



MUNICIPALITY OF SWAKOPMUND

ANNEXURE B

Ref No: E 9806, E 9793

Enquiries: J Batley

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7 September 2022

 bruce@sp.com.na

Dear Sir,

**PERMANENT CLOSURE OF ERF 9806, SWAKOPMUND AS *PUBLIC OPEN SPACE*,
REZONING OF ERF 9806 FROM *PUBLIC OPEN SPACE* TO *GENERAL BUSINESS*,
CONSOLIDATION OF ERVEN 9806 AND 9794, SWAKOPMUND AND REZONING OF
ERF 9793, SWAKOPMUND FROM *GENERAL RESIDENTIAL 2* TO *PUBLIC OPEN
SPACE***

(C/M 2022/07/28 - E 9806, E 9793)

Please be informed that the Municipal Council of Swakopmund has on 28th July 2022 resolved as follows:

“RESOLVED:

- (a) That Erf 9806, Swakopmund, Extension 39 be closed as Public Open Space in terms of Section 50 (1) (c) of the Local Authorities Act, Act No. 23 of 1992.
- (b) That Erf 9806, Swakopmund, Extension 39 be rezoned from *Public Open Space* to *General Business* in terms of Section 105 (1)(a)(ii) of the Urban and Regional Planning Act, Act No 5 of 2018.
- (c) That Erven 9806 and 9794, Swakopmund be consolidated into Erf X in terms of Section 105 (1)(e)(ii) of the Urban and Regional Planning Act, Act No 5 of 2018.
- (d) That Erf 9793, Swakopmund, Extension 39 be rezoned from *General Residential 2* with a density of 1:250 m² to *Public Open Space* in terms of Section 105 (1)(a)(ii) of the Urban and Regional Planning Act, Act No 5 of 2018.
- (e) That the objectors be informed of Council's decision and their right to appeal to the Minister against Council's Resolution in terms of Section 110 of the Urban and Regional Planning Act, 2018 (Act No 5 of 2018), within 21 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.

Kindly also take notice that the objectors have been informed of their right to appeal against the Council decision in accordance with Section 110 of the Urban and Regional Planning Act to the Minister within 21 days.

Yours faithfully,



C McClune
GENERAL MANAGER: ENGINEERING & PLANNING SERVICES

JB/jh





MUNICIPALITY OF SWAKOPMUND

Ref No: E 9806 and E 9793

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30 November 2021

Mr B Stewart
 Stewart Planning Town & Regional Planners
 WALVIS BAY

bruce@sp.com.na

Dear Sir

APPLICATION FOR LAND SWAP OF ERF 9806, EXTENSION 39 SWAKOPMUND WITH ERF 9793, EXTENSION 39, SWAKOPMUND

The abovementioned refers.

Your application dated 03 September 2021 was submitted to Council and the following resolution was passed on 25 November 2021 under item 11.1.11:

- (a) *That it be noted that the two erven differ in area size and the difference must be paid for at a market value upon completion of both the planning and cadastral statutory procedures:*

	Erf #	Size	Owner
1	9806	2 251m ²	Swakopmund Municipality
2	9793	1 835m ²	The Trustees for the Time being of the Erf 462 Tamariskia Endowment Trust
	Difference	416m²	

- (b) *That the applicant undertakes all the planning and cadastral statutory procedures.*
- (c) *That it be noted that the market value of the land has been determine at N\$850 / m², therefore the total to be paid to Council will be N\$353 600.00.*
- (d) *That the exchange of Erf 9806, Extension 39 (zoned "Public Open Space") for Erf 9793, Extension 39 (zoned "General Residential") belonging to The Trustees for the Time being of the Erf 462, Tamariskia Endowment Trust; in order to accommodate the parking requirements for the development on Erf 9794, Extension 39 (belonging to Swakop Convenience Centre CC) be approved subject to successful completion of the statutory planning and cadastral procedures.*
- (e) *That approval for the exchange proposal be given on condition that Swakop Convenience Centre CC acquires ownership of Erf 9793 prior to entering into an exchange agreement with Council.*

- (f) *That upon acceptance of the Council decision by Swakop Convenience Centre CC, Council's intention to alienate Erf 9806, Extension 39, Swakopmund via an exchange transaction for Erf 9793, Extension 39, Swakopmund be advertised for possible objections as required in terms the Local Authorities Act, Act 23 of 1992 at the cost of the purchaser.*
- (g) *That the transaction be concluded after approval has been granted by the Ministry of Urban & Rural Development; within 120 days from the last party signing the exchange agreement.*
- (h) *That the purchaser accepts that no rights will accrue to it from Council's resolution unless all the relevant conditions of the Property Policy are complied with in full and all the relevant authorities have given the necessary permission, if applicable.*
- (i) *That the erven are exchanged "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.*
- (j) *That no development or construction will be permitted to commence until the statutory processes have been completed and the erven are transferred.*
- (k) *That the exchange agreement be signed and returned to the Swakopmund Municipality, by the purchaser within 21 days of receipt thereof.*
- (l) *That the purchaser indemnifies Council against any claims resulting from blasting, should blasting need to be done.*
- (m) *That Swakop Convenience Centre CC be responsible for all costs for the exchange transaction:*
 - (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,*
 - (ii) *That any remainder of the deposit in (i) above be refunded to the purchaser on completion of the related statutory processes.*

The sequence of events will be as follows:

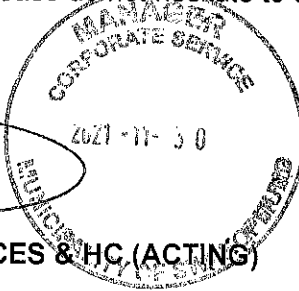
1. In order to commence with the exchange transaction kindly confirm acceptance of the Council resolution above.
2. Please provide proof of ownership of Erf 9793, Swakopmund in the name of Swakop Convenience Centre CC (see point (e) of the Council resolution).
3. The deposit in the amount of N\$10 000.00 must be paid within 90 days from date of Council's decision (see point (m) above), therefore by Wednesday, **23 February 2022**. Attached Council's bank account details. Please e-mail proof of payment to Ms S Bruwer at sbruwer@swkmun.com.na.
4. As soon as points 1 and 3 above are attended to, Council will publish the proposed exchange transaction as required in terms of the Local Authorities Act 23 of 1992 (see point (f) of the above Council resolution).
5. Upon completion of the publication process, approval will be sought from the Ministry of Urban and Rural Development to proceed with the transaction.

For any further enquiries, please do not hesitate to contact Ms S Bruwer at 064-4104212.

Yours faithfully



Mr A. P. Platjie
GM: CORPORATE SERVICES & HC (ACTING)



/sb

Copy: GM: Engineering & Planning Services