

The Environmental Commissioner
Ministry of Environment, Forestry and Tourism
Department of Environmental Affairs
Private Bag 13346
Windhoek
Namibia

19 January 2021

Dear Mr Mufeti

ENVIRONMENTAL ASSESSMENT AND APPLICATION FOR AN ENVIRONMENTAL CLEARANCE CERTIFICATE (ECC) - FOR THE CONSTRUCTION OF BIP SERVICE STATION AND TRUCK PORT WALVIS BAY, ERONGO REGION

This letter serves to confirm that we have initiated the process of submitting the application for an Environmental Clearance Certificate via the online Environmental Clearance Certificate System (**APP-002169**) for the above project. In meeting the requirement to submit a consent letter from the relevant authority with afore-mentioned application, we have engaged the Municipality of Walvis Bay to obtain the consent letter.

The Municipality has however informed us that they will not be able to provide us with the consent letter until certain issues that have been raised with the proponent and Namibia Industrial Development Agency (NIDA), who are the owners of the property, are addressed and rectified. Please find attached the communication from the Municipality as shared with NIDA and the proponent, as well as our communication to the proponent.

We trust that you will find this in order and will be in a position to advise us further.

Please do not hesitate to contact us for any further information.

Yours faithfully,



Colin P Namene
Managing Director



Municipality of Walvis Bay

Civic Centre • Nangolo Mbumba Drive • Private Bag 5017 • Walvis Bay • Namibia
Phone +264 (0)64 201 3111 • Fax +264 (0)64 204 528 • www.walvisbaycc.org.na

Mr Uparura Kuvare
Namibia Industrial Development Agency (NIDA)
11 Goethe Street
Private Bag 13252
Windhoek

Enquiries	Ephraim L Nambahu
Phone	+264 (0)64 201 3229
Fax	+264 (0)64 206 135
Cell	
E-mail	enambahu@walvisbaycc.org.na
Date	17 December 2020

Dear Mr Kuvare

Subject Contravention of the Walvis Bay Town Planning Scheme: Unauthorized Industrial Activities (Storage Facility & Offices) on a Portion of Farm 139 Walvis Bay

Ref. No. Farm 139

I refer to the abovementioned, building plans received on 16 November 2020, and various inspections conducted on site.

It has come to our attention that unauthorised "Industrial" activities (Storage Facility & Offices) are currently being operated on a Portion of Farm 139 Walvis Bay without the Municipal Council's authorisation. Your property is currently zoned as "Undetermined" in terms of the Walvis Bay Town Planning Scheme. The abovementioned activities currently being conducted on the said property are in violation of the Town Planning Scheme, as these are classified as Industrial activities and are not permitted on the current zoning of the premises.

Furthermore, it should be mentioned that the Municipal Council at its meeting held on 17 November 2020 (item 12.2), recommended your application (rezoning, subdivision, and incorporation application of Farm 139 Walvis Bay) for approval to the Urban and Regional Planning Board (see attached approval letter). The recommendation contains various conditions that need to be adhered to before any developments can take place on the said property.

As the activities currently being conducted on the premises are in conflict with the abovementioned conditions as well as the Walvis Bay Town Planning Scheme, it is **the Municipal Council's prerogative to withhold your rezoning application (and its inclusion into an amendment scheme) until such time all activities of an industrial nature has ceased. Activities can only be considered once the whole planning process is completed and the conditions imposed have been complied with.**



In view of the above, you are hereby requested to **cease the aforesaid activities within twenty-eight (28) days from the date of this notice in accordance with Clause 44.1 of the Walvis Bay Town Planning Scheme.**

In case of further queries, or the need for clarification, please do not hesitate to contact the Town Planning Section.

Yours faithfully



K Asino

Town Planner



Cc: **BIP Container Terminal CC**
c/o Gobabeb and Rooibank Avenue
PO Box 1418
Walvis Bay
Tel: 081 333 7364
Attention: Cedric Willemse
Email: cedric@bipct.com

Du Toit Town Planning Consultants
P O Box 6871
Ausspannplatz
Windhoek
Email: elmarie@dutoitplan.com



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Du Toit Town Planning Consultants
P O Box 6871
Ausspannplatz
Windhoek
Namibia

Enquiries	Ephraim L. Nambahu
Phone	+264 (0)64 201 3229
Fax	+264 (0)64 206135
Cell	
E-mail	enambahu@walvisbaycc.org.na
Date	23 November 2020

Dear Sir/Madam

Subject: Rezoning, Subdivision and Incorporation of Farm 139

Ref. No.: Farm 139

I refer to the above and to your application dated 10 August 2020.

You are hereby informed that the above application has been approved by the Municipal Council at its meeting held on 17 November 2020 (item 12.2), as follows:

- (1) That the Municipal Council recommends for approval to the Urban and Regional Planning Board, the application for the rezoning of Farm 139, a Portion of Remainder Portion 13 of the Farm Wanderdünen No. 23 from "Undetermined" to "Light Industrial" with a maximum bulk of 1.5, in accordance with Sections 56(2) and 109(2)(a) of the *Urban and Regional Planning Act, 2018 (Act of 2018)*, subject to the following conditions:
 - (a) That, if required in terms of the *Urban and Regional Planning Act, 2018*, the rezoning be included in the next Walvis Bay Amendment Scheme to be submitted to the Minister of Urban and Rural Development for approval.
 - (b) That the applicant obtains the Environmental Clearance Certificate (ECC) from the Ministry of Environment, Forestry and Tourism and submits the ECC to the Municipal Council prior to the inclusion of the rezoning application into an Amendment Scheme and submission to the Urban and Regional Planning Board.
- (2) That the Municipal Council recommends for approval to the Urban and Regional Planning Board, the application for the alteration of the township boundaries of Walvis Bay Extension 14 through the incorporation of Farm 139 into Walvis Bay Extension 14 as an Erf, to the Urban and Regional Planning Board in terms of Sections 74 and 109(2)(a) of the *Urban and Regional Planning Act, 2018*, subject to the following condition:
 - (a) That an application for the alteration of the boundaries of the approved township (incorporation) be lodged with the Urban and Regional Planning Board.



- (3) That the Municipal Council recommends for approval to the Urban and Regional Planning Board, the application for the subdivision of the proposed Erf X (as per the alterations of the township boundaries or incorporation) into Portions 1 to 10 and Remainder (Street) in accordance with sketch plan WADERDUNEN 139 dated May 2020, in terms of Sections 88(2), 90 and 109(2)(a) of the *Urban and Regional Planning Act, 2018*, subject to the following conditions:
- (a) That the conditions presently registered against Farm 139 (proposed to be incorporated as Erf X) be cancelled, and that the following conditions be registered against the proposed portions in favour of the Municipal Council:
- (i) The portions shall only be used or occupied for purposes which are in accordance with, and the use or occupation of the erf shall at all times be subject to, the provisions of the Walvis Bay Town Planning Scheme (or Zoning Scheme) prepared and approved in terms of the *Urban and Regional Planning Act, 2018*.
 - (ii) The minimum value of the main building, excluding the outbuilding to be erected on the portions shall be at least four times the municipal valuation of the erf.
- (b) That each of the proposed portions be provided with one electricity, water and sewerage connection only.
- (c) That the applicant be responsible for new entrances.
- (d) That Portions 1 and 8 be reserved for the Local Authority for Municipal Purposes as indicated on sketch plan WANDERDUNEN 139 dated May 2020.
- (e) That any new additions to, alterations to or relocation of municipal services shall be the responsibility of the applicant.
- (f) That the applicant shall make suitable arrangements with and to the satisfaction of the Municipal Council, regarding any private sewers and private water pipes traversing the newly created portions.
- (g) That the applicant shall obtain the Infrastructure Compliance Certificate from the

General Manager: Roads and Building Control, prior to the approval of any building plans for developments on the proposed portions or commencement of use, whichever is earlier.

- (h) That the applicant shall make suitable arrangements with and to the satisfaction of Erongo RED regarding all electrical cables and connections.
 - (i) That the applicant shall make suitable arrangements with and to the satisfaction of Telecom Namibia regarding telephone cables and connections.
 - (j) That the Municipal Council accepts no responsibility for the accuracy of the figures and/or dimensions shown on the sketch plan which bears the Municipal Council's stamp of approval.
 - (k) That an application for the subdivision be lodged with the Urban and Regional Planning Board in terms of the *Urban and Regional Planning Act, 2018*.
- (4) That all costs regarding the above conditions be borne by the applicant.

For any queries that you might have please do not hesitate to contact the Town Planning Section.

Yours faithfully


M Haingura
Chief Executive Officer



BIP Service Station and Truck Port CC
Walvis Bay
13 January 2021

Dear Mr C Willemse

ENVIRONMENTAL ASSESSMENT AND APPLICATION FOR AN ENVIRONMENTAL CLEARANCE CERTIFICATE (ECC) - FOR THE CONSTRUCTION OF BIP SERVICE STATION AND TRUCK PORT WALVIS BAY, ERONGO REGION

This letter serves to confirm that we are ready to submit the application for an ECC for the above project to the office of the Environmental Commissioner. It is a requirement of the Environmental Commissioner that a consent letter from the relevant authority has to be submitted together with afore-mentioned application. We have subsequently engaged the Municipality of Walvis Bay to obtain a consent letter.

The Municipality has however informed us that they will not be able to provide us with the consent letter until certain issues that have been raised with yourselves and NIDA are addressed and rectified. Please find attached the communication from the Municipality as shared with NIDA and yourself.

Kindly note that this will have an impact on our ability to complete the application process as the Ministry of Environment, Forestry and Tourism's system will not allow us to submit without the consent letter. Kindly advise on the way forward.

We look forward to hear from you soon. Please do not hesitate to contact us for any further information.

Yours faithfully,



Colin P Namene
Managing Director