed development and the environmental scoping report outcomes, then a firm consideration would be made.

Erf 1824, Matutura is zoned "local authority" and measures 883m² in extent. Taking into account its location and zoning, the property would be appropriate and suitable for the construction of a camouflaged tree tower subject to an environmental impact assessment study and technical engineering requirements.

The lease period for the proposed development is however not specified. It is therefore suggested that if the lease would extend for over a ten year period, the site be subdivided into a portion and remainder so as to create an independent site for the tower. The site where the tower is going to be constructed would have to be rezoned from "municipal" to "parastatal" and be sold to PowerCom. (Pty) LTD.

Attached is a map, depicting the possible site position with ease access.

Regards


C McClune

GENERAL MANAGER: ENGINEERING & PLANNING SERVICES



/ja

11.1.2 **SALE OF ERF 5002, SWAKOPMUND - APPLICATION FOR EXTENSION OF TIME TO PAY THE PURCHASE PRICE**
(C/M 2020/06/25 - E 5002)

Ordinary Management Meeting of 11 June 2020, Addendum 7.2 page 10 refers.

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

1. **Introduction**

The purpose of this submission is for Council to consider the extension of the date for payment of the purchase price Erf 5002, Swakopmund by Ane's Guest House CC t/a Atlantic Villa Guest House.

The due date for payment was Thursday, **21 May 2020** (being 120 days from the date the Ministry of Urban and Rural Development gave permission to proceed with the sale).

The **attached** letter dated **07 April 2020 (Annexure "A")** was received from the purchaser requesting extension of time until January 2021 to settle the purchase price in the amount of N\$860 000.00. Documents from financial institutions confirming the effect of the State of Emergency Lockdown is attached to the said letter.

On **27 May 2019** the purchaser had a meeting with the Chief Executive Officer requesting permission to develop parking (interlocks and boundary wall) on the erf while the transaction is being finalized. Permission was subsequently granted per letter dated **12 June 2019**. The parking area was developed and completed.

The location of Erf 5002, Swakopmund in Extension 14:



2. Brief Background

An application dated **12 July 2018** was received from the purchaser to purchase Erfen 5002, 5003, 5004 and 5005 for parking and the future expansion of the guesthouse (Atlantic Villa).

On **28 March 2019** Council approved the sale of only Erf 5002, Swakopmund. The purchase price was approved on **29 August 2019**. These decisions are attached as **Annexure "B"**.

The Ministry of Urban and Rural Development granted approval to proceed with the transaction on **22 January 2020**. Council's conveyancer was requested on **11 February 2020** to compile a deed of sale. A draft deed of sale was received on **17 February 2020** and amendments returned to the conveyancer on **03 March 2020**. A second draft was received from the conveyancer on **13 March 2020**. Due to the lockdown period the deed of sale was not yet finalized and signed.

3. Current Situation

The deed of sale has not been signed and neither has the purchase price been secured by the due date of **21 May 2020**. The purchase price attracts interest at 10.25% / annum from **22 January 2020** until date of payment of the purchase price (cash option) or until date of transfer (in cases where a bank guarantee is provided).

The payment period was interrupted by the 37 days for the duration of the State of Emergency and the purchaser will be exempted from interest for the said period.

Therefore, calculated on the purchase price of N\$78 302.81 until **31 January 2021** the interest will be as follows:

| | |
|-------------------|---|
| <i>Erf Number</i> | <i>5002</i> |
| <i>22-Jan-20</i> | <i>date of sale</i> |
| <i>22-Jan-20</i> | <i>date from when interest is calculated</i> |
| <i>31-Jan-21</i> | <i>extended due date</i> |
| <i>375</i> | <i>days</i> |
| <i>37</i> | <i>less for the 1st lockdown period</i> |
| <i>14</i> | <i>less for the 2nd lockdown period</i> |
| <i>324</i> | <i>days interest applicable</i> |
| <i>860 600.00</i> | <i>purchase price</i> |
| <i>88 211.50</i> | <i>full interest on balance for 1 year period</i> |
| <i>241.68</i> | <i>interest per day</i> |
| <i>78 302.81</i> | <i>interest for the period</i> |

Although the erf is developed as parking, it is currently not being used due to the travel restriction on international tourism.

4. **Discussion**

As per **Annexure "A"** the purchaser explains that due to the Covid-19 pandemic all bookings for **April 2020** were cancelled. They estimate that for 2020 the guesthouse will experience a loss of approximately N\$2.5 million resulting in an additional loan responsibility for 2021 onwards.

The above is stated in support of their application for an extension of time to perform.

Considerations:

- ① *Although Council can consider the cancellation of the transaction, the property was developed and is not suitable for sale as a residential erf due to the natural floodwater drainage because of the location of the erf.*
- ② *Occupational rent can be considered, but will not provide the required financial relief to the entity managing a guesthouse.*
- ③ *The purchaser is responsible for the payment of rates and taxes for the erf from 22 January 2020, in the amount of N\$..... per month.*
- ④ *Council will earn interest due to the extension of time for the payment in the amount of N\$81 686.27.*

Council in the past approved various applications for extensions of time to perform.

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

RECOMMENDED:

- (a) **That Council approves the application by Ane's Guest House CC trading as Atlantic Villa Guest House for an extension of the due date until 31 January 2021, to secure the purchase price of Erf 5002, Swakopmund, subject to the purchaser signing the deed of sale which provides for interest on the purchase price.**
 - (b) **That Ane's Guest House cc trading as Atlantic Villa Guest House be reminded that the purchase price for the property is N\$860 600.00; and interest calculated from 22 January 2020 until 31 January 2021 amounts to N\$78 302.81.**
 - (c) **That no further extensions be granted.**
-

ANNEXURE "A"

April 8, 2020

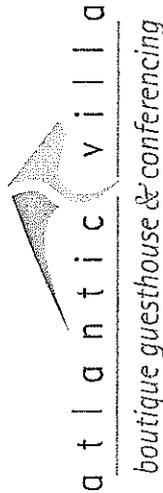
Yours faithfully



GERHARD VAN DER MERWE
MEMBER

Ane's Guesthouse CC 2006/1510 t/a Atlantic Villa Guesthouse
P.O.Box 552, Swakopmund, Namibia Tel: +264-64-463511, Fax: +264-64-463510
E-mail: atlanticvilla@hway.na, Website: www.atlantic-villa.com

NTB registration No: GH0 00126



The Municipality Swakopmund
P O Box 53, Swakopmund

For Att: the CEO

For Att: Heliso Naruseb

Date: 7 April 2020

PURCHASE OF ERE 5002, VOGELSTRAND, SWAKOPMUND

Reference is made to the above purchase as well as the letter dated 22 January 2020 from the Ministry of Urban and Rural Development (see attached).

The Covid 19 (Corona virus) pandemic is having an unprecedented influence/effect on the tourism industry.

All bookings for April 2020 have been cancelled. This results in a zero income for April 2020. The further effects for the rest of the year is staggering. Atlantic Villa is projected to have a cash flow shortage due to this effect on the rest of the year of NS 2.5 million. The full set of Management accounts and budgets as presented to Bank Windhoek is available for a presentation.

This will automatically result in an added loan responsibility of NS 2.5 million from 2021 onwards.

I attach hereto a document from the Bank of Namibia for your attention.

Up to date, the Government of Namibia has not placed any freeze of rentals/mortgages and other payments.

We hereby apply for an extension of 9 (nine) months to settle the purchase price of NS860 000.00 (eight hundred and sixty thousand NS). Settlement will be possible by January 2021. Hopefully the economic status and Covid-19 pandemic will be in the past and we can look forward to a sustainable economic status in Namibia. Your assistance during this crisis will be highly appreciated.

Kindly take further notice that Atlantic Villa Guesthouse CC has a mortgage loan in respect of the adjacent properties. Atlantic Villa Guesthouse CC is following the same process in an attempt to find financial sustainability within the current context and subsequent new reality.

All parties in the Namibian economy are together in this crisis and will have to share to load proportionally.

Attached further is examples of some of the commercial banks' notices within this context for your attention.

With regards to the financial information, if required, a presentation thereon can be done to substantiate the above claims with regards to shortages.

Your favorable consideration will be appreciated.

WINDHOEK, 30 MARCH 2020 – Standard Bank provides relief to clients impacted by COVID-19

"As we come to grips with this new reality that is facing us and its impact on the health of our people, their livelihoods and our economy, we are affirming Standard Bank's commitment that we are in this together" said Vetumbuavi Mungunda, the Chief Executive of Standard Bank Namibia.

Over the past two weeks, many businesses have experienced a slowdown in demand for their services due to the world wide and local outbreak of Covid-19 and we have no doubt that this has been extremely disruptive.

We are committed to driving the growth of our home, Namibia, and it is with this purpose in mind that we performed an assessment of the impact of the COVID-19 outbreak on the Namibian economy, businesses and the general public. Following this assessment, we believe it is imperative that we offer relief to our clients impacted by COVID-19 with respect to their loan facilities with us.

The **tourism sector and the game hunting sector** experienced an immediate impact in the past three weeks and we are extending a capital and interest repayment holiday for up to **12 months to clients operating in this sector**. Our engagements with the Tourism Association points to a potential recovery in this sector only over the next 9 to 12 months, provided the spread of the virus is contained.

We are extending a further relief in the form of capital and interest repayment holidays for up to six months until 30 September 2020 to **all our Small and Medium Enterprise clients** with an annual turnover of less than N\$10 million, regardless of the sector in which they operate. **This will enable our clients to utilise their cash reserves to pay much needed wages and necessary expenditure during the lockdown period.**

We value and encourage the education of our youth. Therefore, all student loans will attract 0% interest for a period of 3 months ending 30 June 2020 to assist the parents and guardians who are dealing with the additional pressure of unplanned travel and repatriation costs and the unplanned cost of accommodating these students at home. We will review this arrangement at the end of June 2020 based on the circumstances prevailing at the time.

We ask our clients in the above-mentioned categories to urgently contact their relationship managers by email or telephone to confirm their individual arrangements.

Our other clients not in the above categories who believe that their businesses and / or income have been impacted by COVID-19 and have historically conducted their banking relationship responsibly can contact their relationship manager or our customer care centre where their request will be assessed on a case-by-case basis.

We strongly urge our clients to continue to meet their financial obligations wherever possible.

"We remain rock-solid to weather this crisis and, with your support and understanding, we will emerge in a strong position to move your business and lives forward" assured Mungunda.

MEDIA ENQUIRIES

Magreth Mengo

Head: Marketing and Communications

Magreth.Mengo@standardbank.com.na



26 March 2020
 News Editor
 9/6/20

Date:
 Attention:
 Ref:

FOR IMMEDIATE RELEASE

POLICY AND REGULATORY CHANGES BY THE BANK OF NAMIBIA IN RESPONSE TO THE IMPACT BY COVID-19 ON THE BANKING INDUSTRY

1. The Bank of Namibia ("the Bank") has as one of its objectives to promote and maintain a sound monetary, credit and financial system in Namibia and sustain the liquidity, solvency and functioning of the financial system. The banking sector remains financially sound and healthy with good liquidity and capital levels to support the economy.
2. The outbreak of the COVID-19 pandemic has had a major impact on the global economy resulting in a slowdown in economic activity worldwide and major disruptions in global supply chains. The Bank, in line with its mandate, has been closely monitoring the impact of COVID-19 outbreak on the banking sector and the Namibian economy.
3. Furthermore, the Bank was tasked by Cabinet to assess the impact of the pandemic on the local economy and make appropriate recommendations to cushion the effects of the outbreak. In this regard, the set of recommendations being announced today by the Bank are part of the overall strategies being proposed and implemented nationally by relevant authorities to mitigate the impact of the pandemic.
4. As part of its intervention strategies, the Bank held extensive dialogue with the Bankers' Association of Namibia with the primary objective to assist various players in the economy such as corporates and small and medium enterprises (SMEs) to alleviate cash-flow problems currently being experienced and ensure business continuity and safeguard jobs.
5. The Bank is, therefore, introducing the following regulatory and policy relief measures to directly support individuals, small and medium-sized enterprises (SMEs) and corporations to manage the impact of the recent drought and the Covid-19 outbreak through the banking system:
 - 5.1. **Loan payment moratorium**
 In respect to customers of banking institutions, banks can grant loan payment moratorium or so-called payment holidays whereby the holiday in respect of loan payment (which include principal and interest) is allowed for a period ranging from six (6) months up to 24 months (two years) based on a thorough assessment of economic and financial difficulties experienced by individual borrowers. Banking institutions should apply such holidays in a transparent, fair and equitable manner.

6. To assist banking institutions to institute adequate support measures to individuals, small and medium-sized enterprises (SMEs) and corporations, the Bank has decided on the following regulatory and policy relief measures:

6.2. **Liquidity relief measures:**

The Bank has decided to relax the Determination on Liquidity Risk Management whereby banking institutions are required to ensure that their cash inflows match the cash outflows expected within the 0-7 days. The limit has been relaxed such that the expected outflows may exceed the inflows, but not more than the excess liquidity above their regulatory limit.

6.3. **Capital conservation buffer:**

The Bank has reduced the capital conservation buffer rate to 0 percent for at least 24 months to support banking institutions to supply credit to the economy. The capital conservation buffer will enable banking institutions to use the capital they have built up during good times, to use during times of distress. The release of the buffer is to allow banking institutions to boost an already distressing economy by lending to the most vulnerable economic sectors.

6.4. **Concentration risk limit / single borrower limit:**

The Bank postponed the effective date of implementation of the 25 percent single borrower limit and concentration risk limit to allow banking institutions a wider scope to lend to vulnerable sectors of the economy.

7. The measures, as outlined above, will enable banking institutions to play their role in supporting the economy during these challenging circumstances by providing flexibility for banking institutions to respond swiftly to the needs of their customers. However, in implementing these measures, banking institutions should act in the national interest and be guided by their internal policies and processes.

8. The Bank will continue to closely monitor developments and response of banking institutions to these measures in order to ensure and maintain a sound monetary and financial system in Namibia amid economic challenges posed by COVID-19 outbreak.

issued by

Ebson Uanguta
DEPUTY GOVERNOR

Department of Strategic Communication and Financial Sector Development Bank of Namibia, Tel: (061) 283 5114, Fax: (061) 283 5546 or email: info@bon.com.na



1 April 2020

Message to our valued clients

These critical times require extraordinary collaboration to make a positive impact, where it matters the most. Strong and lasting relationships with our clients and other stakeholders are what Bank Windhoek stands for. We are fully committed to supporting our clients in good times and in bad times.

In the wake of the COVID-19 pandemic, with its unprecedented economic and social challenges, Bank Windhoek will, in the coming days, announce several measures to assist our clients. The deferment of capital and interest payments on loans is one of these measures, and we have already assisted many clients in this manner. Clients all have different circumstances and varying needs for assistance. To optimise the impact of the support we offer, we want to address the specific needs of our clients rather than following a blanket, "one size fits all" approach.

We, therefore, encourage all our clients to engage us on their specific needs, through their branch or relationship manager. Please continue to follow our announcements on social media and mainstream media and remain safe.



Republic of Namibia

19-03-08, S002

E 5002

Ministry of Urban and Rural Development

Enquiries: J. Ishila (Mr)
Tel: (+264+61) 297-5192
Fax: (+264+61) 297-5305

Government Office Park
Luther Street

Private Bag 13289
Windhoek, Namibia

Our Ref.: 14/17/3/S2

Date: 22 January 2020

Your Ref.:

| |
|-------------------------------|
| MUNICIPALITY OF SWAKOPMUND |
| 2020-02-05 |
| ARCHIVES |

Mr. A. Benjamin
Chief Executive Officer
Swakopmund Municipality
P. O. Box 53
SWAKOPMUND

Dear Mr. Benjamin,

SUBJECT: APPROVAL FOR SALE OF IMMOVABLE PROPERTY BY WAY OF PRIVATE TREATY

Your letter dated 07 January 2020 has reference.

Approval has been granted to the Municipality of Swakopmund in terms of the provision of Section 30(1) (i), read together with Section 63 of the Local Authorities Act, 1992 (Act No. 23 of 1992), as amended, to alienate Erf 5002, Swakopmund measuring 1 324 m² in extent to Ane's CC (Atlantic Villa Guesthouse) for parking and future expansion of their guesthouse at the purchase price of N\$860 600.00, being (N\$650 /m²), by way of private treaty, subject to the conditions of the Council Resolution Numbers C/M2019/08/29 and C/M2019/08/29 under Item No. 11.1.9.

Yours faithfully,


 NGHIDINUA DANIEL
 EXECUTIVE DIRECTOR
 JAN 2020
 PRIVATE BAG 13236
 WINDHOEK

ANNEXURE "B"

Relevant Council Resolutions

① On 28 March 2019 Council approved the conditions of sale under item 11.1.19:

- (a) That Council's resolution passed on 27 September 2018 under item 11.1.1 be repealed.
- (b) That Council approves the allocation of Erf 5002, Swakopmund measuring 1 324m² by private treaty to Ane's Guesthouse CC trading as Atlantic Villa Guesthouse, as an exception.
- (c) That valuations be obtained to determine the purchase price of Erf 5002, Swakopmund for purposes of parking.
- (d) That the purchaser be responsible for the rezoning of Erf 5002, Swakopmund for the purposes of parking.
- (e) That should Ane's Guesthouse CC trading as Atlantic Villa Guesthouse in future use the erf for the expansion of their guesthouse an application for the rezoning thereof be submitted and the required betterment fee be paid.

Please take note of point (b) of Council's resolution passed on 29 August 2019 under item 11.18 (quoted under point 2.2 below).

(f) That the sale be subject to Council's standard conditions of sale by private treaty:

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

The deposit was paid on 18 November 2019, receipt number 408946.

- (ii) That the above deposit be paid within 90 days from approving the purchase price, failing which Council's resolution will be revoked at the next Council meeting following the expiry of the 90 days.

- (iii) That any remainder of the deposit in (i) above be refunded to the purchaser on completion of the transfer of the erf.

- (iv) That upon acceptance of the purchase price by the purchaser, Council's intention to sell the erf be advertised for possible objections as required in terms of the Local Authorities Act, Act 23 of 1992 at the cost of the purchaser.

No objections were received by the closing date of 24 December 2019

- (v) That the transaction be concluded within 120 days from approval being granted by the Ministry of Urban and Rural Development to proceed with the intended transaction.

The transaction must be concluded by Thursday, 21 May 2020

- (vi) That payment of the purchase price be secured either in cash or formal bank guarantee in favour of the Swakopmund Municipality within 120 days from the honourable Minister's favourable response.

The purchase price must be secured by Thursday, 21 May 2020.

- (aa) Failure to secure the purchase price within the in cancellation without the need to place the purchaser on terms.

- (bb) *Should the purchase price be secured by a bank guarantee the transfer must be effected on / before the 120th day, else interest will be levied as from the date of Ministerial approval (date of sale) until the date of registration of transfer at a rate as confirmed with Council's bank on the date of sale.*
- (vii) *That the purchasers accept that no rights will accrue to them from Council's resolution unless all the relevant conditions of the Property Policy are complied with in full and all the relevant authorities have given the necessary permission, if applicable.*
- (viii) *The erf is sold "voetstoots" or "as is" with the Council giving no warranty or guarantee, whether express or implied, oral or tacit, as to the suitability of the lay-out or situation or subterranean composition of the property or any improvements thereon. The Council also does not warrant that the services installed at the property are suitable for the use intended by the Purchaser. It is therefore the obligation of the purchaser to verify that the installed electricity, sewage and water connections are suitable for the intended use of the property.*
- (ix) *That the property or any portion thereof may not be alienated without being offered to Council at the purchase price such was obtained from Council.*
- (x) *That no development or construction of the proposed parking be permitted to commence until the statutory processes have been completed and the erf is transferred.*
- (xi) *The agreement of sale be signed and returned to the Municipality, by the purchaser within 21 days of registration.*
- (xii) *That the purchaser indemnifies Council against any claims resulting from blasting, should blasting need to be done.*
- (xiii) *That the purchaser being an entity provides the registration documentation of the entity (Council resolution of 27 April 2017 under item 11.1.10) and that the shareholders / members must be cautioned that the entity remain the same until the transfer takes place and they have complied with all conditions of sale when name change of the entity is requested.*
- On 27 May 2019 a meeting was held with the Chief Executive Officer and permissions was subsequently granted per letter dated 27 May 2019.
- ② On 29 August 2019 Council approved the purchase price under item 11.1.18:
- (a) That Erf 5002, Extension 14, Swakopmund (1 324m²) be sold to Ane's Guesthouse CC t/a Atlantic Villa Guesthouse at a purchase price of N\$650.00 / m² = N\$650.00/m² x 1 324m² = N\$860 600.00.
- (b) That with reference to point (d) of Council's resolution passed on 28 March 2019 under item 11.1.9 the zoning be specified as "Special" with the land usage as parking.

11.1.3 **EXTENSION 2, MATUTURA - SALE OF 26 OCTOBER 2018: CANCELLATIONS**

(C/M 2020/06/25 - G 3/2/2, 591, 592, 607, 611)

Ordinary Management Meeting of 11 June 2020, Addendum 7.3 page 20 refers.

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

1. INTRODUCTION

This item was discussed at the Management Committee on **14 May 2020** under item 7.10. The following decision was passed:

That the General Manager: Corporate Services & Human Capital liaises with the applicants of Erven 591, 592, 607, and 611, Matutura and provide proof of response to the Management Committee before the cancellation is considered.

The various purchasers were contacted and their comments are listed below:

| Erf | Name | Comments |
|---------------|------------------------------|---|
| 591, Matutura | Faris Tjikundi | The purchaser is not reachable and no e-mail address was provided. |
| 592, Matutura | Hashikutuva Leonard Mekondjo | Transfer of the erf was registered on 27 May 2020. |
| 607, Matutura | Hakko Hilma Kepale | Requested an extension of time on 26 February 2020 as stated under point 2 below. Annexure "A" |
| 611, Matutura | Ndeutala Shafashike | Requested an extension of time on 26 February 2020 as stated under point 2 below. Annexure "B" |

The purpose of this submission is to submit the non-performance of the purchasers that took part in the sale of **26 October 2018** to Council.

Council had a public closed bid sale on **26 October 2018** of 94 erven mostly located in Extension 2, Matutura. The outcome of the sale was reported to the Management Committee of **08 November 2018** under item 10.13.

2. CURRENT SITUATION

On **25 April 2019** Council considered various non-performers for the specific sale under item 11.1.20 (**Annexure "C"**). Various transactions were cancelled and allocated to next qualifying bidders.

The due date to secure the purchase price of those who were granted an extension of time and those allocated as next qualifying bidders was **31 January 2020**.

A notice was issued to the non-performers on **02 March 2020**. The conditions of sale provide for 10.5% interest to be levied from 01 February 2020 until date of transfer (in cases where the purchase price is secured by a bank guarantee); or until date of receipt of payment if paid in cash.

On the 02th of March the progress was as follows:

94 total erven sold on 26 Oct 2018

1 pending second allocation

88 paid in cash / transferred

1 guarantee on file in time

1 **guarantee provided after due date**

1 **no response**

3 **request extension of time / have bank loan letter on file**

The result is that of the 94 erven available on **26 October 2018**, only 3 (ownership of Erf 592 was in the meantime registered) purchasers did not comply with the contractual conditions of securing the purchase price by the due date. The Deed of Sale stipulates in Paragraph 3 and 5 of Annexure "B" thereof:

...this Agreement shall be deemed to have been cancelled and shall be of no further force and effect, without any obligation on the SELLER to place the PURCHASER on terms to make payment and without the obligation on the SELLER to inform the PURCHASER that the agreement has indeed become cancelled;

List of the 3 purchasers:

| | Erf | Surname | Name | Comments | Purchase price |
|---|------------|----------------|--------------|--|-----------------------|
| 1 | 591 | Tjikundi | Faris | No payment was received neither an application for the extension of time to perform. | 210 000.00 |
| 2 | 607 | Hakko | Hilma Kepale | Submitted an application dated 26 February 2020 for 60 days extension. | 167 700.00 |
| 3 | 611 | Ndeutala | Shafashike | Submitted an application dated 26 February 2020 for 60 days extension. | 220 000.00 |

There are next qualifying bidders listed for the above erven.

3. **CONDITIONS OF SALE**

The standard conditions of sale provide that the purchase price be secured by either:

- ① A cash payment or
- ② An electronic fund transfer or a
- ③ Bank guarantee (subject to penalty interest being levied should the property not be transferred by the lapsing of the 21 days' notice period to be issued after 02 March 2020).

The conditions further provide:

No negotiations will be entered into after the bids have been opened and prospective purchasers are cautioned to make adequate provision with their financial institutions prior to the proceedings, as no other arrangement will be accepted than indicated herein.

The conditions of sale does not provide for payment in instalments or being secured after the due date.

4. **SIMILAR ISSUE FOR A PREVIOUS SALE OF ERVEN ZONED "SINGLE RESIDENTIAL"**

On **28 September 2017** Council considered a similar request by Mr Ashipala for Erf 8996, Matutura and passed the following decision under item 11.1.25:

- (a) *That Council remains with the conditions of sale for Extensions 34 and 35 i.e. requiring the purchase prices to be secured by the final due date of 20 September 2017, by either a cash payment, or electronic fund transfer or bank guarantee.*
- (b) *That the transactions for those purchasers who have not complied with the contractual requirement be cancelled.*
- (c) *That Council honours its undertaking to the next qualifying bidders and that the Property Section continues with the allocations of the cancelled transactions accordingly.*

The basis of the above decision is that the Property Section has interpreted the timelines and conditions strictly and implemented them 100% consistently to be fair to all the participants at the closed bid. Council has built up a very good relationship with the public over a number of years as a result. This is due to the open and transparent manner that the process of the public sale is conducted. The consistent communication as well as the regular consultations has caused the public to believe the officials and to trust the process. Part of the process is that if a person has not complied with the time periods the transaction will be cancelled and allocated to the next qualifying bidder. If we do not adhere to this process we risk losing the public's trust and breaking down the relations which need to be maintained considering the large number of erven to be sold.

In addition to the above, the public was assured that next qualifying bidders will be considered for allocation immediately after the final due date for payment lapses. This also provides a measure of certainty for the Finance Department to be able to do financial forecasting and plan accordingly.

All bidders for each erf were listed according to the bid amounts and are therefore eligible for consideration in cases where the initial purchaser did not perform in terms of the conditions of sale. The allocation of erven to the next qualifying bidders is also a condition of the sale document.

6. **DISCUSSION**

The decision of **28 September 2017** was consistently applied by Council to the transactions of the following "Single Residential" erven:

| | Date | Erven |
|---|-------------|--|
| 1 | 27 Jan 17 | 50 single residential erven in Ext 34 & 35 |
| 2 | 24 Feb 17 | 50 single residential erven in Ext 34 & 35 |
| 3 | 31 Mar 17 | 49 single residential erven in Ext 34 & 35 |
| 4 | 28 Apr 17 | 50 single residential erven in Ext 34 & 35 |
| 5 | 02 Jun 17 | 59 single residential erven in Ext 34 & 35 |
| 6 | 15 Dec 17 | 34 single residential erven in Ext 1, Mile 4 |

| | Date | Erven |
|----|-------------|--|
| 7 | 02 Feb 18 | 36 single residential erven in Ext 1, Mile 4 |
| 10 | 26 Oct 18 | 94 Erven in Ext 35 and Ext 2 |
| 11 | 09 Nov 18 | 4 Replacement Houses in Mondesa |
| 13 | 14 Dec 18 | 43 Erven in Ext 8 and Ext 14 |

The transactions of non-performers were cancelled as stipulated in the deed of sale and the erven were allocated to the next qualifying bidders in terms of the standard conditions of sale.

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

RECOMMENDED:

- (a) That Council takes note of the bidder who did not comply with the conditions of the Deed of Sale for erven sold on 26 October 2018 and that the transaction be cancelled due to non-performance.

| | Erf | Surname | Name | Comments | Purchase Price |
|---|------------|----------------|-------------|---|-----------------------|
| 1 | 591 | Tjikundi | Faris | No payment was received, neither an application for the extension of time to perform. The purchaser is not reachable. | 210 000.00 |

- (b) That Erf 591, Matutura Extension 2 be cancelled and be offered to the next successful bidder listed for such as provided for in the Conditions of Sale.
- (c) That the applications for extension of the due dates until 30 September 2020 for payment of the purchase prices, in respect of erven listed below be considered by Council.

| | Erf | Surname | Name | Comments | Purchase Price |
|---|------------|----------------|--------------|--|-----------------------|
| 1 | 607 | Hakko | Hilma Kepale | Submitted an application dated 26 February 2020 for 60 days extension. | 167 700.00 |
| 2 | 611 | Ndeutala | Shafashike | Submitted an application dated 26 February 2020 for 60 days extension. | 220 000.00 |

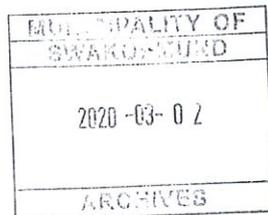
- (d) That an interest rate of 10.5% be applicable until date of registration (if a bank guarantee is in place) or until date of receipt of the purchaser price (cash payment option). Exemption is granted for the period 52 days being the duration of the lock down periods.
-

ANNEXURE "A"

Letter for Erf 607

19-03-12-607

E 607 M



Hilma K Hakko
 P O Box 7140 ,Kuissebmond
 Walvis Bay
 Cell: 081 6054804

26 February 2020

The Swakopmund Town Council
www.swkmun.com.na

APPLICATION FOR TIME AND PAYMENTS EXTENSION ON ERF 607, MATUTURA.

My name is Hilma K Hakko, I am a single mother of four and I am self-employees, I have been awarded erf 607 extension 2 Matutura ,Swakopmund late August 2019

Unfortunately I got a car accident in the early October 2019, and I got hospitalised in Welwitchia hospital in Walvis Bay ,due to the nature of my injuries ,I have to attend to different doctors like skin transplant on my legs , feet ,neck injuries , physiotherapy and many others due to the fact that I am a self-employees and I am currently not at that stage to pay off the land that offered to me by the council.

Even though I am out of hospital now, I still in doctor hands from time to time , I real need a plot as I did tried to get land in the past years.

I am requesting the town council to extend the payment time until I got better and start to work again ,it really affect my ability to do my job ,especially on sewing business as we mostly use feets and I was having skin transplant on feets and legs,

I attached one of the medical reports together with partly payments proof.

Your sincerely will be much appreciated



Hilma K Hakko

ANNEXURE "B"

Letter for Erf 611

Shafashike Ndeutala
Po Box 6064
Swakopmund
26 February 2020

Municipality of Swakopmund
Po Box 53 Swakopmund
Tel: 064-410 4214

Dear Sir/Madam

Request of Extension of transfer of erf 611 Ext 2 Matutura Swakopmund

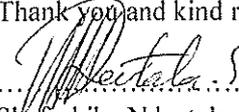
I Shafashike Ndeutala Id no: 85110710228 hereby requesting your good office to consider the extension of payment term at least for 60 days, while I am waiting which is in process of issuing the guarantee .

I am still busy with my financial banker to issue a guarantee regarding the erf 611 Ext 2 Matutura,

I therefore request your good office to bear with me in the meantime, I am aware of the period as per contract which is about to expire anytime soon as well terms and conditions however this is beyond my control and humbly request your good office to consider my request.

Should there be further enquiries do not hesitate to contact me.

Thank you and kind regards


.....
Shafashike Ndeutala

ANNEXURE "C"

Council's resolution passed on 25 April 2019 under item 11.1.20:

11.1.20 **EXTENSION 2, MATUTURA, SALE OF 26 OCTOBER 2018: CANCELLATIONS**

(C/M 2019/04/25 - G 3/2/2, 8996, 534, 536, 542, 544, 545, 548, 549, 550, 561, 565, 576, 579, 590, 591, 592, 599, 601, 607, 608, 609, 611, 613, 617, 620, 623)

RESOLVED:

- (a) That the transactions in respect of the following erven sold on 26 October 2018, be extended until 31 May 2019:

| | Erf | Surname | Name | Comments | Purchase Price |
|----|------|-------------|-------------------|---|----------------|
| 4 | 8996 | Pieterse | Llewellyn Rainer | No payment. Submitted an application dated 25 March 2019 for 1,5 month extension. | 395 871.63 |
| 6 | 534 | Amukwa | Jason Shipepe | no payment | 250 000.00 |
| 8 | 536 | Khuiwiseb | Albertus Amos | no payment | 400 199.00 |
| 14 | 542 | Sam | Magy | Home loan application (not guarantee) was provided on 21 Feb 2019. | 362 500.00 |
| 16 | 544 | Ihuhua | Oscar | no payment | 290 999.99 |
| 17 | 545 | Afrikaner | Lorraine | no payment | 253 000.00 |
| 20 | 548 | Alfeus | Mokahwa | no payment | 299 999.99 |
| 21 | 549 | Gawanas | Anna | no payment | 326 010.00 |
| 22 | 550 | Mutota | Etikeli | no payment | 200 000.00 |
| 33 | 561 | Mayira | Moses | no payment | 275 000.00 |
| 37 | 565 | Van Wyk | Jerome Martino | No payment. Submitted an application dated 25 March 2019 for an extension. | 320 900.00 |
| 48 | 576 | Tjiposa | Merlyn | No payment. Submitted an application dated 26 March 2019 requesting extension of time until 26 March 2019. Intends to pay cash. | 200 000.00 |
| 51 | 579 | Claassen | Ramone Geneve | Guarantee received day after the due date on 26 March 2019. | 220 000.00 |
| 62 | 590 | Hendricks | Malcolm | no payment | 289 999.99 |
| 63 | 591 | Aseb | Frederick | No payment. Letter from bank dated 01 March on file. | 280 000.00 |
| 64 | 592 | Lukas | Paulina | no payment | 210 990.99 |
| 69 | 599 | Nangombe | David | no payment | 300 010.99 |
| 71 | 601 | Zaaruka | Benethelin Pekara | no payment | 300 000.00 |
| 77 | 607 | Ndeutala | Shafashike | no payment | 232 000.00 |
| 78 | 608 | Ui-Nuses | Chrisentia | no payment | 164 000.00 |
| 79 | 609 | Pahula | Maria Felicidade | No payment. Submitted a letter from the bank on 26 March 2019. | 171 111.10 |
| 81 | 611 | Vatekueleni | Israel Ngashipola | no payment | 253 999.99 |
| 83 | 613 | Gontes | Brigitte | no payment | 160 000.00 |
| 87 | 617 | Kuzatjike | Edmund Lafrenz | no payment | 250 000.00 |
| 90 | 620 | Sheunje | Josua Hiwapo | no payment | 200 805.35 |
| 93 | 623 | Hipondoka | Aini Ndinelago | No payment. Submitted a letter dated 08 March 2019 requesting an extension to pay until August 2019. | 244 400.00 |

- (b) That the purchasers be requested to provide reasons for their non-performance in writing.

11.1.4 **CANCELLATION CONFIRMATION: ERF 4908, EXTENSION 1, MILE 4**
(C/M 2020/06/25 - E 4908)

Ordinary Management Meeting of 11 June 2020, Addendum 7.5 page 33 refers.

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

1. **Introduction**

This item was discussed at the Management Committee on **14 May 2020** under item 7.11. The following decision was passed:

That the General Manager: Corporate Services & Human Capital liaises with the applicant of Erf 4908, Mile 4 and provide proof of response to the Management Committee before the cancellation is considered.

The purchaser was contacted and indicated that he requires a further extension of time to secure the purchase price.

Attached a reply received from him (**Annexure "A"**).

The purchaser indicates in the attached e-mail that he requires additional time to secure the purchase price, but does not state the number of days.

The purpose of this submission is to inform Council of the cancellation of the transaction of Erf 4908, Mile 4 to Mr Shivute Alfeus Angula as a result of not complying with the condition of sale by failing to pay or secure the purchase price for the said erf within a required period of time.

In terms of Council's decision passed on **25 April 2019** under item 11.1.3 all cancellations by Council must be submitted for approval.

2. **Background**

Mr Shivute Alfeus Angula was the next successful bidder of Erf 4908, Mile 4 in the amount of N\$1 733 900.00. Mr Shivute Alfeus Angula accepted the purchase price on **03 December 2018**. The due date to secure the purchase price was 20 February 2019. No payment / bank guarantee was received from Mr. Angula.

Extensions of time granted by Council to secure the purchase price

- On **28 March 2019**, under item 11.1.5 Council approved the 1st extension of time until **31 July 2019**.
- On **31 October 2019**, under 11.1.6 Council approved the 2nd extension of time until **02 March 2020**. It was also resolved that the extension of time granted is subject to rates and taxes being paid up to date.
- Should Council approve a further extension, it will be the third extension of time granted.

3. **Current situation**

Mr Angula was offered Erf 4908 Mile 4, in the amount of N\$1 733.900.00 and did not pay any amount towards the purchase price since the property was offered to him on **22 November 2018**.

On **26 March 2020**, our Finance Department confirmed that the outstanding balance on the rates and taxes for the said erf is N\$19 916.78

Therefore, due to non-performance, a cancellation letter dated **05 March 2020** was sent to Mr Angula (**Annexure "A"**). The registration fee in the amount of N\$30 000.00 is accordingly forfeited. No further bidders are listed for allocation.

4. **Consideration of a Third Period as an Extension of Time**

Mr Shivute A Angula does not indicate how many days he requires to finalize the transaction.

For ease of reference, should Council approve a period lapsing **31 August 2020**, the interest charge applicable will be as follows:

| | |
|---------------------|--|
| <i>Erf 4908</i> | <i>S A Shivute</i> |
| <i>22-Nov-18</i> | <i>date of sale</i> |
| <i>31-Aug-20</i> | <i>extended due date considered by M/C of 11 June 2020</i> |
| 648 | from date of sale until date of payment |
| 37 | less days of first lockdown period |
| 14 | less days of the second lockdown period |
| 597 | actual days |
| <i>1 733 900.00</i> | <i>purchase price</i> |
| <i>30 000.00</i> | <i>registration fee paid (forfeit if cancelled)</i> |
| <i>1 703 900.00</i> | <i>balance</i> |
| <i>178 909.50</i> | <i>total interest for a year</i> |
| <i>490.16</i> | <i>daily interest</i> |
| 292 627.32 | interest for 597 days |
| <i>1 996 527.32</i> | <i>balance of purchase price + interest</i> |

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

- (a) That Council **approves** the application by Mr S A Angula for an extension of time to perform by **30 September 2020**.
- (b) That the extension of time be subject to interest being levied from date of sale until date of transfer (if a bank guarantee is provided) or until date of receipt of payment (cash option).

- (c) That exemption be granted for **52** days, being the period of the lockdown periods during the National State of Emergency.
-



MUNICIPALITY OF SWAKOPMUND

Ref No: Erf 4908, Swakopmund

Enquiries: N Kandjengo

Mr Shivute Alfeus Angula
P O Box 7250
Mondesa
Swakopmund

(064) 4104214
088 614 514
53 Swakopmund
NAMIBIA
www.swkmun.com.na
nkandjengo@swkmun.com.na

05 March 2020

Dear Sir

eddyangula@yahoo.com

CANCELLATION OF THE SALE OF ERF 4908, SWAKOPMUND

My letter dated 05 November 2019 (a copy attached for ease of reference) refers.

This letter serves to inform you that the sale of Erf 4908, Swakopmund to you is cancelled as no payment of the purchase price was received from you on 02 March 2020 being the due date for you to rectify the breach of conditions of sale by failing to pay or to secure the purchase price for the said erf.

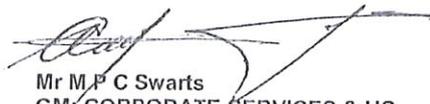
The sale of Erf 4908, Swakopmund to you is cancelled in terms of clause 11.1 of the signed deed of sale, and will now be allocated to the next qualifying bidder.

For information, clause 11.1 reads as follows:

11.1 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 you have any further enquiries, please do not hesitate to contact Ms N Gustaf at ☎ 064-4104214.

Yours faithfully


Mr M. P. C Swarts
GM: CORPORATE SERVICES & HC
/ng

Copies: 1. GM: Finance Services (Please stop issuing the services account to the above mentioned purchaser as the sale is cancelled as from 03 March 2020)
2. Messrs Conradie & Partners

All correspondence must be addressed to the Chief Executive Officer

ANNEXURE "B"

From: Ntabiso Mhlanga [mailto:qs2@fadevelopers.com.na]

Sent: Monday, 18 May 2020 01:37 PM

To: Ndiili Kandjengo

Cc: eddyangula@yahoo.com

Subject: RE: Item 7.11

Good day

I hope you well. This email serves to confirm that Mr. Angula is still interested in the purchase of the erven stated below (erf 4901 extension 1, Mile 4). He would like to request a bit of more time to finalise a few matters from his side.

We greatly appreciate your assistance.

Regards



Regards 

FA DEVELOPERS

Ntabiso Mhlanga M.

Contracts Manager

Erf 4876 Unit B1

Ext. 10

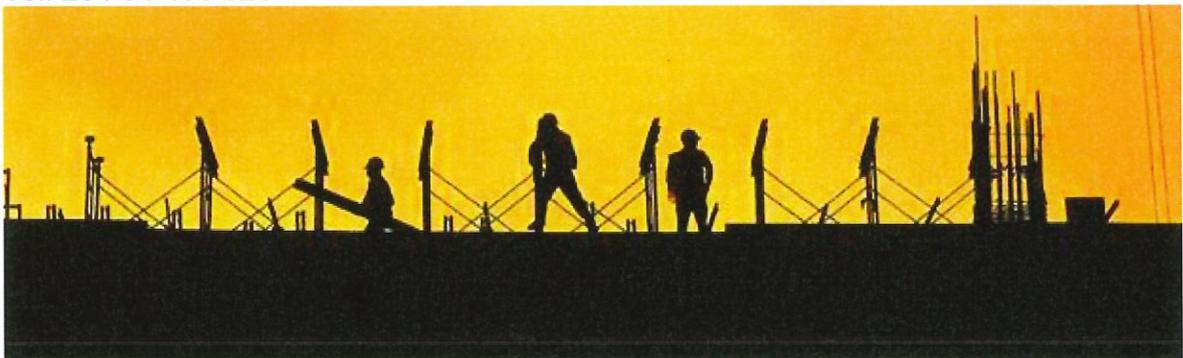
Patrick Lungadha Street

New Industrial Area

Cell: 264 817706589

Tel: 264 64 460 143

Tel: 264 64 406 821



11.1.5

CONFIRMATION OF CANCELLATION OF SALE OF ERVEN 4916, 4931 AND 4935 EXTENSION 14, SWAKOPMUND

(C/M 2020/06/25 - E 4916, E 4931, 4935)

Ordinary Management Meeting of 11 June 2020, Addendum 7.6 page 36 refers.

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

1. Introduction

The above item was discussed by the Management Committee on **14 May 2020** under item 10.3. The following decision was passed:

That the General Manager: Corporate Services & Human Capital liaises with the applicants of Erven 4916, 4931 and 4935, Extension 14, Swakopmund and provide proof of response to the Management Committee before the cancellations are considered.

The three purchasers were contacted and their comments are listed below:

| Erf No | Name Of Purchaser | Date Contacted | Response From The Purchaser |
|---------------|--------------------------|-----------------------|---|
| 4916 | Kamenco CC | 18 May 2020 | The responsible member Kamenco CC confirmed that he is willing to proceed with the purchase and pay interest applicable only if Council can allow the erf to be registered in his personal name not in the close corporation. Annexure "B" . <i>Comments: Council's conditions of sale do not allow the nomination of a purchasers. The transfer of an erf must be registered in the name of the entity allocated the erf at the date of the closed bid sale.</i> |
| 4931 | Mr Tangeni Hamukwaya | 18 May 2020 | Not interested to proceed with the purchase as already have an erf in Extension 35, Matutura. An e-mail confirming his withdrawal is attached. Annexure "C" . |
| 4935 | Andreas M Kambonde | 18 May 2020 | Due to financial constraints, the purchaser is unable to continue with the purchase of the property. Attached the confirmation e-mail. Annexure "D" . |

The purpose of this submission is to inform Council of the cancellation of the following sale transactions due to non-performance on **02 March 2020** (due date of 21 day notice):

| Erf No | Name of Purchaser | Purchase Price | Date of Sale |
|---------------|--------------------------|-----------------------|---------------------|
| Erf 4916 | Kamenco CC | N\$ 450 500.00 | 06 Aug 2019 |
| Erf 4931 | Mr T T E Hamukwaya | N\$ 408 945.00 | 06 Aug 2019 |
| Erf 4935 | Mr A M Kambonde | N\$ 672 000.00 | 06 Aug 2019 |

The erven are located in Extension 14, Swakopmund and was allocated on the basis of next qualifying bidder in line. The erven forms part of the sale of **14 December 2018**.

In terms of **Annexure "B"** of the signed agreement, the transactions are accordingly cancelled.

2. **Relevant Council Resolution**

On **31 January 2019** Council resolved that all cancellations be submitted to the Management Committee. Point (b) of Item 11.1.3 is quoted:

(d) That, in future, all close bid auction cancellations be submitted to Council for approval.

The decision was clarified by Council on **25 April 2019** under item 11.1.3 to read that cancellations by Council (the seller) be submitted for approval.

3. **Allocation of Erf 4916, 4931 and 4935 Extension 14, Swakopmund**

Erf 4916, 4931 and 4935 Extension 14, Swakopmund were offered to the next qualifying bidders after the previous successful bidders did not perform.

The public was assured that next qualifying bidders will be considered for allocation immediately after the final due date for payment lapses.

All bidders for each erf were listed according to the bid amounts and are therefore eligible for consideration in cases where the initial purchaser did not perform in terms of the conditions of sale. The allocation of erven to the next qualifying bidders is also a condition of the sale document.

4. **Current Status of the Sale held on 14 December 2018**

The current status of the sale of 43 erven sold:

| | | |
|-----------|---|---|
| 43 | : | <i>total erven offered for sale</i> |
| 31 | : | <i>transferred</i> |
| 01 | : | <i>Paid Purchase Price, but not yet transferred</i> |
| 06 | : | <i>Second Allocations with various due dates: 16/03; 27/03; 26/06; 31/07.</i> |
| 01 | : | <i>Bank Guarantee in place</i> |
| 01 | : | <i>No Second Allocation and was sold at sale of 11 Oct 2019</i> |
| 03 | : | <i>Current Cancellations to be resolved by Council</i> |

5. **Discussion**

The transactions for the Erf 4916, 4931 and Erf 4935, Extension 14, was automatically cancelled upon expiry of the 21 days' notice period, being **02 March 2020**. Therefore in terms of the conditions of sale for the public sale held on **14 December 2018**, the erven will be offered to the next qualifying bidder listed.

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

RECOMMENDED:

- (a) That Council confirms the cancellation of the following erven in Extension 14, Swakopmund in terms of the standard deed of sale on lapsing date of the 21 day notice period, i.e. 02 March 2020:

| <i>Erf No</i> | <i>Name of Purchaser</i> | <i>Purchase Price</i> | <i>Date of Sale</i> |
|-----------------|--------------------------|-----------------------|---------------------|
| <i>Erf 4916</i> | <i>Kamenco CC</i> | <i>N\$ 450 500.00</i> | <i>06 Aug 2019</i> |
| <i>Erf 4931</i> | <i>Mr T E Hamukwaya</i> | <i>N\$ 408 945.00</i> | <i>06 Aug 2019</i> |
| <i>Erf 4935</i> | <i>Mr A M Kambonde</i> | <i>N\$ 672 000.00</i> | <i>06 Aug 2019</i> |

- (b) That Erven 4916, 4931 and 4935, Extension 14, Swakopmund that forms part of the sale of 14 December 2018, be offered to the next qualifying bidders in line.
- (c) That the condition stated by Kamenco CC for the purchase of Erf 4916, Swakopmund not be considered as Council's Conditions of Sale does not allow for the nomination of a purchaser.
-

ANNEXURE "B"

Erf 4916, Swakopmund

Mr Edward Indila telephonically confirmed that he is interested to continue with the transaction should he be allowed to change the purchaser which is an entity to his personal name.

From: Edward Indila [mailto:indilae@gmail.com]
Sent: Tuesday, 19 May 2020 10:05 AM
To: Margaret Sheehama
Cc: Tangi Hamukwaya; amkambonde@gmail.com; Barbara Ramos Viegas; Stephny Bruwer
Subject: Re: Sale of Erven 4916, 4931 & 4935, Extension 14

Yes, I accept.

On Mon, May 18, 2020 at 12:53 PM Margaret Sheehama <msheehama@swkmun.com.na> wrote:

Dear All

The above transaction and our telephone conversation refer.

Kindly indicate in writing whether you are interested to proceed the purchase of the erf allocated to you.

Your confirmation is required in order to report it to Council for them to take a decision whether to extend the payment period or not.

Please take note that should Council consider to extend the payment period, interest will be charged back dated from the date of sale excluding the lockdown period.

Kind Regard



Margaret Sheehama

Property Officer | Corporate Services & Human
 Capital
 Municipality Swakopmund

cnr Rakotoka Street & Daniel Kamho Avenue | Swakopmund | Erongo
 Office: +264 64 410 4213 | Email: msheehama@swkmun.com.na

Website: www.swkmun.com.na

Thank you for considering the environmental impact of printing emails



SYMPTOMS AWARE



DISINFECTANT



KEEP CLEAN



AVOID

ANNEXURE "C"

Erf 4931, Swakopmund

From: Tangi Hamukwaya [mailto:tangi.hamukwaya@gmail.com]
Sent: Monday, 18 May 2020 12:34 PM
To: Margaret Sheehama
Subject: Fwd: Swoping of Erf 4931, Ext 14 Mile 4 and Erf 8976 Matutura

Kindly receive our conversation with regard to withdrawing from Mile Four Plot. we appreciate the time spend in helping our family, yet we look forward to a good relationship and future residing in Swakopmund municipality respectively.

ANNEXURE "D"

Erf 4935, Swakopmund

From: Andreas Kambonde [mailto:amkambonde@gmail.com]
Sent: Monday, 18 May 2020 03:07 PM
To: Margaret Sheehama
Subject: Re: Sale of Erven 4916, 4931 & 4935, Extension 14

Good day,

Due to financial constraints, I am not able continue with the purchase of the property

Thank you.

On Mon, 18 May 2020, 12:53 Margaret Sheehama <msheehama@swkmun.com.na> wrote:
Dear All

The above transaction and our telephone conversation refer.

Kindly indicate in writing whether you are interested to proceed the purchase of the erf allocated to you.

Your confirmation is required in order to report it to Council for them to take a decision whether to extend the payment period or not.

Please take note that should Council consider to extend the payment period, interest will be charged back dated from the date of sale excluding the lockdown period.

Kind Regard

Margaret Sheehama

Property Officer | Corporate Services & Human
Capital
Municipality Swakopmund

cnr Rakotoka Street & Daniel Kamho Avenue | Swakopmund | Erongo
Office: +264 64 410 4213 | Email: msheehama@swkmun.com.na

Website: www.swkmun.com.na

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11.1.6

REQUEST FOR TRANSFER OF FUNDS FOR THE SUPPLY AND DELIVERY OF A HEAVY DUTY SOD CUTTER AND HEAVY DUTY SLASHER

(C/M 2020/06/25 - 3/1/1/1/1)

Ordinary Management Meeting of 11 June 2020, Addendum 8.2 page 05 refers.

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

This purpose of this submission is to seek Council's permission to transfer funds from Vote 104532830800 (2x New walk behind Heavy duty mowers) to votes New Sod Cutter (104532831100) and New Slasher (104532830900).

Background and Discussion

Council made budgetary provision of **N\$80 000.00** for the supply and delivery of a heavy duty sod cutter as well as a heavy duty slasher respectively during 2019/2020 financial year. Similarly, a budgetary provision of **N\$120 000.00** was made available for the supply and delivery of two mower machines.

During the procurement of these items it turned out that an additional amount of **N\$10 930.89** is needed for the supply and delivery of the sod cutter while an additional amount of **N\$1 600.00** is needed for the purchasing of a slasher. However for supply and delivery of the mower machines there is a surplus of **N\$44 100.00**.

Proposal

Considering the fact that the financial year is drawing to a close it is therefore opportune that the additional funds needed to purchase the sod cutter and slasher be obtained from vote 104532830800 (2x New walk behind Heavy duty mowers).

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

- (a) That Council authorizes the transfer of **N\$10 930.89** from vote 104532830800 (2x New Walk Behind Heavy Duty Mowers) where **N\$120 000.00** was budgeted to the New Sod Cutter Vote: 104532831100.
 - (b) That Council authorizes the transfer of **N\$1 600.00** from Vote: 104532830800 (2x New walk behind Heavy duty mowers) where **N\$120 000.00** was budgeted to the New Slasher Vote: 104532830900.
-

11.1.7 **TRANSFER OF THE RIGHT AND SUBLEASE: HANGARS 56 AND 64**
(C/M 2020/06/25 - Hangars 56, 64))

Ordinary Management Meeting of 11 June 2020, Addendum 8.3 page 06 refers.

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

1. **Introduction**

On **01 December 2016** Council entered into a lease agreement with Quatro Investments Forty Three Close Corporation for Hangars 56 & 64 at the Swakopmund Aerodrome.

The attached letter dated **10 March 2020** was received from Quatro Investments Forty Three Close Corporation (**Annexure "A"**) requesting Council's approval for the transfer of the right to the hangars to a new lessee, being Starex Consultants (Pty) Ltd. The reason for their application is that Starex Consultants (Pty) Ltd will buy the two hangars constructed on the lease sites from Quatro Investments Forty Three CC, which close corporation will then lease the hangars from Starex Consultants (Pty) Ltd.

2. **Transfer of Right**

The lease agreement entered into between Council and Quatro Investments Forty Three Close Corporation, in terms of clause 7.3, provides that:

7.3 Notwithstanding the provisions of the preceding sub-clauses, the LESSEE shall be entitled (as far as same is possible in law and without representing to the LESSEE, alternatively his or its successor-in-title that the LESSEE or his or its successor-in-title shall acquire any proprietary rights in and to the improvements) to alienate and cede his rights, title and interest in and to any improvements at the PREMISES to any successor-in-title (and thus be relieved of the obligation placed upon him in accordance with the provisions of sub-clause 7.2), provided that -

7.3.1 The LESSOR has approved such successor-in-title, which approval will not be withheld unreasonably and

7.3.2 The successor-in-title has entered into a lease agreement with the LESSOR on terms similar to the terms contained herein.

Permission is required from Council before a new lease agreement can be concluded with the new lessee of the two hangars.

3. **Permission to Sub-Lease**

Due to the nature of this application, it is clear that Starex Consultants (Pty) Ltd will require permission to sub-lease to Quatro Investments Forty Three CC. Therefore it would not serve any purpose to allow the cession of rights to the two hangars

without granting permission to the new lessee to sublease the hangars.

Quoted below is clause 6.6 of the standard lease agreement:

“6. The LESSEE shall -

6.6 not sublet the PREMISES, the hangar or any portion or part of the PREMISES or the hangar, nor cede or assign this lease without the prior written consent of the LESSOR, which shall not be unreasonably withheld;”

4. **Discussion**

The General Manager: Corporate Services & Human Capital has no objection to the above mentioned transfer of rights to the existing hangars and the conclusion of a new lease agreement with the successor-in-title based on the standard lease terms for the Swakopmund Aerodrome. The above transfer should however be conditional on the confirmation by the General Manager: Finance that the lease accounts of Hangar 56 and 64 are paid up to date before a new lease agreement is entered into with the new lessee.

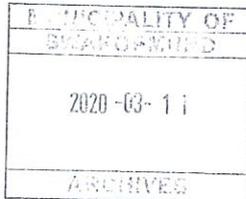
B. **After the matter was considered, the following was:-**

RECOMMENDED:

- (a) That Council approves the transfer of the rights of Hangars 56 & 64 from Quatro Investments Forty Three CC to Starex Consultants (Pty) Ltd, subject to the standard lease conditions for hangars at the aerodrome.
 - (b) That the approval be subject to Quatro Investments Forty Three Close Corporation's lease accounts are up to date.
 - (c) That permission be granted to Starex Consultants (Pty) Ltd to sublease Hangars 56 and 64 to Quatro Investments Forty Three CC.
-

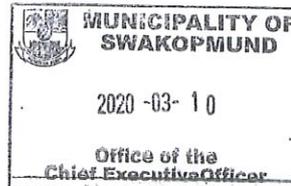
18/1/20

fer

QUATRO INVESTMENTS FORTY THREE CC REG # CC/2014/12856HANGER 56 & 64
P.O. BOX 8124
SWAKOPMUND
NAMIBIA

10 MARCH 2020

To: Chief executive officer
Mr A Benjamim
Email: swkmun@swkmun.com.na

**RE: TRANSFER OF NAME ON HANGAR 56 & 64**

We in our capacity as Quatro Investments Forty Three Close Corporation hereby request the name of the above mentioned hangars to be changed to:

Starex Consultants (Pty) Ltd P.O Box 40344, Ausspannplatz, Windhoek.

Quatro will still be the responsible financier in regard to all payments regarding hangars.

Reason for this change of name is Starex is buying the hangars from Quatro and we are renting it back again.

We ask that the deposit that was paid by Quatro not be waived but stay in place as we will still be paying all levies, water consumption and electrical bills on said hangars.

Please feel free to contact me if you require anymore information.

A copy of this letter will be delivered to your offices today.

Kind regards

Nicole Roos
Accountable Manager
Quatro Investments

Annexure "B"



x3311.m

11.1.8 **CORRUPTION RISK ASSESSMENT (CRA) REPORT:**
MUNICIPALITY OF SWAKOPMUND
 (C/M 2020/06/25 - 11/2/5/4)

Ordinary Management Meeting of 11 June 2020, Addendum 8.4 page 09 refers.

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

1. Introduction

Councillors and the Management of the Swakopmund Municipality attended a Corruption Risk Assessment workshop on **5, 6, 11, 12 February 2020**.

The following members of the Municipality of Swakopmund attended the workshop:

- Councillor Nehemiah Salomon : Mayor
- Councillor Assertha March : Deputy Mayor
- Councillor Erkki Shitana : Chairperson: Management Committee
- Councillor Kleophas Ngwena Jason : Councillor
- Councillor Pauline Nashilundo : Councillor
- Councillor Jonas Andreas : Councillor
- Mr. Alfeus Benjamin : Chief Executive Officer
- Mr. Marco Swarts : General Manager: Corporate Services & Human Capital
- Mr. Clarence McClune : General Manager: Engineering & Planning Services
- Mr. Hellao Naruseb : General Manager: Finance
- Mr. Clive Lawrence : General Manager: Health Services
- Mrs. Marinda Bahr : Manager: Human Capital
- Mr. André Plaatjie : Manager: Corporate Services
- Mr. Vilho Kaulinge : Manager: Economic Development
- Mr. Melvin Cloete : Manager: Emergency
- Mr. Tomas Shindume : Senior Traffic Officer
- Mr. Romey Cloete : Manager: Projects
- Mr. Johannes Heita : Manager: Town Planning
- Mr. Alden Strauss : Manager: Works
- Ms Gaudencia Mukena : Manager: Finance
- Ms. Lydia Mutenda : Manager: Health
- Mr. Hofney Kanandjembo : Head: Procurement

2. Discussion

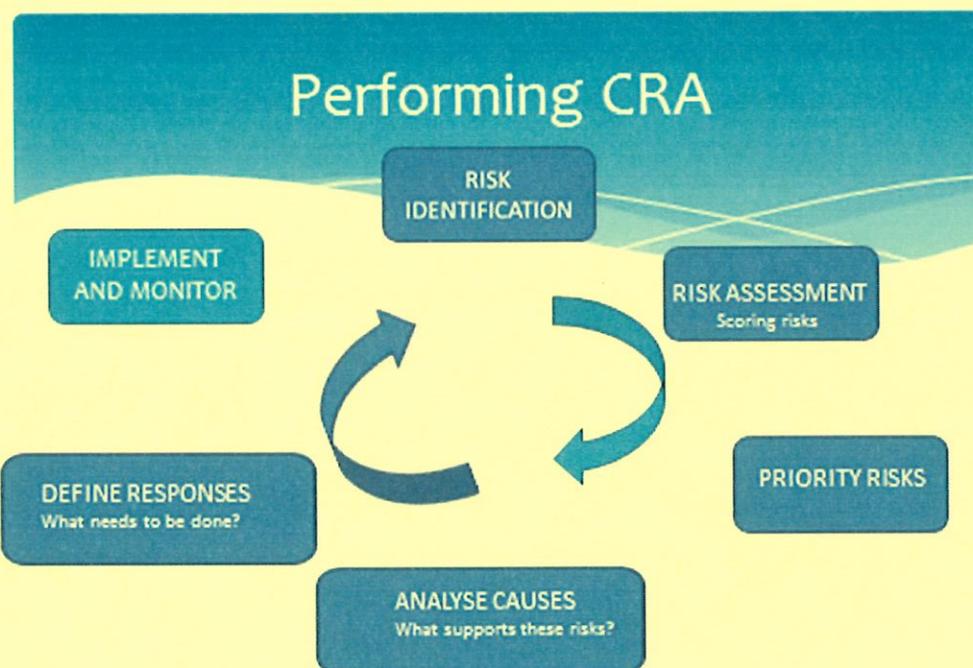
The workshop commenced with the participants being requested to think like a thief and indicate how they will steal from the Municipality of Swakopmund or engage into corrupt practices at their institution. The following were pasted onto the wall:

Table 1: "Think like a thief" contributions

| No | Contribution |
|-----------|--|
| 1 | Stealing stationary by putting it in a bag after hours. No security check. |
| 2 | Making unauthorized personal copies. |
| 3 | Make personal phone calls on the account of the Municipality. |
| 4 | Do not complete tasks in time. |

| | |
|-----|---|
| 4 | Adjust the service account with credit balances and refunds. |
| 6 | Abuse the mayoral vehicle by making private trips with the car. |
| 7 | Accept gifts from others as the mayor of the town. |
| 8 | Collect fuel receipts from the service stations and claim a refund from the Municipality indicating that I fueled the official vehicle with my own funds. |
| 9 | Taking water without permission when it was cut (illegal water reconnection) |
| 7 | Claiming overtime by keeping myself busy beyond working hours unnecessarily. |
| 7 | Stealing fuel from the Municipality by using a jerry can. |
| 7 | Absence from the work for excessive hours. |
| 7 | Ask a colleague from another local authority to invite you to an event in order to claim S&T allowance. |
| 7 | Give tender cost estimates to my family to win a tender. |
| 7 | Sell land to friends |
| 16. | Using work time and equipment for study assignments |
| 17. | Procuring tools on the Small Value Procurement and conspire with the supplier |
| 18. | Acquire labour services from my friend via Small Value Procurement. |

The “Think like a thief” activity made participants aware of the numerous ways that one can engage into corruption and therefore to risks that may exist within their institution (processes, procedures as well as within their daily activities). After “Think like a thief” activity participants were introduced to the concept of Corruption Risk Assessment (CRA) as per the picture of the process below. It was also explained how CRA is linked with Strategic Objective 2 of the National Anti-Corruption Strategy and the various elements thereof. Special emphasis was placed on the importance and the benefits of risks assessment.



3. Integrity Committee

Before the election of the Integrity Committee the participants were briefed on the functions of the Committee and importance of the Chief Executive Officer

as the change agents (drivers) of the implementation of the mitigation plan was highlighted. The participants agreed for the Chief Executive Officer to appoint the members. The following names were received from the Chief Executive Officer:

- Councillor Nehemiah Salomon : His Worship the Mayor
- Councillor Erkki Shitana : Chairperson of Management Committee
- Mr Alfeus Benjamin : Chief Executive Officer
- Mr Marco Swarts : GM : Corporate Services & Human Capital
- Mr Hellao !Naruseb : GM : Finance
- Mr Clive Lawrence : GM : Health Services & Solid Waste Management
- Ms Marinda Bahr : Manager : Human Resources
- Ms Lydia Mutenda : Manager : Health Services
- Ms Romei Cloete : Manager : Projects

4. CONCLUSION

All management cadre members actively participated in the workshop although some were absent for some time due to urgent and important official engagements. The participation of the Mayor, Deputy Mayor and other Councillors contributed to the mitigation plan being a reflection of the deliberation of both parties (politicians and administrators) of the institution.

It is therefore:

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

RECOMMENDED:

- (a) That the Corruption Risk Assessment report for the Swakopmund Municipality, be noted.
- (b) That the Integrity Committee consisting of the following members be approved:

- Councillor Nehemiah Salomon : His Worship the Mayor
 - Councillor A M Marsh : Deputy Mayor as alternate to the Mayor
 - Councillor Erkki Shitana : Chairperson of MC
 - Mr Alfeus Benjamin : Chief Executive Officer
 - Mr Marco Swarts : GM: Corporate Services & HC
 - Mr Hellao !Naruseb : GM: Finance
 - Mr Clive Lawrence : GM: Health Services & SWM
 - Ms Marinda Bahr : Manager: Human Capital
 - Ms Lydia Mutenda : Manager: Health Services
 - Ms Romei Cloete : Manager: Projects
-

**CORRUPTION RISK ASSESSMENT (CRA)
REPORT
MUNICIPALITY OF SWAKOPMUND**



**VENUE: MUNICIPALITY OF SWAKOPMUND
TRAINING ROOM
DATE: 5, 6, 11, 12 FEBRUARY 2020**

11.1.9

UPDATE THE ROAD UPGRADING PROGRAMME

(C/M 2020/06/25 - N8/15/5)

Ordinary Management Meeting of 11 June 2020, Addendum **10.2** page **05** refers.

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

1. Purpose

The purpose of this submission is to inform the Management Committee on the progress made to date on the road upgrading and surfacing program as well as present a program for the next financial years.

2. Introduction

Swakopmund has an extensive road network consisting of ±90km of surfaced roads and ±158km of unsurfaced (gravel or dirt) roads. The cost of maintaining the unsurfaced road network places a heavy financial burden on the Municipality. Unsurfaced roads require regular grading and replacement of the gravel (a non-renewable resource) which is lost by erosion and traffic wear.

The rate of gravel loss will be more distinct at higher traffic volumes whereas the local environmental conditions will have a greater impact at low traffic volumes. Streets specifically surrounding schools will be considered as high priority as regular maintenance is carried out along these streets. These streets are also prone to traffic hazards and proper traffic calming devices will be introduced to improve pedestrian safety.

To ensure the Municipality has a durable road network it is of utmost importance that the existing underground infrastructure be upgraded in conjunction with the road works. This will ensure that no breakage or damage occur after the new road works have been completed.

3. History of Street Programme

The following street upgrades were completed as summarised in Table 1.

Table 1: History of Street Programme

| Street Name | Year Upgraded |
|--------------------------------|----------------------|
| <i>Festus Gonteb Street</i> | 2015 |
| <i>Ericka Tsuses</i> | 2015 |
| <i>OB Street</i> | 2015 |
| <i>Mondelani Street</i> | 2015 |
| <i>Tantalite Street</i> | 2016 |
| <i>Tin Street</i> | 2016 |
| <i>Garnet Street</i> | 2016 |
| <i>Ugab Street</i> | 2018 |
| <i>Riesle Street</i> | 2018 |
| <i>Schlukwerder Street</i> | 2018 |
| <i>Scultetus Street</i> | 2018 |
| <i>Schwester Frieda Street</i> | 2018 |
| <i>Diamond Street</i> | 2018 |

4. Cost Implication for Different Types of Road Surfaces

A comparison of the different road surfaces is presented in Table 2, which also highlights the **pros and cons** for each road surface.

Table 2: Comparison of Different Road Surfaces

| Factors | Bituminous Roads (Tar Roads) | Interlock Roads |
|-----------------------------|---|--|
| Cost Comparison | N\$ 3.6 Million per kilometer | N\$ 3.5 Million per kilometer |
| Design | Designed for at least 10-20 years with minimal maintenance. | Designed for at least 20-30 years with minimal maintenance. |
| Maintenance | High maintenance cost | Low maintenance cost |
| Construction | Can only be done by specialized equipment and experienced contractors. | Can be done by skilled contractors and no specialized equipment needed. |
| Strength | Good riding quality, low noise pollution. Good carrier of storm water drainage. | Good riding quality, high noise pollution. Not vulnerable to petroleum spillage. |
| Weakness | Directly linked to the price of oil | Directly link to the price of cement |
| Supervision required | Qualified and trained personnel required | Qualified and trained personnel required |

Tables 3 and 4 provide a summary on the estimates used to calculate the cost for each road surface.

Table 3: Cost Estimate for Concrete Block Pavers (Interlocks)

| Activities | N\$/km |
|---|---------------------|
| Interlocking | 1 684 145.62 |
| Subbase | 829 165.33 |
| Earth works (Cut & Fill) | 411 282.09 |
| Kerbs | 330 000.00 |
| Ancillary works (Traffic signs, traffic | 60 000.00 |
| TOTAL | 3 584 593.04 |

Table 4: Cost Estimate for Bituminous Surfacing

| Activities | N\$/km |
|---|---------------------|
| 19mm Cape | 961 007.13 |
| Base Layer | 1 024 184.49 |
| Subbase | 829 165.33 |
| Earth works (Cut & Fill) | 411 282.09 |
| Kerbs | 330 000.00 |
| Ancillary works (Traffic signs, traffic | 60 000.00 |
| TOTAL | 3 615 639.04 |

5. Streets to be Upgraded in Financial Year 2020/2021

At the Council Meeting of 28 May 2020, the 2020/2021 capital and operational budget was approved by Council. The Capital budget amounts to a total of N\$ 196 178 500.00 of which N\$ 40 000 000.00 is allocated to our streets programme. The Streets programme involves the resurfacing of our gravel and surfaced roads as well as the construction of new road networks or the upgrading of existing road networks.

The roads or streets that have been earmarked and planned for upgrading in the 2020/2021 financial year is Mossie Laan in Tamariskia as well as the extension of the Rakotoka Road which is connecting Mondesa and Tamariskia.

Mossie Lane and Rakotoka Road surround schools and carry high volumes of vehicle and pedestrian traffic. The mix volumes of traffic can result in potential increase of accidents around schools. These streets require regular maintenance especially during rainy or wet seasons. The upgrading will increase visibility for pedestrians and allow for proper pedestrian crossings at road intersections.

In addition, a portion of the existing Rakotoka Road needs to be upgraded and extended from the intersection of Mandume Ya Ndemufayo Street to Dr. Schwietering to provide a continuous transport route.

Figure 1 presents locality map of Mossie Lane and Rakotoka Street.

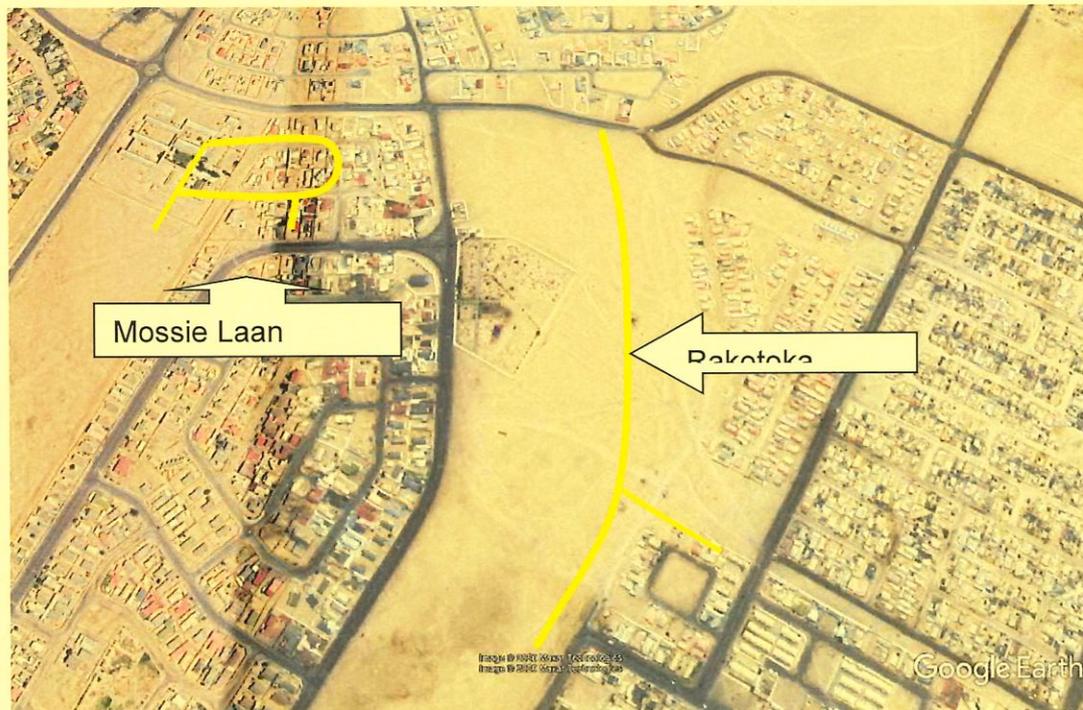


Figure 1: Locality Map of Mossie Laan & Rakotoka Street

The cost estimates for both streets were based on the required roadworks, water, sewer and electrical infrastructure upgrades. The upgrades along Rakotoka Street will be notably higher as this will be a dual carriage way with a high electrical infrastructure upgrade cost. Table 5 presents the cost estimates for the two road upgrades.

Table 5: Cost Estimates for Mossie Lane & Rakotoka Street

| Street Name | Estimated Cost for Pavers | Estimated Cost for Bitumen Surfacing | Duration |
|-----------------|---------------------------|--------------------------------------|-----------|
| Mossie Lane | N\$ 5.6 Million | N\$ 6.1 Million | 6 Months |
| Rakotoka Street | N\$ 22 Million | N\$ 25 Million | 12 Months |

The civil designs for both streets have been completed as well as the bidding requirements and drawings. Messrs Erongo RED have been requested to assist in the design and specifications for the street lights and once this information have been received the bid document can be fully completed and advertised for public participation.

It is scheduled that the bidding process to commence at latest the end of June 2020. The construction period for Mossie Street is estimated to be at least 6 Months and Rakotoka Street is estimated to take at least 12 Months.

6. Planned Streets

These unsurfaced roads surround schools and carry high volumes of vehicle and pedestrian traffic and therefore regular maintenance. Unsurfaced roads require regular blading and shaping by a motor grader as well as periodic re-gravelling to replace lost material in order to keep them in a good condition.

The main cost involved with these activities are obtaining suitable gravel, transporting it from a borrow pit to the road and the operating cost of the plant required to spread and compact it such as a motor grader, water tanker and compactor roller.

Our cost estimates are based primarily on the upgrading the road surface, with minimal upgrade or amendments for other municipal services such as water and sewer infrastructure. These services are in a desperate need of upgrading as some of these services are beyond their expected design life time.

It is important to note that to upgrade these services it would require that the Municipality commit in establishing a Master Plan for the water and sewer infrastructure to quantify the cost implication.

During various in-loco inspections and recorded observations a number streets been identified that require improvement in the form of upgrading riding quality, improve safety and to establish a proper stormwater drainage. The streets listed below have been selected due to the role that they play in the overall transportation network of the town.

- Otavi Street
- Luderitz Street
- Theo Ben Gurirab Street
- Nesser Street
- Omeg Street
- Augustinus Garoeb Street
- Tiras Street & Airport Road

- Regenstein Street
- Anton Lubowski Street & Libertina Amathila Avenue
- Ondjamba Street

6.1. Otavi Street, Luderitz Street and Theo-Ben Gurirab Street

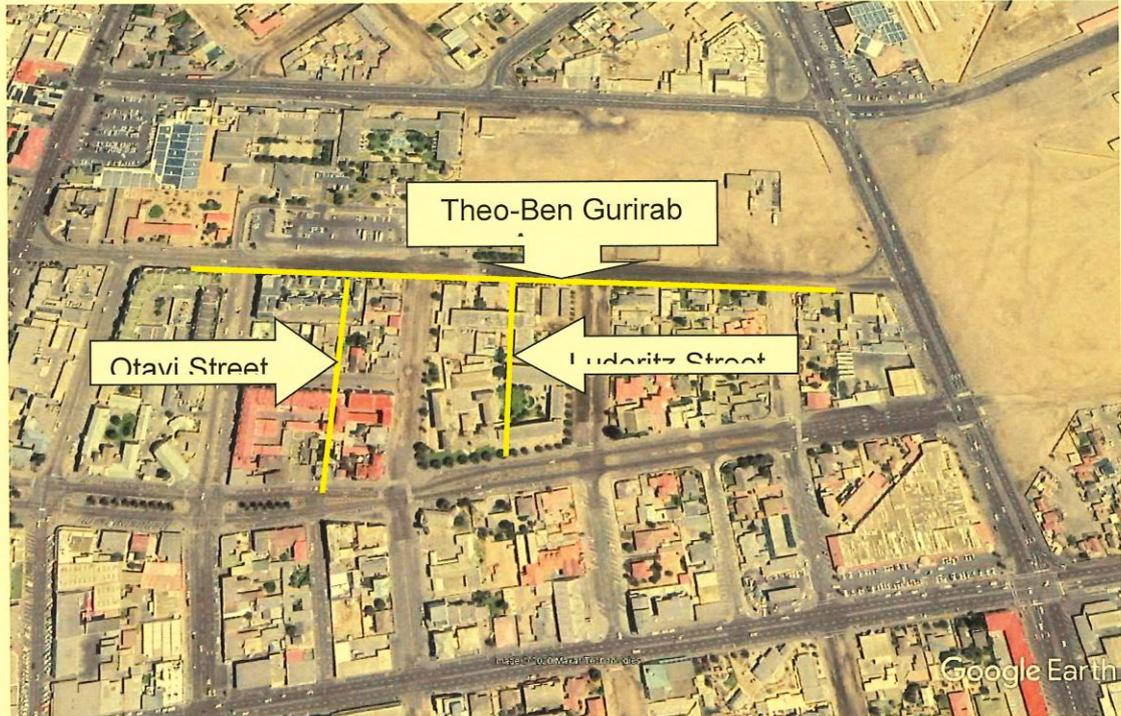


Figure 2: Locality Plan of Otavi Street, Luderitz Street & Theo-Ben Gurirab Avenue

The Otavi, Luderitz and Theo-Ben Gurirab Streets are gravel streets that are surrounding the Namib High School. The cost estimates for the streets were based on the required roadworks and exclude water, sewer and electrical infrastructure upgrades.

It should be noted that these streets are grouped together and should form part as complete road upgrade reason being that they join/intersect each other.

Table 6 presents the cost estimates for the three road upgrades.

Table 6: Cost Estimates for Theo-Ben Gurirab Avenue, Otavi Street & Luderitz Street

| Street Name | Estimate Cost for Pavers | Estimated Cost for Bitumen Surfacing | Duration |
|-------------------------|--------------------------|--------------------------------------|----------|
| Theo-Ben Gurirab Avenue | N\$ 6.5 Million | N\$ 8.2 Million | 3 Months |
| Otavi Street | N\$ 4.0 Million | N\$ 4.7 Million | 1 Month |
| Luderitz Street | N\$ 4.0 Million | N\$ 4.7 Million | 1 Month |

6.2. Nesser Street



Figure 3: Locality Plan of Nesser Street

Nesser street is a gravel road that is located in front of the Swakopmund Secondary School. The cost estimates for the street were based on the required roadwork and exclude water, sewer and electrical infrastructure upgrades. Table 7 presents the cost estimates for the road upgrade.

Table 7: Cost Estimate for Nesser Street

| Street Name | Estimated Cost for Pavers | Estimated Cost for Bitumen Surfacing | Duration |
|---------------|---------------------------|--------------------------------------|----------|
| Nesser Street | N\$ 4.8 Million | N\$ 5.7 Million | 1 Months |

6.3. Omeg Street



Figure 4: Locality Plan of Omeg Street

Omeg is located in the Vineta Suburb, that connects Smaragd street, Franke street, Maritz Street and Kunast Street to Aldridge Street. The cost estimates for the street were based on the required roadwork and exclude water, sewer and electrical infrastructure upgrades. Table 8 presents the cost estimates for the road upgrade.

Table 8: Cost Estimate for Omeg Street

| Street Name | Estimated Cost for Pavers | Estimated Cost for Bitumen Surfacing | Duration |
|-------------|---------------------------|--------------------------------------|----------|
| Omeg Street | N\$ 8.6 Million | N\$ 11.2 Million | 3 Months |

6.4. Augustinus Garoeb Street



Figure 5: Locality Plan of Augustinus Garoeb Street

Augustinus Garoeb Street is located in Mondsda which connects Mandume Ya Ndemufayo Street with August Nangolo Street as well as this road is serving the Khomas Medic clinic, Multi-purpose Centre and Constituency Office. The cost estimates for the street was based on the required roadwork and excludes water, sewer and electrical infrastructure upgrades.

Table 9 presents the cost estimates for the road upgrade

Table 9: Cost Estimate for Augustinus Garoeb Street

| Street Name | Estimated Cost for Pavers | Estimated Cost for Bitumen Surfacing | Duration |
|--------------------------|---------------------------|--------------------------------------|----------|
| Augustinus Garoeb Street | N\$ 8.3 Million | N\$ 9.6 Million | 2 Months |

6.5. Tiras Street & Airport Road

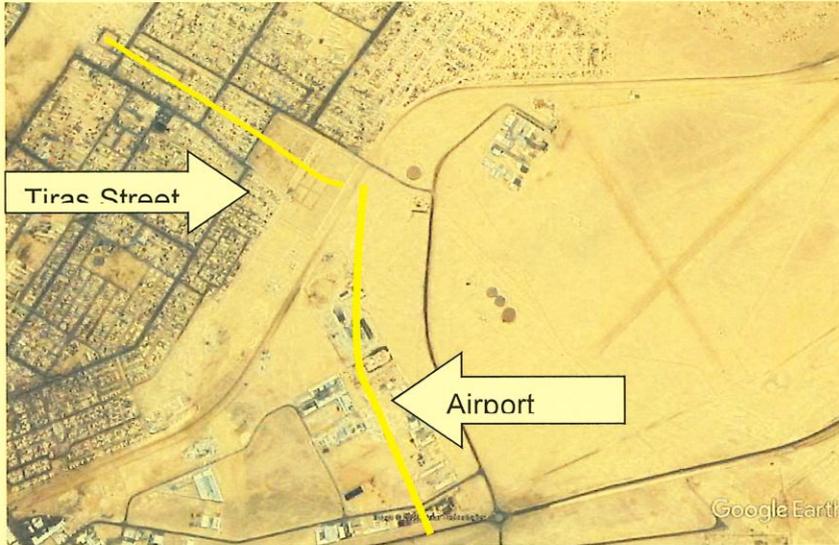


Figure 6: Locality Plan of Airport Road & !Tiras Street

The Airport road and !Tiras Street are a combine street that serves as the link road for travellers from the B2 into the Mondesa suburb. The cost estimates for the streets were based on the required roadwork and exclude water, sewer and electrical infrastructure upgrades. Table 10 presents the cost estimates for the road upgrade

Table 10: Cost Estimate for !Tiras Street & Airport Road

| Street Name | Estimated Cost for Pavers | Estimated Cost for Bitumen Surfacing | Duration |
|---------------|---------------------------|--------------------------------------|----------|
| Airport Road | N\$ 15.2 Million | N\$ 19.6 Million | 6 Months |
| !Tiras Street | N\$ 16.4 Million | N\$ 20.4 Million | 7 Months |

6.6. Regenstein Street

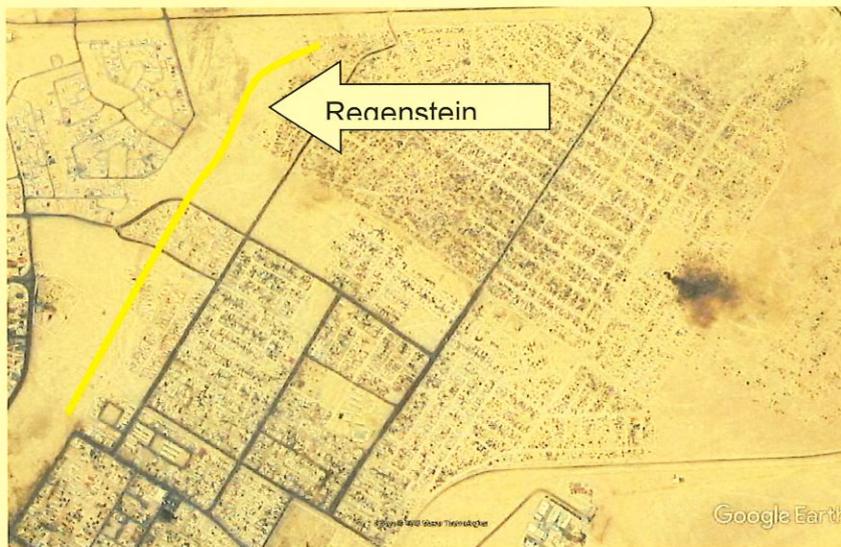


Figure 7: Locality Plan of Regenstein Street

Regenstein Street is a street that connects the Mondesa suburb with the new Matutura suburb. The cost estimates for the street was based on the required roadwork and excludes water, sewer and electrical infrastructure upgrades. Table 11 presents the cost estimates for the road upgrade

Table 11: Cost Estimate for Regenstein Street

| Street Name | Estimated Cost for Pavers | Estimated Cost for Bitumen Surfacing | Duration |
|-------------------|---------------------------|--------------------------------------|----------|
| Regenstein Street | N\$ 19.6 Million | N\$ 24.9 Million | 9 Months |

6.7.

Anton Lubowski Street & Libertina Amathila Avenue

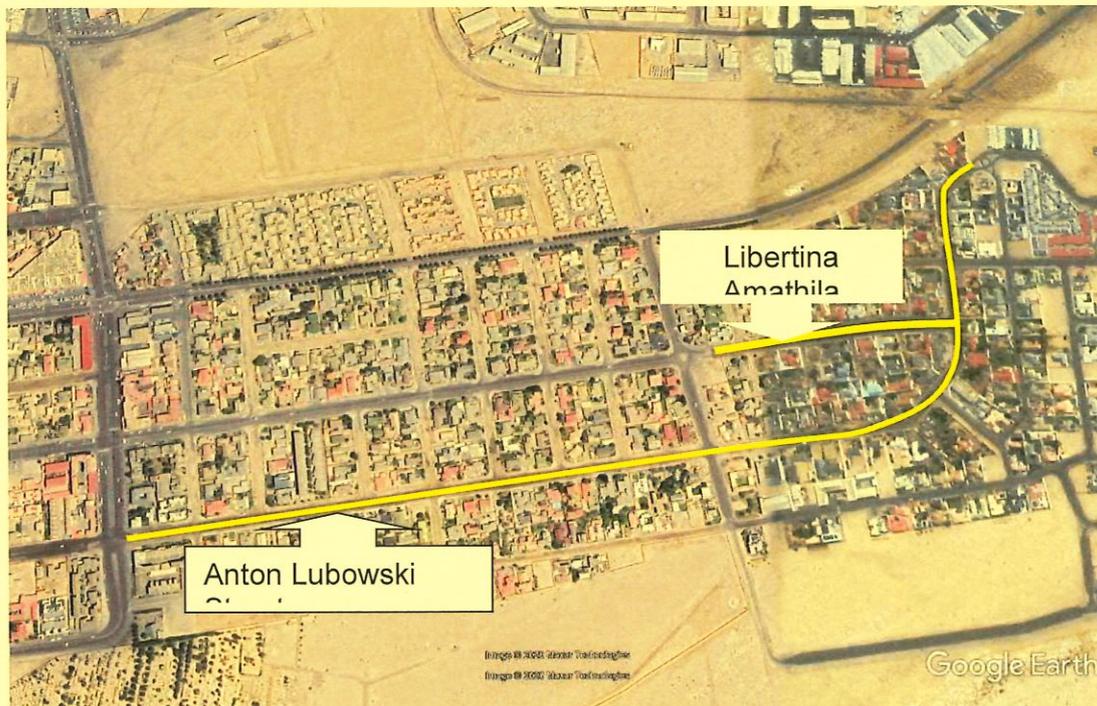


Figure 8: Locality Plan of Anton Lubowski Street & Libertina Amathila Avenue

Anton Lubowski and Libertina Amathila Avenue are located in the Kramersdorf suburb. The cost estimates for the streets were based on the required roadwork and exclude water, sewer and electrical infrastructure upgrades. Table 12 presents the cost estimates for the road upgrade.

Table 12: Cost Estimate for Anton Lubowski Street & Libertina Amathila Avenue

| Street Name | Estimated Cost for Pavers | Estimated Cost for Bitumen Surfacing | Duration |
|---------------------------|---------------------------|--------------------------------------|----------|
| Anton Lubowski Street | N\$ 28.6 Million | N\$ 33.3 Million | 8 Months |
| Libertine Amathila Avenue | N\$ 4.9 Million | N\$ 6.1 Million | 2 Months |

7. Ondjamba Street Phase planning:

Ondjamba Street is the main link street between the Mondesa suburb and the DRC proper. The cost estimates were based on the required roadwork and exclude water, sewer and electrical infrastructure upgrades. Cost for the existing water and sewer upgrade can only be

determine once the Sewer and Water Master Plans are available. Table 4 presents the cost estimates for the road upgrade.

The cost estimates for Phase 2 were based on the required roadwork and exclude water, sewer and electrical infrastructure upgrades. Although sewer and water infrastructure were installed along this section the quality and durability of these services cannot be guaranteed. Therefore a complete investigation is needed to determine the quality of existing infrastructure to be able to quantify the cost. Table 5 presents the cost estimates for the road upgrade.

Table 13: Cost Estimate for Ondjamba Street

| Street Name | Estimated Cost for Pavers | Estimated Cost for Bitumen Surfacing | Duration |
|-------------|---------------------------|--------------------------------------|----------|
| Phase 1 | N\$ 7.1 Million | N\$ 8.5 Million | 3 Months |
| Phase 2 | N\$ 10. Million | N\$ 12. Million | 3 Months |

7.1 Ondjamba Street (Phase 2)

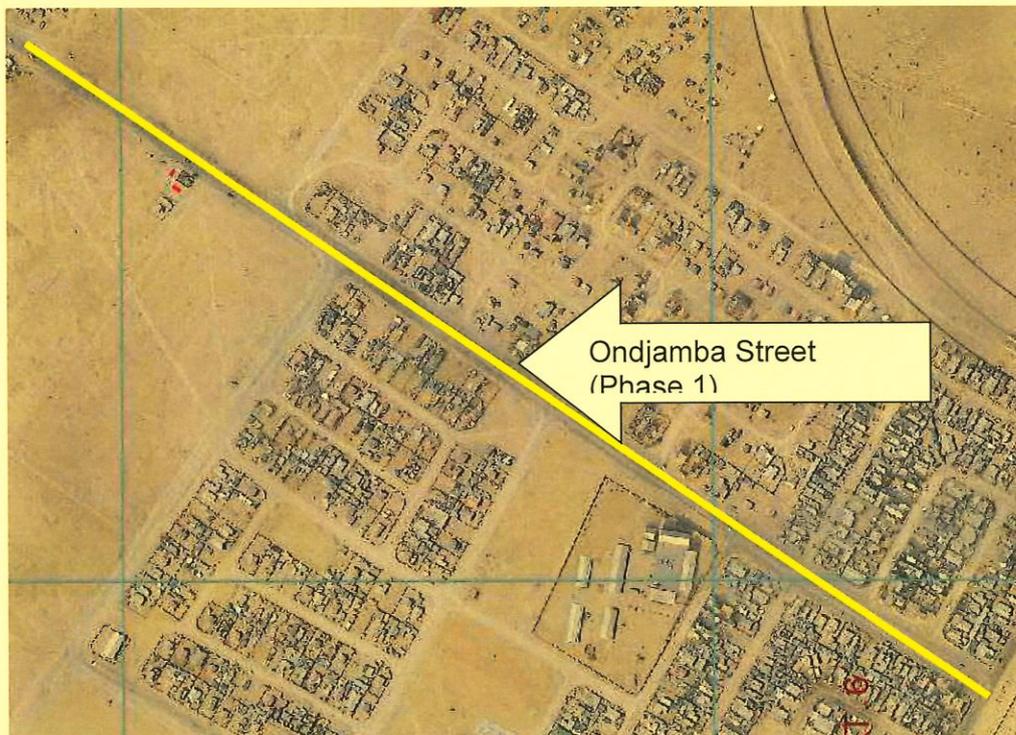


Figure 9: Locality Plan of Ondjamba Street (Phase 1)

7.2 Ondjamba Street (Phase 2)

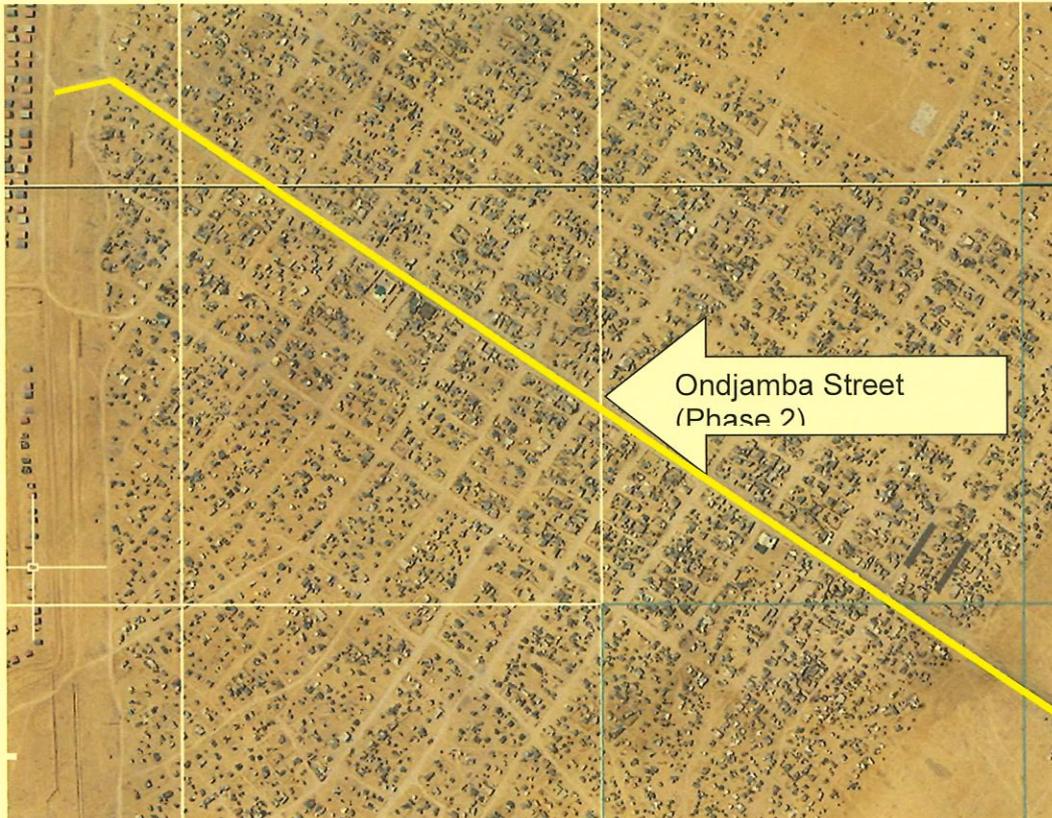


Figure 10: Locality Plan of Ondjamba Street (Phase 2)

8. Summary of Construction Cost

Figure 9 provides a summary of the estimated construction cost for the planned street upgrades.

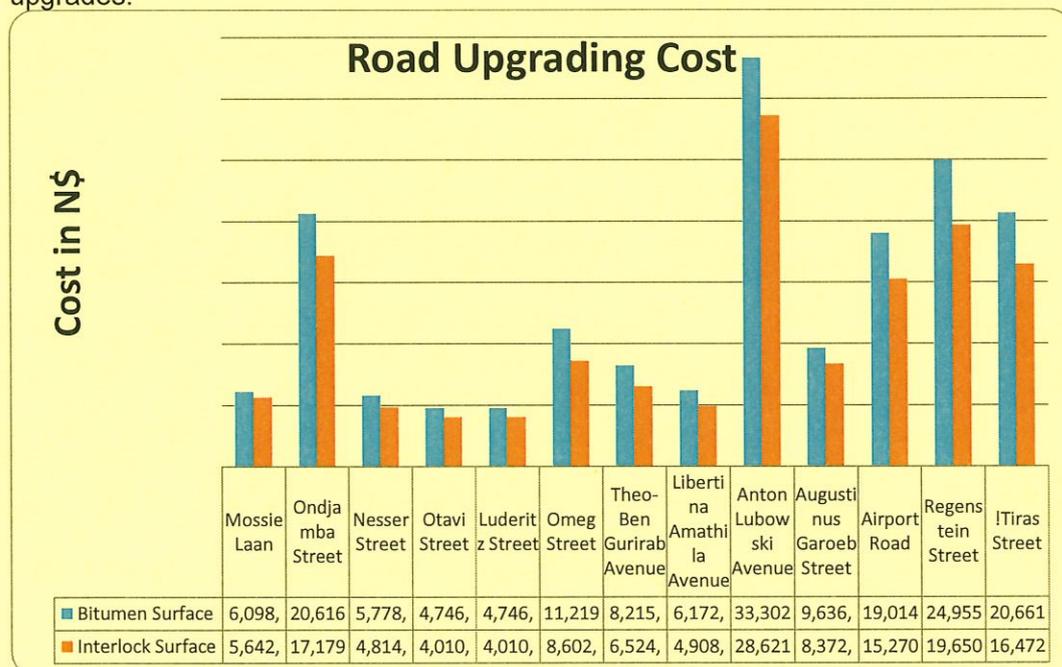


Figure 11: Estimated Construction Costs for the Planned Street Upgrades

9. Conclusion

The information shared in this report, can be considered as a brief overview of the programme's status with relation to actual work done to date and what is proposed to be addressed in years to come. It can be noted that the road programme does carry an intense financial implication on Council's annual budget, but unfortunately due to the condition of the existing street and roads, it is a reality that one needs to face. It is also why under the 2020/2021 financial year budget, a master plan programme for our entire civil infrastructure which is water, sewer, transportation and stormwater have been proposed. By implementing a master plan programme we will be supplied with accurate data which will allow us to make the correct decisions with regard to the planning of new developments and the compilation of a proper maintenance programme.

However taking into consideration the financial implication of implementing a full scale Master Plan study, the implementation will be phased of a number of years in order to keep the cost manageable.

It is therefore -

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

RECOMMENDED:

- (a) That the streets which surround schools receive higher priority and be considered first for upgrade, but will be done on a phase approach.
 - (b) That all planned street upgrades be accompanied by upgrade of the affected underground services, which will have an additional cost.
 - (c) That the planned street upgrades be surfaced with either concrete block pavers or bitumen surface after taking into consideration the cost comparison between the two products, the availability of material, the classification of the road and the complexity of the work.
 - (d) That the funds be availed to construct the planned streets but over a 3 – 5 financial year period.
 - (e) That Council provide a list of priority streets, in addition to above listed planned street upgrades, to which points (a) to (d) will be applicable.
 - ***Ondjaba Street***
 - ***Shipena Tobias street***
 - ***Libertina Amadhila Street***
-

11.1.10

**ELECTRIFICATION OF EXT. 27 – 30, SWAKOPMUND (DRC PROPER)
AND EXT. 41 – 43 (PTN 161 – 163)**

(C/M 2020/06/25 - 16/2/1/2)

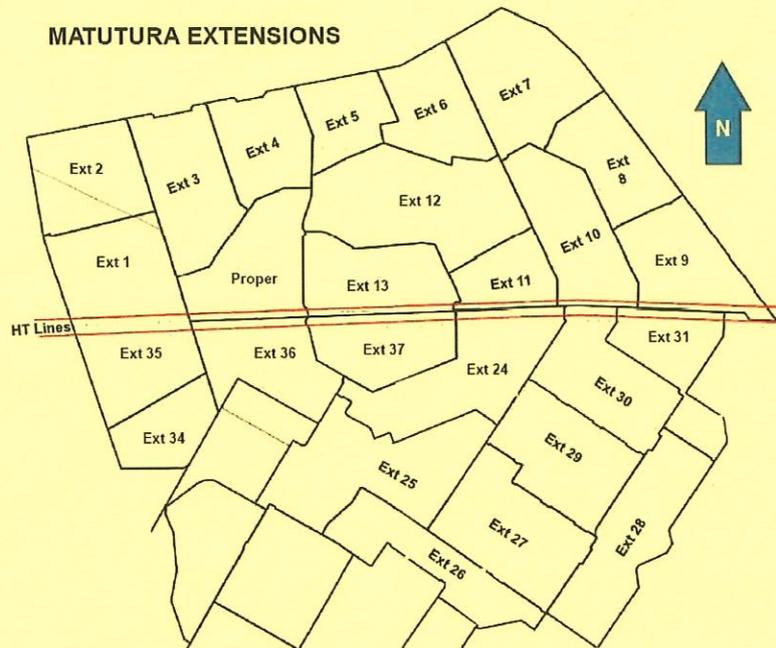
**Ordinary Management Meeting of 11 June 2020, Addendum 10.3
page 18 refers.****A. The following item was submitted to the Management Committee
for consideration:****1. Purpose**

The purpose of this submission is to inform the Management Committee on the progress made to date on the electrical work in Ext. 27-30, Swakopmund (DRC Proper) and Ext. 41 – 43 (PTN 161 – 163) as well as propose the electrification of stands in the DRC.

2. Introduction

In 2015, Council awarded 5 Electrical Contracts to provide electrical services to a total of 13 Extensions in the Matutura, DRC Proper and Swakopmund suburbs. The Contracts was awarded to a value of N\$110 000 000.00. The details of the contract as well as the status in the table below:

| Contract | Description | Contractor | Status |
|-----------------|---|--|---------------|
| T30/2015 | Provision of Electrical Infrastructure to Block 25, Matutura (Ext. 37) | J Nel Electrical and Contracting Services cc | Completed |
| T31/2015 | Provision of Electrical Infrastructure to DRC Proper (Ext. 27, 29, 30, 31) | Cuvelai electric cc | Open |
| T32/2015 | Provision of Electrical Infrastructure to DRC 2 (Ext. 28) | J Nel Electrical and Contracting Services cc | Completed |
| T33/2015 | Provision of Electrical Infrastructure to Blocks 8, 9, 10 & 11, Matutura (Ext. 6-9) | NCEL Contractors cc | Terminated |
| T34/2015 | Provision of Electrical Infrastructure to Blocks 12, 13 & 14, Matutura (Ext. 10-12) | Cuvelai Electric cc | Completed |



3. Progress of Electricity Services in DRC Proper

Out of the 13 Extensions that were targeted to be provided with electrical infrastructure, only a portion of Ext. 31 Swakopmund which is located in DRC Proper, the Portion highlighted in the map below, was not provided with electricity yet. The spread of residential erven that have been provided with electricity is listed in the table below and a total of at least 107 residential erven to be provided with electrical infrastructure.

| Area | Res |
|------------------------------|-------------|
| Ext. 6 | 119 |
| Ext. 7 | 332 |
| Ext. 8 | 227 |
| Ext. 9 | 275 |
| Ext. 10 | 291 |
| Ext. 11 | 151 |
| Ext. 12 | 221 |
| Ext. 27 DRC Proper | 291 |
| Ext. 28 DRC 2 | 253 |
| Ext. 29 DRC Proper | 321 |
| Ext. 30 DRC Proper | 287 |
| Ext. 31 DRC Proper (Portion) | 94 |
| Ext. 37 | 205 |
| TOTAL | 3067 |



The status of the provided infrastructure, is that each erf is provided up to its erf boundary with a supply cable from the nearest electrical kiosk, which means that a person only need to construct a house, then they can be connected to electricity immediately. Refer to **Annexure A**.

In the DRC Proper it can be noted that a total of 899 single residential erven ready to be energised with the services up to the erf boundary and fully paid. Whereas the portion of Ext. 31 (107 single residential erven) will still require the full provision of electrical services. The contractor that was assigned this work had to redirect their efforts to assist in the completion of the Mass Housing sites, namely Ext. 7, 8 & 9, Matutura, because the responsible contractor was not able to complete the work and the Contract was terminated.

At the time that work was scheduled to commence in Ext. 31, the area was fully occupied by informal structures which made it difficult for a contractor to work safely in the area. While the Electrical Contractor was busy in Matutura, the site was cleared and the residents were relocated to PTN 161 – PTN 163.

The cost for electrical services will cost Council at least N\$ 3 500 000.00 and will take at least an estimated construction period of 5 months to be completed.

4. Relocation Area: PTN 161 – PTN 613

Council has embarked and successfully relocated 150 plus households from Extension 31, Swakopmund to PTN 161-163 for the reason to service Extension 31, Swakopmund with water, sewer, road and electrical infrastructure.

During the relocation, PTN 161-163 was allocated temporary sanitation facility (mobile toilets) and domestic water stands. However, during and after the relocation the relocated residents have raised concerns that the new areas are too dark and this can have an impact on security and safety to the community and want Council to install some street lights



Several options were discussed with Messrs Erongo RED, with regard to high mast lights or conventional streetlights. It was recommended by Messrs Erongo RED to have street lights installed rather than the High mast lights due to maintenance and availability of stock. Erongo RED compiled a cost estimate that amounts to N\$ 1 492 642.55 (Vat incl.) for the trenching, cabling, installation of 19 streetlights and the commissioning of the infrastructure. However Council will only be required to cover a portion of the estimated cost, an amount of N\$ 648 975.02 (VAT incl.)

The necessary arrangements and approvals were made and an order was issued to Erongo RED. However after a number of failed attempts due to internal administrative issues at Erongo RED, this project had to be shelved and Council had to look at other options.

A proposal was received from Messrs Fonroche Lighting who has a solar light product that would have been ideal for PTN162 and PTN 163. It was also found to be more economical compared to the conventional streetlight systems, but before the solar lights could be procured and installed Messrs Erongo RED approached the Office of Chief Executive Officer and requested that Council not consider the solar product and they Erongo RED has a Preliminary Plan to energise the parts of the DRC that still require electrical services. This request was tabled at a meeting on the 10 May 2020 and up to present Messrs Erongo RED has not submitted any preliminary plan and this is keeping Council from delivering a service to the residents at PTN 162 and PTN 163.

5. Cost of Electrical Services

The number of residential erven that are without electrical services in Ext. 31, PTN 161 – PTN 163 are follows with associated expected cost:

| Area | Number of Residential Erven | Estimated Cost |
|---------|-----------------------------|------------------|
| Ext. 31 | 107 | N\$ 3 500 000.00 |
| PTN 161 | 253 | N\$ 8 275 700.93 |
| PTN 162 | 271 | N\$ 8 864 485.98 |
| PTN 163 | 274 | N\$ 8 962 616.82 |

From the table above it is estimated that it will cost Council an estimated N\$ 30 000 000.00 which equates to a total of N\$ 33 000.00 per residential erf. It should be mentioned that commercial, industrial and general residential land has not been included in the calculation above.

If one have to consider the overall electrical cost to provide electrical services to the whole township, which includes commercial, industrial and residential zoned erven then the estimated cost will be as the table below:

| Area | Number of Erven | Estimated Cost |
|---------|-----------------|-------------------|
| Ext. 31 | 117 | N\$ 3 500 000.00 |
| PTN 161 | 275 | N\$ 10 576 923.08 |
| PTN 162 | 277 | N\$ 10 653 846.15 |
| PTN 163 | 312 | N\$ 12 000 000.00 |

It is estimated that it will cost Council an estimated N\$ 38 000 000.00 which equates to a total of N\$ 38 500.00 per erf.

In order to install the services it will take each township, PTN 161 – PTN 163, at least 8 – 10 Months to complete and Ext, 31 will take at least 5 months to complete.

6. Conclusion

Since the award and commencement of the five (5) electrical contracts, Council was able to provide a total of 3067 residential erven with electrical infrastructure to a construction value of N\$ 118 000 000.00.

The extensions that are still without any electrical infrastructure is Ext. 31, PTN 161 – PTN 163, with Ext. 31 being the most accessible and available to install the electrical infrastructure, but Council will also need to keep in mind that Ext. 31 will only be able to accommodate at maximum 107 households/families and this is not nearly enough to resolve the DRC proper situation.

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

RECOMMENDED:

- (a) That Council approves the individual pre-paid electrical connections to erven in Extensions 27-30 (DRC Proper) and Extensions 41-43.
 - (b) That the Owners also be encourage to open their service accounts with the Finance Department.
-

ANNEXURE A



11.1.11

RESUBMITTED: EXTENSION 14, SWAKOPMUND - SALE OF 11 OCTOBER 2019: CANCELLATIONS

(C/M 2020/06/25 - E4938, E4943 & 4950)

Ordinary Management Meeting of 11 June 2020, Addendum 10.4 page 24 refers.

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

1. Introduction

The purpose of this submission is to obtain Council's approval for the cancellation of the transaction of Erven 4938, 4943 and 4950, Extension 14, Swakopmund due to non-performance on **10 March 2020** (due date of 21 day notice):

The Management Committee on **14 May 2020** under item 7.6 passed the following resolution:

That the General Manager: Corporate Services & Human Capital liaises with the applicants and provides proof of response before the following cancellations are considered:

| Erf No | Name of Purchaser | Purchase Price | Date of Sale |
|---------------|--------------------------|-----------------------|---------------------|
| Erf 4938 | Mr Allester Dronia | N\$ 550 000.00 | 11 October 2019 |
| Erf 4943 | Mr Oskar Uunona | N\$ 560 000.00 | 11 October 2019 |
| Erf 4950 | Mr Griffith R Benade | N\$ 450 000.00 | 11 October 2019 |

The three purchasers were contacted and indicated as follows:

| Erf | Name | Comments |
|------------|-------------------------|--|
| 4938 | Mr Allester Dronia | Not interested to proceed with the sale as already paid for another erf from the sale of 06 Dec 2019. Confirmed telephonically. |
| 4943 | Mr Oskar Uunona | Interested and need extension of 3 months with free interest. Letter of his response is attached as Annexure "A" |
| 4950 | Mr Mr Griffith R Benade | Interested to proceed with the sale but need sufficient time to restart the process and get the necessary approvals. Attached the confirmation e-mail. Annexure "B" |

Due to an administrative oversight the responses of purchasers were excluded at Council's meeting of **28 May 2020** hence no decision was taken regarding the cancellation of Erven 4938, 4943 and 4950, Swakopmund.

The matter is now being submitted for Council's consideration.

For information, Council **under item 11.1.4** passed the following decision on **28 May 2020**:

That extension of time for the transactions in respect of the following erven sold on 11 October 2019 be granted until 30 September 2020, subject to the standard penalty interest being levied:

| Erf No | Name of Purchaser | Purchase Price | Comments |
|---------------|--------------------------|-----------------------|-----------------|
|---------------|--------------------------|-----------------------|-----------------|

| | | | |
|----------|-----------------------------|----------------|--|
| Erf 2623 | Amushila Lisias Amushila | N\$ 670 000.00 | Purchaser has submitted a letter from FNB that the bank in principle approved his loan and are in process to issue the guarantee |
| Erf 4953 | Harold C Nekaro | N\$450 000.00 | Guarantee in place submitted on 12 March 2020 |

2. **Current situation**

In terms of Council's decision passed on **25 April 2019** under item 11.1.3 all cancellation by Council (the seller) must be submitted for approval.

To date the progress of the sale indicates as follows:

- 21 total erven sold on 11 Oct 2019**
- 9 paid in cash / transferred
- 5 guarantee on file pending transfer
- 2 Non-performances request extension
- 1 second allocation (sale in progress)
- 4 Cancellation by non-performances**

The non- performance purchasers were informed on **13 March 2020** that the sale of erven to them is cancelled and the cancellation will be reported to Council for consideration.

Although the purchasers of Erven 4943 and 4950 request for extension of time to pay their purchase price, they did not comply with the contractual conditions of sale as they do not have any proof of financial approval payment hence their request for extension of time cannot be supported.

3. **Discussion**

The transactions for the Erf 4943 and Erf 4950, Extension 14, were automatically cancelled upon expiry of the 21 days' notice period, being **10 March 2020**.

Therefore in terms of the conditions of sale for the public sale held on **11 October 2020**, the erven will be offered to the next qualifying bidder listed.

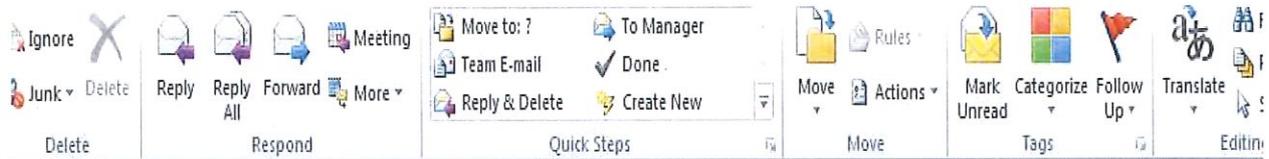
B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That Council grants permission for extension of time for payment until 30 September 2020:

| <i>Erf No</i> | <i>Name of Purchaser</i> | <i>Purchase Price</i> | <i>Date of Sale</i> |
|-----------------|-----------------------------|-----------------------|------------------------|
| <i>Erf 4943</i> | <i>Mr Oskar Uunona</i> | <i>N\$ 560 000.00</i> | <i>11 October 2019</i> |
| <i>Erf 4950</i> | <i>Mr Griffith R Benade</i> | <i>N\$ 450 000.00</i> | <i>11 October 2019</i> |

- (b) That Council takes note that Mr Allester Dronia confirmed to cancel the purchase of Erf 4938, Extension 14, Swakopmund and that the erf be offered to the next qualifying bidders in line.
-



from: Griffith Benade <griffithbenade@gmail.com>
to: Margaret Sheehama
cc: Roxanne Benz
subject: Re: Cancellation to purchase Erf 4950, Ext.14, Swakopmund

Good day Ms. Sheehama

Our telephonic conversation earlier today has reference.

We are still interested in purchasing Erf 4950, but we will need sufficient time to restart the process and get the necessary approvals.

Regards

On Fri, Mar 13, 2020 at 3:09 PM Margaret Sheehama <msheehama@swkmun.com.na> wrote:

Dear Mr Benade

Attached a letter for your attention.

Regards

11.1.12

ALLOCATION OF LAND TO DEVELOPERS

(C/M 2020/06/25 - H5, H5/4 & H5/7)

Ordinary Management Meeting of 11 June 2020, Addendum 10.6
page 27 refers.

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

1. Introduction

The purpose of this submission is to inform Council of the status of the decision passed on **31 May 2018** under item 11.1.25 and **22 November 2018** under item 11.1.35 for the allocation of various townships to private developers:

| Extension | Developer |
|-------------------|---|
| Extension 3, Mat | Tapeye Investments |
| Extension 4, Mat | Ghetto Assistance CC |
| Extension 5, Mat | Riving Trading Enterprise CC |
| Extension 13, Mat | Matsi Investments CC |
| Matutura Proper | Teofelus Uvanga and Quintessential Trading & Consultancy CC |
| Extension 24, Swk | Immanuel Shikongo and Wendelinus |
| Extension 25, Swk | Lherix Investments CC and Momporisa Trading Enterprises CC |
| Extension 38, Swk | Gheron Building Contractors CC and Too Extreme Developers (Pty) Ltd |

Therefore, townships were allocated to 9 developers for the installation of services whereafter a number of erven be returned to Council.

The above decisions are attached as **Annexure "A"**.

Council approved the standard development agreement for the action plan on **25 April 2019** under item 11.1.24:

- (a) *That Council approves the Building Agreement (on file).*
- (b) *That the type and number of each house be agreed to and subsequently added as an addendum to the agreement.*
- (c) *That the developer's offer to build houses on Council's erven be declined.*
- (d) *That Council's resolution of 31 May 2018 paragraph 1.1.5.5 be amended from:*

- (a) *The Houses to be constructed shall consist of one (1) to two (2) to three bedroom houses, but structures to the value of not less than N\$500 000.00 but not more than N\$800 000.00. This excludes the cost of the land.*

To read:

- (b) *The Houses to be constructed shall consist of two (2) to three bedroom houses, but structures to the value of not less than the value provided for in the township establishment but not more than N\$800 000.00 including the cost of the land.*

- (e) That the authority be delegated to the Chief Executive Officer to deal with any changes to the agreement in order to finalize it.

At the time the decisions were passed (31 May 2018 and 22 November 2018) the distribution of erven was done on informal lay-outs. In the meantime general plans approved by the Surveyor-General were received. Our Engineering & Planning Services Department is attending to the comparison of the actual borders of the townships as well as the division of erven. Once the revised information is available, valuations of the unserviced land will be obtained to determine correct distribution of erven and the value of Council's contribution. A memorandum in this regard was forwarded to the said department on **28 January 2020**.

A number of developers have expressed concerns that the distribution of erven results in the project not be financially viable for them. Cost calculations are required from these developers to substantiate their claims. Therefor the distribution of the allocation might be resubmitted for consideration by Council.

2. Current Situation

Various correspondence was exchanged between Council, the Ministry of Urban and Rural Development and the Office of the Attorney-General.

Due to the persistent delays with requests for clarification, Council on **13 March 2020** invited the relevant officials of the Office of the Attorney-General to a meeting to clarify and discuss any concerns/uncertainties they have.

The attached letter dated **25 March 2020** was received from the Ministry of Urban and Rural Development, to which a letter from the Office of the Attorney-General dated **20 March 2020** is attached (**Annexure "B"**).

Council replied to their various enquiries as per attached letter dated **03 April 2020 (Annexure "C")**.

Since the State of Emergency was declared there has been no response from either the Ministry of Urban & Rural Development or from the Office of the Attorney-General.

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

RECOMMENDED:

- (a) That Council takes note of the delays being caused by the outstanding approval of the standard development agreement by the Office of The Attorney-General.
- (b) That Council takes note that the distribution of erven approved on 31 May 2018 was done on informal lay-outs as the general plans were not available; therefore once the Engineering & Planning Services Department compared the allocations with the actual general plans the distribution of the erven might differ.
-

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- Rezoning of Erf 172, Swakopmund, from "Single Residential" with density of 1:900 to "General Business" with a bulk of 2.0. (Council Resolution 27-03-2014)
- Rezoning of Portion A of Erf 2226, Swakopmund, from "Public Open Space" to "General Residential 2" with a density of 1:250. (Council Resolution 25-01-2018)

(b) That Van der Westhuizen be authorized to submit the Amendment Scheme No. 66 to the Ministry of Urban and Rural Development for approval by the Honourable Minister.

11.1.25 **LAND AND HOUSING ACTION PLAN**
(C/M 2018/05/31 - H 5, H 5/5)

RESOLVED:

(a) That Council remains with its of 30 November 2017 under item 11.1.22.

(b) That it be noted that the Action Plan for the development of Council's unserviced land will focus on the following extensions:

- Extension 3
- Extension 4
- Extension 5
- Extension 24
- Extension 25
- Extension 38, and
- Proper

(c) That the following be approved:

1.1.1. Extension 3 **Tapeye Investments**

1.1.1.1. Erven and Layout

- The extension 3 consists of a mixture of single residential, General Residential, Business, Institutional, Local Authority, Public Open Space erven.
- This extension is targeted for Medium Income level.
- The compilation of erven available is illustrated in the Table below.

| Zoning | Total Number of Erven |
|-----------------------|-----------------------|
| Single Residential | 271 |
| General Residential 2 | 1 |
| Local Business | 9 |
| General Business | 3 |
| Public Open Space | 4 |
| Institutional | 1 |
| Local Authority | 1 |

1.1.1.2. Distribution of Erven

- Council remains the owner of the property during the development of the extension and the developer will not be allowed to transfer the land in their name. The transfer of land ownership will be done at the end of the whole project to the beneficiary.
- The developer will return a portion of the serviced land as well as the entire Infrastructure back to the Swakopmund Council
- The distribution of return land will be at a minimum of 33.33% of the Single residential erven for Council, but Council to receive the full return on the Institutional, Local Authority, Public Open Space, Private Open Space and Undetermined erven.

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- The Business and General Residential erven will be returned on a portion base as stipulated in the table below.

| Zoning | Total Number of Erven | Erven Sharing Ratio | |
|-----------------------|-----------------------|---------------------|---------|
| | | Developer | Council |
| Single Residential | 271 | 180 | 91 |
| General Residential 2 | 1 | 1 | 0 |
| Local Business | 9 | 5 | 4 |
| General Business | 3 | 2 | 1 |
| Public Open Space | 4 | 0 | 4 |
| Institutional | 1 | 0 | 1 |
| Local Authority | 1 | 0 | 1 |

1.1.1.3. Cost Distribution

- In order to keep the cost of the project as low as possible and to ensure that targeted consumers of Swakopmund are reached by this project, the developer will not pay for the land and will not be charged a premium for the land.
- The developer will use own funds or funds from financial institutions to develop the extension, but Council will not contribute financially to the construction and installation of services and houses on this extension.

1.1.1.4. Specification of Services

- The area will be fully serviced with interlock surfaced roads/streets with kerb stone defining the gravel sidewalks, water, sewer and electrical infrastructure up to the erf boundary.
- The specifications for the services will be supplied and construction monitored by the Engineering Services Department of the Swakopmund Council

1.1.1.5. Specification of Houses

- The Houses to be constructed shall consist of two to three bedroom houses with garages (optional), but structures to the value of not less than N\$500 000.00 but not more than N\$800 000.00. This excludes the cost of the land.
- The specifications for the houses will be supplied and construction monitored by the Engineering Services Department of the Swakopmund Council

1.1.2. Extension 4 **Ghetto Assistance CC**

1.1.2.1. Erven and Layout

- This extension consists of a mixture of single residential, Business, Institutional, Local Authority, Public Open Space erven.
- This extension is targeted for Medium income level.
- The compilation of erven is illustrated in the Table below.

| Zoning | Total Number of Erven |
|--------------------|-----------------------|
| Single Residential | 31 |
| Local Business | 18 |
| General Business | 8 |
| Public Open Space | 1 |
| Institutional | 1 |
| Local Authority | 3 |

1.1.2.2. Distribution of Erven

- Council remains the owner of the property during the development of the extension and the developer will not be allowed to transfer the land in their name. The transfer of land ownership will be done at the end of the whole project to the beneficiary.

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- The developer will return a portion of the serviced land as well as the entire infrastructure back to the Swakopmund Council
- Due to the ratio of the erven in this extension, the distribution of return land will only be affected to the business erven and the developer to maintain with full number of single residential erven.
- The Council to receive the full return on the institutional, Local Authority, Public Open Space, Private Open Space and Undetermined erven.
- The Business erven will be returned on a portion base as stipulated in the table below.

| Zoning | Total Number of Erven | Erven Sharing Ratio | |
|--------------------|-----------------------|---------------------|---------|
| | | Developer | Council |
| Single Residential | 31 | 31 | 0 |
| Local Business | 18 | 10 | 8 |
| General Business | 8 | 5 | 3 |
| Public Open Space | 1 | 0 | 1 |
| Institutional | 1 | 0 | 1 |
| Local Authority | 3 | 0 | 3 |

1.1.2.3. Cost Distribution

- In order to keep the cost of the project as low as possible and to ensure that targeted consumers of Swakopmund are reached by this project, the developer will not pay for the land and will not be charged a premium for the land.
- The developer will use own funds or funds from financial institutions to develop the extension, but Council will not contribute financially to the construction and installation of services and houses on this extension.

1.1.2.4. Specification of Services

- The area will be fully serviced with interlock surfaced roads/streets with kerb stone defining the gravel sidewalks, water, sewer and electrical infrastructure up to the erf boundary.
- The specifications for the services will be supplied and construction monitored by the Engineering Services Department of the Swakopmund Council

1.1.2.5. Specification of Houses

- The Houses to be constructed shall consist of two to three bedroom houses with garages (optional), but structures to the value of not less than N\$500 000.00 but not more than N\$800 000.00. This excludes the cost of the land.
- The specifications for the houses will be supplied and construction monitored by the Engineering Services Department of the Swakopmund Council

1.1.2.6. Extension 5 **Riving Trading Enterprise CC**

1.1.2.7. Erven and Layout

- This extension consists of a mixture of general residential, Business, Local Authority, Public Open Space erven.
- This extension is targeted for Medium income level.
- The compilation of erven is illustrated in the Table below.

| Zoning | Total Number of Erven |
|-----------------------|-----------------------|
| Single Residential | 0 |
| General Residential 1 | 5 |
| General Residential 2 | 6 |
| Local Business | 6 |

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| | |
|--------------------|---|
| General Business | 3 |
| Public Open Space | 1 |
| Institutional | 0 |
| Local Authority | 1 |
| Undetermined | 0 |
| Private Open Space | 0 |

1.1.2.8. Distribution of Erven

- Council remains the owner of the property during the development of the extension and the developer will not be allowed to transfer the land in their name. The transfer of land ownership will be done at the end of the whole project to the beneficiary.
- The developer will return a portion of the serviced land as well as the entire infrastructure back to the Swakopmund Council
- Due to the ratio of the erven in this extension, the distribution of return land will only be affected to the business and general residential erven.
- The Council to receive the full return on the institutional, Local Authority, Public Open Space, Private Open Space and Undetermined erven.
- The Business and General Residential erven will be returned on a portion base as stipulated in the table below.

| Zoning | Total Number of Erven | Erven Sharing Ratio | |
|-----------------------|-----------------------|---------------------|---------|
| | | Developer | Council |
| Single Residential | 0 | 0 | 0 |
| General Residential 1 | 5 | 4 | 1 |
| General Residential 2 | 6 | 5 | 1 |
| Local Business | 6 | 6 | 1 |
| General Business | 3 | 3 | 1 |
| Public Open Space | 1 | 0 | 1 |
| Institutional | 0 | 0 | 0 |
| Local Authority | 1 | 0 | 1 |
| Undetermined | 0 | 0 | 0 |
| Private Open Space | 0 | 0 | 0 |

1.1.2.9. Cost Distribution

- In order to keep the cost of the project as low as possible and to ensure that targeted consumers of Swakopmund are reached by this project, the developer will not pay for the land and will not be charged a premium for the land.
- The developer will use own funds or funds from financial institutions to develop the extension, but Council will not contribute financially to the construction and installation of services and houses on this extension.

1.1.2.10. Specification of Services

- The area will be fully serviced with interlock surfaced roads/streets with kerb stone defining the gravel sidewalks, water, sewer and electrical infrastructure up to the erf boundary.
- The specifications for the services will be supplied and construction monitored by the Engineering Services Department of the Swakopmund Council

1.1.2.11. Specification of Houses

- The Houses to be constructed shall consist of two to three bedroom houses with garages (optional), but structures to the value of not less than N\$500 000.00 but not more than N\$800 000.00. This excludes the cost of the land.

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- The specifications for the houses will be supplied and construction monitored by the Engineering Services Department of the Swakopmund Council

1.1.3. Extension 24 Immanuel Shikongo and Wendelinus

1.1.3.1. Erven and Layout

- This extension consists of a mixture of general residential, Business, Local Authority, Public Open Space erven.
- This extension is targeted for Low income Level.
- The compilation of erven is illustrated in the Table below.

| Zoning | Total Number of Erven |
|-----------------------|-----------------------|
| Single Residential | 240 |
| General Residential 1 | 0 |
| General Residential 2 | 0 |
| Local Business | 0 |
| General Business | 0 |
| Public Open Space | 4 |
| Institutional | 2 |
| Local Authority | 0 |
| Undetermined | 0 |
| Private Open Space | 0 |

1.1.3.2. Distribution of Erven

- Council remains the owner of the property during the development of the extension and the developer will not be allowed to transfer the land in their name. The transfer of land ownership will be done at the end of the whole project to the beneficiary.
The developer will return a portion of the serviced land as well as the entire infrastructure back to the Swakopmund Council.
- The distribution of return land will be at a minimum of 40% of the Single residential erven for Council, but Council to receive the full return on the institutional, Local Authority, Public Open Space, Private Open Space and Undetermined erven.
- The Business and General Residential erven will be returned on a portion base as stipulated in the table below.

| Zoning | Total Number of Erven | Erven Sharing Ratio | |
|-----------------------|-----------------------|---------------------|---------|
| | | Developer | Council |
| Single Residential | 240 | 144 | 96 |
| General Residential 1 | 0 | 0 | 0 |
| General Residential 2 | 0 | 0 | 0 |
| Local Business | 0 | 0 | 0 |
| General Business | 0 | 0 | 0 |
| Public Open Space | 4 | 0 | 4 |
| Institutional | 2 | 0 | 2 |
| Local Authority | 0 | 0 | 0 |
| Undetermined | 0 | 0 | 0 |
| Private Open Space | 0 | 0 | 0 |

1.1.3.3. Cost Distribution

- In order to keep the cost of the project as low as possible and to ensure that targeted consumers of Swakopmund are reached by this

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project, the developer will not pay for the land and will not be charged a premium for the land.

- The developer will use own funds or funds from financial institutions to develop the extension, but Council will not contribute financially to the construction and installation of services and houses on this extension.

1.1.3.4. Specification of Services

- The area will be fully serviced with gravel roads/streets with kerb stone only defining the intersections with bladed gravel sidewalks, water, sewer and electrical infrastructure up to the erf boundary.
- The specifications for the services will be supplied and construction monitored by the Engineering Services Department of the Swakopmund Council

1.1.3.5. Specification of Houses

- The Houses to be constructed shall consist of one (1) to two (2) to three bedroom houses, but structures to the value of not less than N\$150 000.00 but not more than N\$250 000.00. This excludes the cost of the land.
- The specifications for the houses will be supplied and construction monitored by the Engineering Services Department of the Swakopmund Council

1.1.4. Extension 25 (Lherix Investments CC And Momporsia Trading Enterprises CC)

1.1.4.1. Erven and Layout

- This extension consists of a mixture of general residential, Business, Local Authority, Public Open Space erven.

| Zoning | Total Number of Erven |
|-----------------------|-----------------------|
| Single Residential | 288 |
| General Residential 1 | 0 |
| General Residential 2 | 3 |
| Local Business | 0 |
| General Business | 14 |
| Public Open Space | 3 |
| Institutional | 5 |
| Local Authority | 4 |
| Undetermined | 1 |
| Private Open Space | 0 |

- This extension is targeted for Low income Level.
- The compilation of erven is illustrated in the Table below.

1.1.4.2. Distribution of Erven

- Council remains the owner of the property during the development of the extension and the developer will not be allowed to transfer the land in their name. The transfer of land ownership will be done at the end of the whole project to the beneficiary.
- The developer will return a portion of the serviced land as well as the entire infrastructure back to the Swakopmund Council.
- The distribution of return land will be at a minimum of 40% of the Single residential erven for Council, but Council to receive the full return on the institutional, Local Authority, Public Open Space, Private Open Space and Undetermined erven.
- The Business and General Residential erven will be returned on a portion base as stipulated in the table below.

| Zoning | Total Number of Erven | Erven Sharing Ratio | |
|--------------------|-----------------------|---------------------|---------|
| | | Developer | Council |
| Single Residential | 288 | 173 | 115 |

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| | | | |
|-----------------------|----|---|---|
| General Residential 1 | 0 | 0 | 0 |
| General Residential 2 | 3 | 0 | 0 |
| Local Business | 0 | 0 | 0 |
| General Business | 14 | 8 | 6 |
| Public Open Space | 3 | 0 | 3 |
| Institutional | 5 | 0 | 5 |
| Local Authority | 4 | 0 | 4 |
| Undetermined | 1 | 0 | 1 |
| Private Open Space | 0 | 0 | 0 |

1.1.4.3. Cost Distribution

- In order to keep the cost of the project as low as possible and to ensure that targeted consumers of Swakopmund are reached by this project, the developer will not pay for the land and will not be charged a premium for the land.
- The developer will use own funds or funds from financial institutions to develop the extension, but Council will not contribute financially to the construction and installation of services and houses on this extension.

1.1.4.4. Specification of Services

- The area will be fully serviced with gravel roads/streets with kerb stone only defining the intersections with bladed gravel sidewalks, water, sewer and electrical infrastructure up to the erf boundary.
- The specifications for the services will be supplied and construction monitored by the Engineering Services Department of the Swakopmund Council

1.1.4.5. Specification of Houses

- The Houses to be constructed shall consist of one (1) to two (2) to three bedroom houses, but structures to the value of not less than N\$150 000.00 but not more than N\$250 000.00. This excludes the cost of the land.
- The specifications for the houses will be supplied and construction monitored by the Engineering Services Department of the Swakopmund Council

1.1.5. Extension 38 Gheron Building Contraction CC and Too Extreme Developers (Pty Lt1d)

1.1.5.1. Erven and Layout

- This extension consists of a mixture of general residential, Business, Local Authority, Public Open Space erven.
- This extension is targeted for Medium income Level.
- The compilation of erven is illustrated in the Table below.

| Zoning | Total Number of Erven |
|-----------------------|-----------------------|
| Single Residential | 198 |
| General Residential 1 | 2 |
| General Residential 2 | 0 |
| Local Business | 0 |
| General Business | 0 |
| Public Open Space | 4 |
| Institutional | 0 |
| Local Authority | 1 |
| Undetermined | 0 |
| Private Open Space | 0 |

1.1.5.2. Distribution of Erven

- Council remains the owner of the property during the development of the extension and the developer will not be allowed to transfer the land in their name. The transfer of land ownership will be done at the end of the whole project to the beneficiary.

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- The developer will return a portion of the serviced land as well as the entire infrastructure back to the Swakopmund Council.
- The distribution of return land will be at a minimum of 33.33% of the Single residential erven for Council, but Council to receive the full return on the institutional, Local Authority, Public Open Space, Private Open Space and Undetermined erven.
- The Business and General Residential erven will be returned on a portion base as stipulated in the table below.

| Zoning | Total Number of Erven | Erven Sharing Ratio | |
|-----------------------|-----------------------|---------------------|---------|
| | | Developer | Council |
| Single Residential | 198 | 132 | 66 |
| General Residential 1 | 2 | 2 | 0 |
| General Residential 2 | 0 | 0 | 0 |
| Local Business | 0 | 0 | 0 |
| General Business | 0 | 0 | 0 |
| Public Open Space | 4 | 0 | 4 |
| Institutional | 0 | 0 | 0 |
| Local Authority | 1 | 0 | 1 |
| Undetermined | 0 | 0 | 0 |
| Private Open Space | 0 | 0 | 0 |

1.1.5.3. Cost Distribution

- In order to keep the cost of the project as low as possible and to ensure that targeted consumers of Swakopmund are reached by this project, the developer will not pay for the land and will not be charged a premium for the land.
- The developer will use own funds or funds from financial institutions to develop the extension, but Council will not contribute financially to the construction and installation of services and houses on this extension.

1.1.5.4. Specification of Services

- The area will be fully serviced with gravel roads/streets with kerb stone only defining the intersections with bladed gravel sidewalks, water, sewer and electrical infrastructure up to the erf boundary.
- The specifications for the services will be supplied and construction monitored by the Engineering Services Department of the Swakopmund Council

1.1.5.5. Specification of Houses

- The Houses to be constructed shall consist of one (1) to two (2) to three bedroom houses, but structures to the value of not less than N\$500 000.00 but not more than N\$800 000.00. This excludes the cost of the land.
- The specifications for the houses will be supplied and construction monitored by the Engineering Services Department of the Swakopmund Council

Proper (Teofelus Uvanga and Quintessential Trading & Consultancy CC)

1.1.5.6. Erven and Layout

- This extension consists of a mixture of single residential, general residential, Business, Local Authority, Public Open Space erven.
- This extension is targeted for Medium income Level.
- The compilation of erven is illustrated in the Table below.

| Zoning | Total Number of Erven |
|-----------------------|-----------------------|
| Single Residential | 214 |
| General Residential 1 | 0 |
| General Residential 2 | 4 |
| Local Business | 9 |
| General Business | 2 |

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| | |
|--------------------|---|
| Public Open Space | 3 |
| Institutional | 1 |
| Local Authority | 0 |
| Undetermined | 0 |
| Private Open Space | 0 |

1.1.5.7. Distribution of Erven

- Council remains the owner of the property during the development of the extension and the developer will not be allowed to transfer the land in their name. The transfer of land ownership will be done at the end of the whole project to the beneficiary.
- The developer will return a portion of the serviced land as well as the entire infrastructure back to the Swakopmund Council.
- The distribution of return land will be at a minimum of 33.33% of the Single residential erven for Council, but Council to receive the full return on the institutional, Local Authority, Public Open Space, Private Open Space and Undetermined erven.
- The Business and General Residential erven will be returned on a portion base as stipulated in the table below.

| Zoning | Total Number of Erven | Erven Sharing Ratio | |
|-----------------------|-----------------------|---------------------|---------|
| | | Developer | Council |
| Single Residential | 214 | 143 | 71 |
| General Residential 1 | 0 | 0 | 0 |
| General Residential 2 | 4 | 2 | 2 |
| Local Business | 9 | 5 | 4 |
| General Business | 2 | 1 | 1 |
| Public Open Space | 3 | 0 | 3 |
| Institutional | 1 | 0 | 1 |
| Local Authority | 0 | 0 | 0 |
| Undetermined | 0 | 0 | 0 |
| Private Open Space | 0 | 0 | 0 |

1.1.5.8. Cost Distribution

- In order to keep the cost of the project as low as possible and to ensure that targeted consumers of Swakopmund are reached by this project, the developer will not pay for the land and will not be charged a premium for the land.
- The developer will use own funds or funds from financial institutions to develop the extension, but Council will not contribute financially to the construction and installation of services and houses on this extension.

1.1.5.9. Specification of Services and Houses

- The area will be fully serviced with gravel roads/streets with kerb stone only defining the intersections with bladed gravel sidewalks, water, sewer and electrical infrastructure up to the erf boundary.
- The specifications for the services will be supplied and construction monitored by the Engineering Services Department of the Swakopmund Council

1.1.5.10. Specification of Services and Houses

- The Houses to be constructed shall consist of one (1) to two (2) to three bedroom houses, but structures to the value of not less than N\$500 000.00 but not more than N\$800 000.00. This excludes the cost of the land.
- The specifications for the houses will be supplied and construction monitored by the Engineering Services Department of the Swakopmund Council

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3.2.8 Serviced Land

The Honourable Minister directed that 40 Erven should be allocated to each contract. Attached is a list of contractor for selection.

3.2.9 Power Oyeno

The Council resolution of 31 May 2017 under item 11.1.24. is on file.

- (d) That it be recorded that 1 986 serviced erven are available in the Matutura Area.
- (e) That consideration be given to allocate 40 erven to each local / Swakopmund based developer and that the surplus be equitably distributed to the remaining developers from outside Swakopmund taking their date of application into account.
- (f) That Developers be required to construct 2 (two) show houses to the satisfaction of Council before consideration is given for further allocation.
- (g) That Extension 36 on the layout map be amended to read Extension 38 and that the Council Resolution of 30 November 2017 under item 11.1.22 be amended accordingly.

11.1.26 **CAPITAL AND OPERATIONAL BUDGET FOR 2018 / 2019 FINANCIAL YEAR**

(C/M 2018/05/31 - D 2/1)

RESOLVED:

- (a) That the Capital budget amounting to N\$141 687 000.00 be approved.
- (b) That the Operational budget reflecting a surplus of N\$153 210.00 be approved.
- (c) That the service related tariffs be increased as indicated below:
 - (1) Rates and Taxes - 8%
 - (2) Refuse removal - 8%
 - (3) Sewerage - 8%
 - (4) Basic water - subject to Messrs NamWater annual increases.
 - (5) Staggered tariffs:
 - 9m³ - 30m³ - 5.5%
 - 31m³ - 60m³ - 6.5%
 - 61m³ and above - 7.5%
 - (6) Special tariff (Agricultural) - Smallholdings
 - 9m³ - 30m³ - 5.5%
 - 31m³ - 60m³ - 6.5%
 - 61m³ and above - 7.5%

PNW *Ref*
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11.1.34 REQUEST FOR EXTENSION TO PERFORM: ERF 4873 (INDUSTRIAL AREA)

(C/M 2018/11/22 - E 4873)

RESOLVED:

- (a) That Messrs Magnetize Investment CC be granted an extension of time to secure the purchase price for Erf 4873, Swakopmund, until 28 February 2019.
- (b) That Messrs Magnetize Investments CC be informed that the purchase price for the property is N\$1 780 421.50 and interest calculated from 02 July 2018 until 28 February 2019 amounts to N\$126 373.34 (15% VAT excluded).
- (c) That Messrs Magnetize Investment CC be informed that the purchase price must be secured by 28 February 2019 as no further extensions will be granted.

11.1.35 APPLICATION BY MESSRS MATSI INVESTMENT CC TO PURCHASE BLOCK 26, EXTENSION 13, MATUTURA, SWAKOPMUND

(C/M 2018/11/22 - H 5)

RESOLVED:

- (a) That Extension 13, Matutura, Swakopmund be allocated to Messrs Matsi Investment CC in terms of the Public Private Partnership *principle*.
- (b) That Messrs Matsi Investment CC services the entire Extension 13, Matutura, Swakopmund and only be allocated 48 "Single Residential" to construct houses after the servicing is completed.

11.1.36 REQUEST TO TRANSFER FUNDS: UPGRADING OF ABLUTION FACILITIES AT TAMARISKIA AND MONDESA SPORTS FIELDS

(C/M 2018/11/22 - H 2/5, I 1/12)

RESOLVED:

That permission be granted to the General Manager: Finance to transfer an amount of N\$650 000.00 from Vote 104531520800 (Upgrading Sport field Lights) to Vote 104531520700 (Upgrading of ablution facilities at Tamariskia and Mondesa Sports Fields).

11.1.37 APPLICATION BY ECOBOND FOR LAND FOR A DRY PORT

(C/M 2018/11/22 - H 5, G 4/1/1)

RESOLVED:

- (a) That the allocation of land to Messrs Ecobond Services Namibia CC for the establishment of a dry port be approved in principle.
- (b) That Messrs Ecobond Services Namibia CC be advised to discuss options with the General Manager: Engineering Services and consider an area located at the Nonidas Siding where the applicant will be able to either obtain water and electricity supply

M A P *PNB*



Republic of Namibia

Ministry of Urban and Rural Development

Enquiries: J. Ishila (Mr)
Tel: (+264+61) 297-5192
Fax: (+264+61) 297-5305

Government Office Park
Luther Street

Private Bag 13289
Windhoek, Namibia

Our Ref.: 14/17/3/S2
Your Ref.:

Date: 25 March 2020

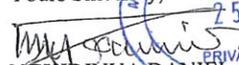
Mr. A. Benjamin
Chief Executive Officer
Swakopmund Municipality
P. O. Box 53
SWAKOPMUND

Dear Mr. Benjamin,

RE: SCRUTINY OF A JOINT VENTURE AGREEMENT BETWEEN QUINTESSENTIAL TRADING AND CONSULTANCY CC AND SWAKOPMUND MUNICIPALITY FOR THE DEVELOPMENT OF SERVICES INFRASTRUCTURE FOR MATUTURA PROPER AND CONSTRUCTION OF MIDDLE INCOME HOUSING

We are forwarding, herewith, the attached self-explanatory legal advice from the Office of the Attorney – General (AG) on the above mentioned proposed joint venture agreement for your urgent response to the opinions raised therein.

Yours Sincerely,


 PRIVATE BAG 12239
 WINDHOEK
EXECUTIVE DIRECTOR





REPUBLIC OF NAMIBIA

OFFICE OF THE ATTORNEY - GENERAL

Tel: +264 - 61 281 2243

Fax: +264 - 61 247 886

Private Bag 13345

Windhoek

Namibia

Enquiries: HN Naimbale

Our Ref: HN/507/19/URD/Avg
Your Ref:

Mr. Joan Ishila

March 20, 2020

Mr. Daniel Nghidinua
 The Executive Director
 Ministry of Urban and Rural Development
 Private Bag 13289
 WINDHOEK



Dear Mr. Nghidinua,

RE: SCRUTINY OF A JOINT VENTURE AGREEMENT BETWEEN QUINTESSENTIAL TRADING AND CONSULTANCY CC AND SWAKOPMUND MUNICIPALITY FOR THE DEVELOPMENT OF SERVICES INFRASTRUCTURE FOR MATUTURA PROPER AND CONSTRUCTION OF MIDDLE INCOME HOUSING

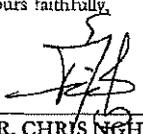
1. We refer to the above-captioned matter in respect of which our office is requested to provide legal opinion.
2. This letter serves to seek clarity on certain issues we encountered with the Agreement. These issues may be summarized as follows:
 - 2.1 We noticed that, in the Council's minutes of the 30th of November 2017 under 11.1.22, the Council resolved to approve and allocate Public-Private Partnership (PPP) applications to certain entities while the Agreement is referring to a Joint Business Venture. Which regime is to be followed? Is it intended to be a PPP or a Joint Business Venture outside the PPP regime?

All official correspondence must be addressed to the Attorney - General

- 2.2 The value of the land:
- (a) Was the valuation of the land in question carried out?
 - (b) If a valuation was carried out, what is the value of the land that the Municipality will contribute to the project?
 - (c) Is there a balanced/value-for-money correlation between the value of the Municipality's contribution and the value of the Municipality's profit sharing in, or benefits from, the project?
 - (d) What is the value of the contribution of the developer? Please provide the relevant documents.
- 2.2 Would you kindly provide us with annexure "A" that is mentioned in the Agreement in sub-clause 2.8.2.20?
- 2.4 Clause 7 is making provision for the transfer or consideration of erven to the developer. After what phase will the transfer take place and will the transfer include completed houses?
- 2.5 We noted that, in the request for a legal opinion, the Ministry refers to contracts between the Swakopmund Municipality and a number of developers, yet we received only one draft contract in respect of Quintessential CC. Kindly provide us with instructions relating to all the developers' contracts in respect of which the Ministry seeks legal clearance and their bidding documents and award letters. In this context, please clarify whether the terms and conditions contained in the draft contract submitted to us would apply to all developers.
3. Once the Ministry is in a position to clarify the above-mentioned issues, kindly revert to Ms. Naimbale on 061-203 2122/ 0816993934 or Mrs. Katokele on 061 2812240. Should there be a need for a face-to-face meeting to discuss the above or any other pertinent issues, we invite the Ministry to contact us in order to set up a meeting at our Office.

We trust that you find the above in order.

Yours faithfully,



 MR. CHRIS NGHAAAMWA
 CHIEF LEGAL ADVICE



MUNICIPALITY OF SWAKOPMUND

Ref No: A 2/3/15, H5, H5/4 & H5/7

(064) 4104200

088 614 514

53 Swakopmund

NAMIBIA

www.swkmun.com.na

mswarts@swkmun.com.na

Enquiries: Mr MPC Swarts

03 April 2020

The Office of the Executive Director
Ministry of Urban and Rural Development
Private Bag 13289
WINDHOEK

Attention: Mr J Ishila

Dear Sir

SCRUTINY OF A JOINT VENTURE AGREEMENT BETWEEN QUINTESSENTIAL TRADING AND CONSULTANCY CC AND SWAKOPMUND MUNICIPALITY FOR THE DEVELOPMENT OF SERVICES INFRASTRUCTURE FOR MATUTURA PROPER AND CONSTRUCTION OF MIDDLE INCOME HOUSING

Your letter dated 25 March 2020 to which a letter from the Office of the Attorney-General dated 20 March 2020 is attached, refers.

Reference is also made to the following letters:

- ⇒ **Annexure "A"**: our letter dated 12 December 2019 to the Ministry of Urban and Rural Development explaining that the agreement is a standard agreement which will apply to all private developers who have been allocated townships for the servicing of the same; and
- ⇒ **Annexure "B"** our letter dated 13 March 2020 to the Office of the Attorney-General inviting them for a meeting.

This is a reply to the questions raised by the Office of the Attorney-General in its letter to you dated 20 March 2020 and reference is made to the respective paragraphs therein.

With reference to paragraph 2.1 thereof:

- 2.1 These transactions are regarded as development agreements regulated by the provisions of the Local Authorities Act 23 of 1992, as amended (reference is made to Annexure "C").

An opinion in this regard was obtained from Kinghorn Associates on 06 December 2019 confirming that these transactions are not regulated by the Public Private Partnership Act (attached as Annexure "C").

All correspondence must be addressed to the Chief Executive Officer

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Summarized, the allocation of townships is as follows:

| Extension | Developer |
|-------------------|---|
| Extension 3, Mat | Tapeye Investments |
| Extension 4, Mat | Ghetto Assistance CC |
| Extension 5, Mat | Riving Trading Enterprise CC |
| Extension 13, Mat | Matsi Investments CC |
| Matutura Proper | Teofelus Uvanga and Quintessential Trading & Consultancy CC |
| Extension 24, Swk | Immanuel Shikongo and Wendelinus |
| Extension 25, Swk | Lherix Investments CC and Momporisa Trading Enterprises CC |
| Extension 38, Swk | Gheron Building Contractors CC and Too Extreme Developers (Pty) Ltd |

The final decision for the allocation of various extensions to 8 private developers was passed on **31 May 2018** under item 11.1.25. In addition to this decision, Council approved an allocation of Extensions 13, Matutura to another private developer on **22 November 2018** under item 11.1.35.

These decisions are attached as **Annexure "D"** for ease of reference.

With reference to paragraph 2.2 thereof:

- 2.2 (a) No, valuations were not obtained as the land is not being sold *per se*. Attached to **Annexure "A"** hereto, is a map indicating the location of the various townships/extensions. Some townships were allocated for low income development and others for middle income development.

At the time of the decisions being passed (31 May 2018 and 22 November 2018) the distribution of erven was done on informal lay-outs. In the meantime general plans approved by the Surveyor-General were received. Our Engineering & Planning Services Department is attending to the comparison of the actual borders of the townships as well as the division of erven. Once the revised information is available, valuations of the unserviced land will be obtained to determine the value of Council's contribution.

- (b) Council's contribution to the project is the barren, unserviced and undeveloped land.
- (c) The project is regulated by the development agreement. There is no profit sharing. The basis of the agreement is that the developer carries 100% of the risk in that it has to service the whole township whilst Council remains the owner of the township erven during the development. The developer also has to construct houses on a number of erven. The benefit to Council is that virgin land is serviced at the cost of the developer and much needed (serviced) land is made available to the low to middle income groups. No capital is as such expended by the Council.

After the installation of services have been completed to the satisfaction of Council, a certain number of erven are Council's to sell to the public (reference is made to **Annexure "D"** hereto). Serviced land in the area (Extension 2, Matutura) sells at an average of N\$580.00 / m² (based on a sale of 94 erven during October 2018).

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As consideration, the developer receives a number of erven for the construction of houses (at his cost, risk and benefit). Provided that Council has issued completion certificates in respect of the houses constructed by the developer, the developer may transfer the respective houses to third party purchasers.

- (d) The value of the contribution by the developer is the cost for the installation of services. **For example**, based on the costs Council incurred for the service installations of Extension 1 and 2, Matutura; the average cost for installation of services amounted to N\$241.00/m².

The cost for the installation of services to Extensions 1 and 2 Matutura was determined as set-out below:

- Extensions 1 and 2, Matutura - N\$75 133 471.71 (calculated as N\$241.18/m²)

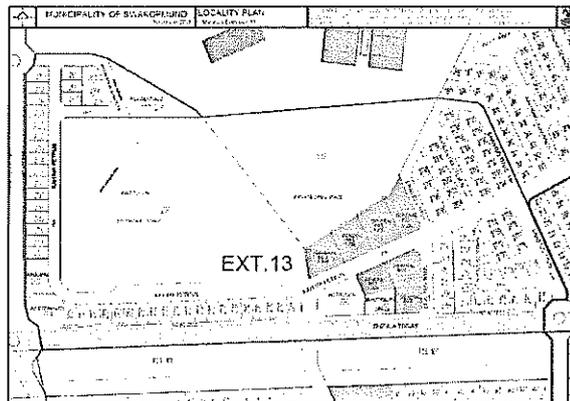
Attached as **Annexure "E"** is an example of the project cost summary for the above two extensions.

Based on this cost, the installation of services to Extension 13, Matutura (**for example**) will amount to N\$ 48 771 411.00 (202 371m² x N\$241.00). The financing and installation of services are regarded as the contribution by the developer.

With reference to paragraph 2.3 thereof:

- 2.3 As per **Annexure "A"** (our letter dated 12 December 2019) and as explained above, Annexure "A" to the development agreement is the various respective townships and will differ according to the townships allocated to the specific developer. The revised information will only be available once our Engineering & Planning Services Department completed the comparison of the informal lay-outs of the respective extensions/townships, with the approved general plans.

An example of Annexure "A" of the development agreement will be as follows (Extension 13, Matutura):



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With reference to paragraph 2.4 thereof:

- 2.4 As indicated under point 2.2 (c) above, the erven will be transferred to the developer upon the finalization of the installation of services and construction of houses. The developer will only be allowed to transfer the erven to third party purchasers once houses are constructed.

With reference to paragraph 2.5 thereof:

- 2.5 As explained in our letter dated **12 December 2019** the agreement forwarded to you for scrutiny is a standard format which will in principle apply to the various private developers.

Should you have any enquiries, please do not hesitate to contact Mr Marco Swarts at ☎ 064-4104200.

Yours faithfully



Mr A Benjamin
CHIEF EXECUTIVE OFFICER

/sb

Copy: Office of the Attorney-General
Attention: Ms Naimbale
☎ 061-203 2122; ☎ 081 699 3934; ✉ hnaimbale@gmail.com

Attention: Ms Katokele
☎ 061-281 2240

NOTARIES
CONVEYANCERS
ATTORNEYS



Haus Altona
2-6 Tobias Haiyeko Street
SWAKOPMUND / NAMIBIA
P.O. Box 1455 (No Area Code)
Tel: +264 64 405051/2
Fax: +264 64 402159
E-mail: hika@kinglaw.com.na
VAT Registration No: 2667085-01-5

The Chief Executive Officer
Municipal Council of Swakopmund
Swakopmund

YOUR REF: Corporate Services: S Bruwer

OUR REF: HEA/ha MUN100/2652-50

By email: sbruwer@swkmun.com.na
and by hand

DATE: 6 December 2019

Dear Sir / Madam,

Re: STATUS OF DEVELOPERS – REPLY FROM MINISTRY OF FINANCE – APPLICATION OF PUBLIC PRIVATE PARTNERSHIP ACT

We refer to your instructions in the above matter, namely, to provide you with our opinion as to whether the Public Private Partnership Act¹ ("the PPP Act") is applicable to the development agreements sought to be entered into between your Council and selected private developers for the installation of services infrastructures at selected townships ("the Works").

BACKGROUND:

Our instructions are that your Council approved the allocation of the Works to selected private developers *before* the coming into force of the the PPP Act.² In response to a letter by your Council dated 28 June 2019 to the Ministry of Finance³, the said Ministry advised your Council that the PPP Act outlines procedures that need to be followed before a "PPP" agreement can be concluded. It advised further that the PPP Act provides a regulatory framework for the development and procurement of "PPP projects" in Namibia to which all public entities are obliged to adhere.

The Ministry of Finance is thus clearly of the view that the PPP Act is applicable and expects your Council to adhere to the processes prescribed by the PPP Act and the regulations made in terms of the

¹ Act 4 of 2017, which came into force on 1 December 2018.

² namely, at its meetings of 31 May 2018 and 22 November 2018 respectively.

³ being the Ministry who administers the PPP Act.

Witness: HIJKE ELSE AIJRENS B.Proc. LL.B.; PETRUS JACOBUS BURGER B.A. LL.B LL.M.; HENDRIK VAN VISSER LL.B

Assisted by: JUANÉ VAN AARDT LL.B (Professional Assistant); RAIMUND STRZELECKI, LL.B (Professional Assistant) ALAPEJE NAMUBIRA B.Com (Law), LL.B (Professional Assistant);

PPP Act⁴. We have not had insight in the aforesaid letter of your Council to the Ministry of Finance, neither were we apprised of the purpose of the letter. We however assume that the Ministry was notified by your Council that the allocation of the Works to the private developers was made *before* the PPP Act came into effect, and accordingly, that the said Ministry represents the view that the PPP Act has retrospective effect.

THE LAW:

The legal principles on the issue as to whether a statute has retrospective effect can be summarized as follows:

1. There is at common law a rule of construction that a statute (including a particular provision in a statute) should not be interpreted as having retrospective effect unless there is an express provision to that effect or that result is unavoidable on the language used.⁵
2. Generally, statutes regulate future conduct and are construed as operating only on cases or facts which came into existence after they were passed.
3. A legislature exercising its power to make retrospective enactments must do so with clarity and precision in order to enable effect to be given to its provisions.⁶
4. In the absence of any provision in an enactment making its terms retrospective a court will not give a statute retrospective operation.⁷
5. No statute is to be construed so as to have retrospective operation unless the legislature *clearly* intended the enactment to have that effect. If the language of a statute is fairly capable of either a prospective or a retrospective interpretation, then it should be construed as prospective.⁸
6. In case of doubt a statute must always be so construed as to exclude a retrospective operation.
7. Where a statutory provision affects a person's substantive rights the provision should be construed as prospective, unless the provision is *clearly* to the contrary.
8. The proper approach in determining whether a statute had retrospective effect was not by

⁴ The regulations came into effect on 18 December 2018.

⁵ *National Iranian Ranker Co v MV Pericles* GC 1995 (1) SA 475 (AD),

⁶ *Port Elizabeth Municipality v SA Breweries* 1925 EDL 99 117

⁷ *Peterson v Cuthbert* 1945 ADF 420 at 430

⁸ Kellaway, *Principles of Legal Interpretation* 323 and the cases cited by the author



classifying it as procedural or substantive, but by seeing whether, if applied retrospectively to a particular type of case, it would impair existing rights and obligations.⁹

9. A court will not lightly presume a statute to be retrospective in its operation and on this basis interfere with or take away vested rights, unless the language is perfectly clear.¹⁰
10. It was also held that every statute which takes away or impairs vested rights acquired under existing laws, or creates a new obligation, or imposes a new duty or attaches a new disability in respect of transactions already past, must be presumed to be intended not to have retrospective effect. This statement is indicative of the scope of the rules against retrospective interpretation of statutory provisions.¹¹

Assuming that the private developers were notified of the allocation of the Works *prior* to the coming into force of the PPP Act, they are vested with accrued rights, which are likely to be impaired if the PPP Act is to have retrospective effect. Moreover, the PPP Act contains no clear provisions nor *indicia* that it was the legislator's intention that the PPP Act is to have retrospective effect.

CONCLUSION:

Based on the information available to us at date hereof it is our view that the PPP Act does not have retrospective operation and that the development agreements sought to be entered into are not regulated by the PPP Act. As already pointed out above, we have not seen nor have we been apprised of the purpose of the letter which your Counsel addressed to the Ministry. Out of caution, we suggest that you make same (as well as any other relevant correspondence) available to us for consideration, and, if necessary, for augmentation of our view herein contained.

Yours faithfully



KINGHORN ASSOCIATES

Per: H E AHRENS

⁹ *Euromarine International of Mauren v The Ship "Berg"* 1984 4 SA 647 (N) 661

¹⁰ Kellaway, *Principles of Legal Interpretation*, 327

¹¹ Kellaway, *Principles of Legal Interpretation*, 328

11.1.13

**CHANGE OF ENTITY NAME: EXTENSION 24, SWAKOPMUND
(PART OF THE ACTION PLAN 2018)**

(C/M 2020/06/25 - 14/1/14)

Ordinary Management Meeting of 11 June 2020, Addendum 10.7 page 53 refers.

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

1. **Introduction**

The purpose of this submission is to inform Council that the two developers (Immanuel Shikongo and Wendelinus) who have been allocated Extension 24 in terms of the Council decision passed on **31 May 2018** under item 11.1.25 registered a close corporation for the development of Extension 24.

2. **Registration of a Close Corporation**

Attached as **Annexure "A"** is a letter and a Founding Statement of Lelwapa Property Developers CC. The members of the close corporation are Mr Uuyuni and Mr Shikongo.

3. **Distribution of Erven**

In addition to the above, the developer also has queries on the distribution of the erven. A meeting was held with the developer on 28 November 2019 and another meeting was held with the General Manager: Engineering and Planning Services on 16 January 2020.

At the time the decisions were passed (31 May 2018 and 22 November 2018) the distribution of erven was done on informal lay-outs. In the meantime general plans approved by the Surveyor-General were received. Our Engineering & Planning Services Department is attending to the comparison of the actual borders of the townships as well as the division of erven. Once the revised information is available, valuations of the unserviced land will be obtained to determine correct distribution of erven and the value of Council's contribution. A memorandum in this regard was forwarded to the said department on **28 January 2020**.

Council approved the distribution of erven located in Extension 24, Swakopmund as follows:

| Zoning | Total Number of Erven | Erven Sharing Ratio | |
|-----------------------|-----------------------|---------------------|---------|
| | | Developer | Council |
| Single Residential | 240 | 144 | 96 |
| General Residential 1 | 0 | 0 | 0 |
| General Residential 2 | 0 | 0 | 0 |
| Local Business | 0 | 0 | 0 |
| General Business | 0 | 0 | 0 |
| Public Open Space | 4 | 0 | 4 |
| Institutional | 2 | 0 | 2 |
| Local Authority | 0 | 0 | 0 |
| Undetermined | 0 | 0 | 0 |
| Private Open Space | 0 | 0 | 0 |

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

RECOMMENDED:

- (a) That Council accepts that Mr Uuyuni and Mr Shikongo registered a close corporation, Lelwapa Property Developers CC (2019/05797) for the development of Extension 24 as approved by Council on 31 May 2018 under item 11.1.25.
 - (b) That Council takes note that the distribution of erven approved on 31 May 2018 was done on informal lay-outs as the general plans were not available; therefore once the Engineering & Planning Services Department compared the allocations with the actual general plans the distribution of the erven might differ.
-

**Due to the
voluminous
content - the
attachments
are available
on file.**

11.1.14

ERF 5346 - RESERVED FOR EMPLOYEES IN EXTENSION 15

(C/M 2020/06/25 - E 5346)

Ordinary Management Meeting of 11 June 2020, Addendum 10.8
page 68 refers.

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

1. **Introduction**

The purpose of this submission is to inform Council of the current situation regarding two erven located in Extension 15 which were previously reserved for allocation to qualifying employees.

These two erven are submitted under cover of separate submissions:

Erf 5346 : 600m² ⇒ tabled as this submission
Erf 5347 : 600m² ⇒ tabled as a separate submission

Council further has to approve the purchase prices for the above two erven which is now determined in terms of the Property Policy on the upset price of the erven for a specific township.

This amendment in calculating the purchase price was approved by Council on **25 April 2019** under item 11.1.22 as the Ministry of Urban and Rural Development confirmed that they will not approve a policy whereby erven are sold at low prices to employees.

2. **Brief Background**

2.1 Council on **28 June 2012** resolved:

- that 120 erven located in Extension 15, Swakopmund be sold to the public in commemoration of the town's 120th year existence.
- that 8 erven located in Extension 15, Swakopmund be reserved for allocation to municipal employees.

2.2 **Erf 5346, Swakopmund**

Erf 5346, Swakopmund formed part of the 120 erven which were offered for sale to the public.

Following the cancellation of the transaction, Council passed the following decision on **30 October 2014** under item 6.1.5:

That Council approves the reservation of Erf 5346, Extension 15, Swakopmund zoned single residential and 600m² in extent to be offered for sale to municipal staff members at the development costs subject to the provision of the Property Policy.

At the time a civil and labour case with regard to Erf 4347, Swakopmund was underway and pending the outcome of the ruling, the intention was to offer Erf 5346 and Erf 4347, Swakopmund to the municipal employees. So that the two erven could be sold at the same sale.

3. **Current Situation**

The development cost for Extension 15 was N\$167.00/m² and the upset price approved for the public sale during 2012 was the development cost + 25%.

The price applicable for sale to employees is N\$208.75/m².

Therefore the purchase price for **Erf 5346, Swakopmund**, measuring 600m² amounts to N\$125 250.00.

Although the purchase price for an erf located in Extension 15 seems unreasonable cheap in comparison (considering the location and size) with the purchase price for the 26 erven located in Extension 1, Matutura at N\$300.00/m² the minimum building value based on the Municipal valuation and the cost for rates and taxes are substantially higher.

Erf 5346, Ext 15, Swk - municipal value N\$ 297 000.00
 ↳ the minimum building value will therefore amount to N\$1 188 000.00.

Whereas the municipal value at average for the erven located in Extension 1, Matutura amounts to N\$ 70 000.00 ↳ the minimum building value will therefore amount to N\$280 000.00.

4. **Discussion**

It is proposed that Council considers to remain with its decision that Erf 5346 be reserved for allocation to employees.

That Council takes note of the conditions of Council's Property Policy in terms of which erven to staff members be sold at the upset price determined for the specific township which will result in a purchase price of N\$ 125 250.00.

Due to the number of years which lapsed since 30 June 2014 it is proposed to offer Erf 5346, Swakopmund at the municipal value of 2020 which amounts to N\$ 297 000.00 (N\$495.00/m²). This per square metre price compares favourably with the upset price of the erven located in the adjacent Extension 14 (N\$500.00/m² at the closed bid sale of 06 December 2019).

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

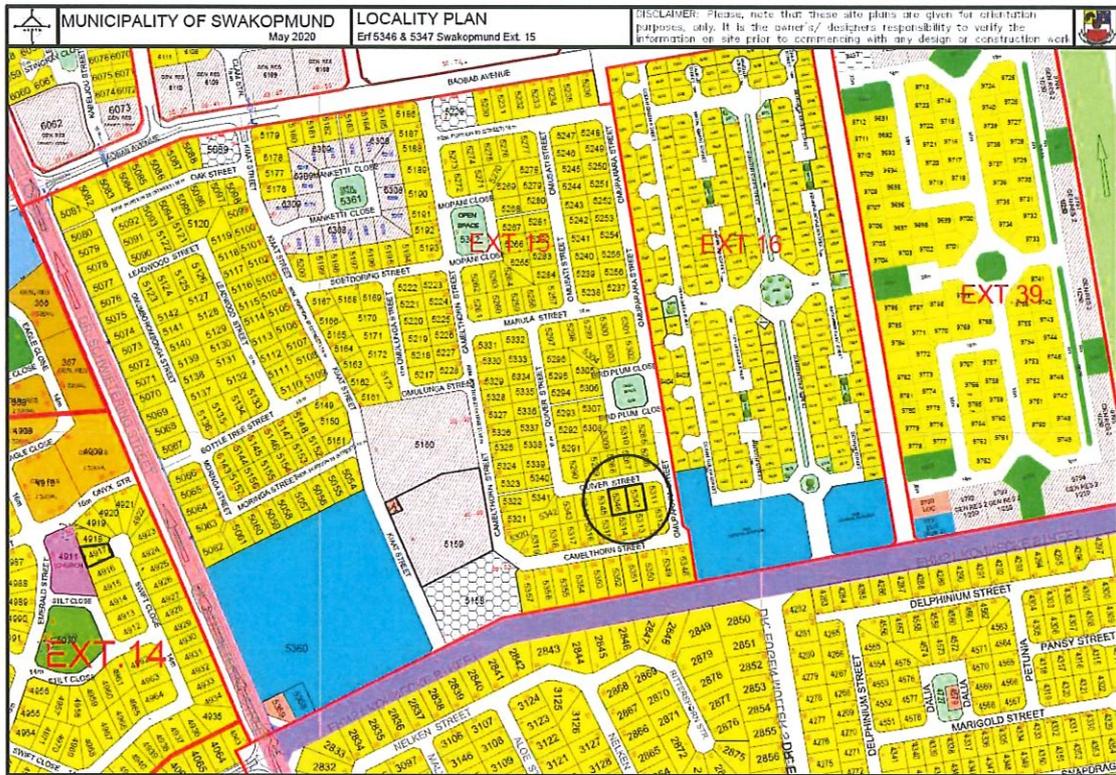
RECOMMENDED:

(a) That Erf 5346, Swakopmund, located in Extension 15 and measuring 600m² be offered to qualifying municipal employees in terms of the Property Policy.

(b) That the purchase price be determined at:

Erf 5346 : measuring 600m² = N\$ 297 000.00

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11.1.15

ERF 5347 - RESERVED FOR EMPLOYEES EXTENSION15

(C/M 2020/06/25 - E 5346 & E 5347)

Ordinary Management Meeting of 11 June 2020, Addendum 10.9
page 71 refers.

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

1. **Introduction**

The purpose of this submission is to inform Council of the current situation regarding two erven located in Extension 15 which were previously reserved for allocation to qualifying employees.

These two erven are submitted under cover of separate submissions:

| | | |
|-------------|---|---|
| Erf | : | 600m ² ⇒ tabled under cover as a separate submission |
| 5346 | | |
| Erf | : | 600m² ⇒ tabled as this submission |
| 5347 | | |

Council further has to approve the purchase prices for the above two erven which is now determined in terms of the Property Policy on the upset price of the erven for a specific township.

This amendment in calculating the purchase price was approved by Council on **25 April 2019** under item 11.1.22 as the Ministry of Urban and Rural Development confirmed that they will not approve a policy whereby erven are sold at low prices to employees.

2. **Brief Background**

2.1 Council on **28 June 2012** resolved:

- that 120 erven located in Extension 15, Swakopmund be sold to the public in commemoration of the town's 120th year existence.
- that 8 erven located in Extension 15, Swakopmund be reserved for allocation to municipal employees.

2.2 **Erf 5347, Swakopmund**

Erf 5347, Swakopmund formed part of the 8 erven reserved for allocation to municipal employees. Subsequent to the allocation of the erf to an employee a court case ensued. The outcome thereof was that Council purchase the erf from the employee. Ownership was registered in Council on 21 November 2016.

The final costs incurred by Council for Erf 5347, Swakopmund were received on 22 May 2020.

3. **Current Situation**

3.1 The development cost for Extension 15 was N\$167.00/m² and the upset price approved for the public sale during 2012 was the development cost + 25%.

The price applicable for sale to employees is N\$208.75/m².

Therefore the purchase price for **Erf 5346, Swakopmund**, measuring 600m² amounts to N\$125 250.00.

Although the purchase price for an erf located in Extension 15 seems unreasonably cheap in comparison (considering the location and size) with the purchase price for the 26 erven located in Extension 1, Matutura at N\$300.00/m² the minimum building value based on the Municipal valuation and the cost for rates and taxes are substantially higher.

Erf 5347, Ext 15, Swmunicipal value N\$ 297 000.00
 ↳ the minimum building value will therefore amount to N\$1 188 000.00.

Whereas the municipal value at average for the erven located in Extension 1, Matutura amounts to N\$ 70 000.00 ↳ the minimum building value will therefore amount to N\$280 000.00.

- 3.2 Keeping in mind the costs incurred by Council for **Erf 5347, Swakopmund** the purchase price has to include these costs.

These costs are as follows:

| | | |
|---------------|---|--|
| Labour Matter | : | N\$ 47 273.64 |
| Civil Matter | : | N\$ 41 001.78 |
| Transfer | : | <u>N\$ 107 524.25</u> |
| Total | : | <u>N\$ 195 799.70</u> (amounting to N\$326.00 / m ²) |

4. Discussion

It is proposed that Council considers to remain with its decision that Erf 5347 be reserved for allocation to employees.

That Council takes note of the conditions of Council's Property Policy in terms of which erven to staff members be sold at the upset price determined for the specific township which will result in a purchase price of N\$ 125 250.00.

Due to the number of years which lapsed since since the court ruling it is proposed to offer Erf 5347, Swakopmund at the municipal value of 2020 which amounts to N\$ 297 000.00 (N\$495.00/m²). This per square metre price compares favourably with the upset price of the erven located in the adjacent Extension 14 (N\$500.00/m² at the closed bid sale of 06 December 2019).

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

RECOMMENDED:

- (a) That Erf 5347, Swakopmund, located in Extension 15 and measuring 600m² be offered to qualifying municipal employees in terms of the Property Policy.
- (b) That the purchase prices be determined at:

Erf 5347 : measuring 600m² = N\$ 297 000.00

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