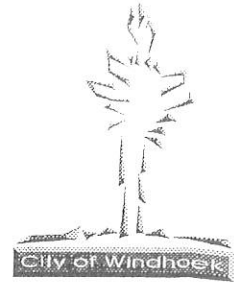


Department of Planning, Urbanisation and Environment

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Windhoek/NAMIBIA

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Enq : Mr H Rust
Tel : 290 – 2378

Ref : L/Ptn 10/BW
Date : 7 March 2008

Messrs ETZOLD - DUVENHAGE
Feld Street
WINDHOEK

Attn: Mr Etzold

Sir

REZONING OF PORTION 10 OF THE FARM BRAKWATER NO. 48 BOKOMO NAMIBIA

This serves to inform you that the City Council, at its meeting on 27 February 2008, resolved as follows:

That Council Resolution 296/09/2001 be upheld and that a portion of Plot 10, Brakwater as indicated on the plan measuring ± 5.4 hectare in extent be rezoned from 'residential' to 'industrial' with a bulk of 0.5 subject to the following conditions:

- 1 That the owner take note that any subsequent rezoning be subject to the City's Betterment Policy.
- 2 That the noxious industrial activities, namely the chicken manure industry associated with the egg factory be removed as a matter of urgency and no later than the 31 May 2008.
- 3 That the developer take note that no municipal sewerage services are available and that the latter should continue to make own arrangements for treatment of industrial waste to the satisfaction of the Strategic Executive: Infrastructure, Water and Waste Management.
- 4 That the developer provide the Strategic Executive: Infrastructure, Water and Waste Management with a layout of the water supply and anticipated water requirements.
- 5 That the developer submit an engineering report on the water and wastewater treatment providing details on effluent generation and loading, and that the developer must indicate how the solids and effluent from the waste water treatment facility will be dealt with for the approval of the Strategic Executive: Infrastructure Water and Waste Management, prior to the inclusion of the rezoning in an Amendment Scheme.
- 6 That the developer note that final effluent disposal permit will be applicable to industrial effluent such as generated by a food factory.

- 7 That the developer provide full detail, for the approval of the Strategic Executive: Infrastructure, Water and Waste Management, prior to inclusion in an Amendment Scheme, of its solid waste disposal plan.
- 8 That the Strategic Executive: Planning, Urbanisation and Environment investigate the maximum noise level of 35 dbA during day and night, in light of new developments in respect of noise pollution.

RESOLUTION 52/02/2008

The next step is to include the rezoning in an Amendment Scheme to the Minister of Regional and Local Government, Housing and Rural Development. Should he wish so, your client may lodge an appeal to the Minister against the Council Resolution.

In cases where the City Council has the discretion to take a decision in terms of the Town Planning Scheme, provision has been made in Section 51 of the Scheme for an appeal against that decision:

- (1) Any person who is aggrieved by a decision of the Council in terms of an application made under this Scheme, may appeal to the Competent Authority (namely the Minister of Regional and Local Government & Housing, Private Bag 13289, Windhoek).
- (2) If the decision is one which the Council is required to give upon the application of any person or upon the submission by any person of plans or proposals, an appeal shall, in addition, lie against a refusal of the Council to give, or unreasonable delay on its part in giving a decision, as if it were an appeal against a decision of the Council.
- (3) Written notice of an appeal shall be given to the Competent Authority and to the Council. If the appeal is against a decision of the Council, the notice shall be given within twenty-eight (28) days from the date of the service on the appellant of the notice of the Council's decision.

We request you therefore to inform us in writing should your client decide to lodge an appeal against the rezoning and Council Resolution. The City will inform you on the number of the Amendment Scheme in which the rezoning will appear in due course.

Yours faithfully



H Rust

Town Planner

URBAN PLANNING