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SCOPING REPORT
ENVIRONMENTAL CLEARANCE CERTIFICATE FOR:

Rezoning of a portion of Erf 1784, Omdel Extension 5 from
"Institutional" to "Local Business".

Submission to:

Environmental Commissioner
Ministry of Environment and Tourism
Directorate of Environmental Affairs
Private Bag 13306
Windhoek

Prepared for:

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1. Introduction

Background

According to the Environmental Management Act No. 7 of 2007 and its Regulations, the rezoning of land from residential use to commercial cannot be undertaken without an Environmental Clearance Certificate. This rezoning is not from residential use but rather from institutional to commercial use. This application is hereby made to enable the Environmental Commissioner to evaluate whether or not the proposed rezoning will negatively affect the surrounding environment.

The ECC required, is in terms of the Environmental Management Act No 7 of 2007 and the Environmental Assessment Regulations (Government Gazette No. 30 of 2012). The purpose of this scoping report is for the above mentioned proposed activity.

Terms of Reference

In order to comply with the requirements and Regulations of the Environmental Management Act, the Scoping Report will:

- Establish policy, legal and administrative requirements that are relevant to the proposed rezoning;
- Evaluate the need and desirability of the proposed rezoning and development;
- Notify and consult Interested and Affected Parties;
- Evaluate the natural and urban environment to identify potential sensitive areas;
- Identify potential impacts the proposed rezoning will have on the natural and urban environment and assess their significance;
- Identify, assess and consider alternatives;
- Consider mitigation measures to be taken which will function as a Draft Management Plan.

The Scoping Report is submitted to the Office of the Environmental Commissioner.

Laws and Policies consulted

Table 1

Laws and Policies applicable to the proposed activity and considered in the Scoping Report

Legislation/Policies	Provision	Relevant Authority	Application
The Constitution of the Republic of Namibia	Article 95(1): the State shall actively promote and maintain the welfare of Namibians by promoting sustainable development.	Government of the Republic of Namibia	The proposed activity should not pose a threat to the natural and human environment in both present and the future.
Environmental Management Act (No. 7 of 2007) and its Regulations	Provides guidance on how assessments should be undertaken for "listed activities".	Ministry of Environment and Tourism (MET)	The proposed activity requires an Environmental Clearance Certificate.
Atmospheric Pollution Prevention Ordinance of 1976 (APPO:1976)	Provides general guidance on pollution control such as dust.	MET	This Ordinance requires any construction site to adopt the best practicable method to prevent dust from dispersing and causing a health issue.



Hentiesbaai Town Planning Scheme (TPS)	This statutory document provides land use regulations and development.	Hentiesbaai Municipality (HBM)	Land uses and developments should be in accordance with the TPS.
Accommodation Establishment & Tourism Ordinance No 20 of 1973	Provides for the establishment of tourist recreation areas and incidental matters.	Ministry of Environment and Tourism (MET)	Rezoning to Local Business will enable the developer to operate an accommodation establishment in addition to other tourist related activities.

2. Proposed activity

Description of the proposed activity

A rezoning from Institutional to Local Business is sought for a portion of Erf 1784 Omdel Extension 5 (the site) in order to permit the development of a mixed use business development on the site. The mixed use business development will comprise of a restaurant, a Guest House, shops, a miniature golf-estate and rock-climbing facilities. The development will be an integrated development in which all activities complement each other.

This scoping report is therefore prepared in order to determine whether an Environmental Impact Assessment is required for the proposed development or not.

The proposed development will most likely look as seen in the model below:



Figure 1: Model of the proposed development

The proposed land use prompts the changing of the current zoning of the site to suitable Local Business zoning. Such a change may yield possible environmental effects which is what this scoping report aims to establish. ECC is required in terms of the Environmental Management Act 7, of 2007 and its Regulations.

Description of the site

Figure 2 below, shows the geographical location of the site in relations to Omdel Extension 5. It can be seen that the site is currently vacant, covered by sand and has a triangular shape.



Figure 2: Zoning & Locality of the site (Erf 1784 Omdel Extension 5) and surrounding

Erf 1784 measures 32 000m² and will be subdivided into two portion to create a portion and remainder Erf 1784. Application for an ECC is for a 15 000m² portion of Erf 1784 only. The remainder of Erf 1784 will remain zoned Institutional.

Location of activity on site

Omdel Extension 5 is a newly established township. Most properties have been allocated various zonings for various land uses, however very little development has taken place in the area. It is a predominately residential area, and the proposed land use comprising of shops, restaurants, bar, accommodation establishment and recreational facilities will serve the residential area. These are land uses compatible with residential land uses as they both need each other to function. Therefore the rezoning will not negatively affect the people or cause harm to the environment.

Local Business land uses are also compatible with Institutional land uses, so in the event that the remainder of Erf 1784 Omdel Extension 5 is developed, it can function in a favourable environment even with the local business as its adjacent neighbour. Fortunately there are no Industrial zoned properties in this extension, meaning there will be no sources of pollution that can hinder the operations of the proposed land uses.

3. Description of the Environment

❖ Geophysical aspects

The site is surrounded by a belt of land zoned public open space, however no maintenance or development has been done on the site to show that it is a public open space. The proposed development will not encroach on the surrounding belt of public open space. Even though the site is vacant rezoning & developing will not destroy any prominent vegetation or animals habitats because the site is fully sandy.

The proposed activity may affect the following geophysical aspects:

- **Negative:** Dust particles will be created during the construction phase;
- **Positive:** Particles of dust can be blown away by the wind reducing the chances of people inhaling it;
- **Positive:** The physical size of the site is more than enough to accommodate the proposed development;

❖ Biological aspects

The site is located in Omdel Extension 5, which is a newly established township. Most of the surrounding area is undeveloped and is fully sandy. The environment was never covered by vegetation, therefore no clearing of trees was done. Coastal towns experience wind most of the year as a result the unserved areas are just piles of sand. Sand is shifted in order to create developable land. The streets in this area have not been graded, however the ground has been leveled leaving no endangered species or animals. Due to the gradual transformation of natural environment into an urban environment, this rezoning will not have any biological side effects at all.

The proposed activity may affect the following biological aspects:

- **Negative:** None observed.
- **Positive:** No impacts will be generated by this rezoning because development will take place in an existing urban environment for which an EIA was already done before the township was established.

❖ Social aspects

The site is located on the east side of Jakkalsputz Road the entrance road into Henties Bay. The western side of this road is predominately residential, while the east side has been planned however very little development has taken place except north of the site. This neighbourhood is therefore very quiet throughout the day, week, month and year. Only movement of cars into and out of Henties Bay is experienced in this neighbourhood. In the near future when the township has become fully developed, it is expected that during the day, and night and weekends there will be a lot of movements of people coming and leaving the proposed development.

The proposed activity may affect the following social aspects:

- **Negative:** Development of a mixed land use, will increase the amount of traffic that will travel along the road providing access to this site.
- **Negative:** The existence of development on the site, will put a load on municipal services which up to now have not been in use.
- **Negative:** Building works can threaten the safety of the public.
- **Positive:** Rezoning the site will create employment opportunities in the business and tourism sector for the local residents.
- **Positive:** Development of a mixed use business and tourism related activity will attract tourists to the town and create an opportunity to exchange cultures.



❖ Economic aspects

The development of the mixed use tourism activity may incur some economic benefits and disadvantages. The proposed activity may affect the following economic aspects:

- **Positive:** Construction of a restaurant, Guest House, shops, miniature golf course, and an indoor rock climbing facilities will attract a variety of income groups which will help boost the local economy.
- **Positive:** Council will generate income through rates and taxes as the site will now be used for business purpose and for institutional as it was initially set aside for.

❖ Cultural aspects

The site and immediate neighborhood pose no historical or culturally sensitive value. There are no existing development on the site. The proposed activity may affect the following economic aspects:

- **Positive:** No objections were received from the public; therefore the proposed activity is in accordance with the community's values, norms, and cultural principles.

4. Motivation

Demand for development

There is no development in this part of Omdel Extension 5. This indicates that there is a demand for development. The last development that took place in this part of Henties Bay is a kilometre away from this site. Since then very little businesses have taken place. It is for this reason that rezoning application such as this that seek to allow development to commence, while the rezoning is in progress must be supported.

There is a high population threshold to support the development as there are not many shops, restaurants, bar, accommodation establishment and recreational facilities that serve the existing communities. The residential developments taking place cannot exist in isolation without the necessary land uses required to enable the neighbourhoods to function well. Proposed development of shops, restaurants, a bar, guesthouse/backpackers and recreational facilities will fill the need for such land uses that is currently in the market.

Approval of this rezoning will also mean that residents living in this part of Henties Bay will no longer have to travel to town to access these facilities as they now have their own close by. In addition to that pressure from the existing restaurants, shops, guest houses in the town centre will now be relieved as they will be supplemented by these proposed ones conveniently located.

Economic Benefits

Henties Bay does not have main industries to create employment opportunities. It is therefore vital that proposed development such as this must be supported as they will create jobs for the local people. This will then mean the Council does not have to bear the impacts of high unemployment rate such as unpaid municipal bills. Moreover, supporting rezonings that will enable business development will also attract investors to this neighbourhood. Meaning the development of this site could potentially result in other developers buying properties around this site for the development of land uses that will complement the proposed development. Approval of this rezoning will set a precedent that could have a positive cumulative impact on the wider area.

The development of a multi-purpose tourism establishment will attract tourist from other towns and will consequently help boost the local economy. Land will also go to waste, if the Council is not supportive of development. Land is Council's biggest investment and approval of the rezoning will mean that they will be able to generate returns on their investments. Allowing development to commence while the rezoning is in progress will mean that Council will be able to generate income through the deduction of rates and taxes and service charges sooner rather than later. This is better than having to wait 23-36 months before they can reap the benefits such a development will bring.

Traffic and Parking

Access to the site is easily obtainable from a 25 meters wide street off Jakkalsputz Avenue. In addition to that there is also the option of obtaining access directly off Jakkalsputz Road. Both these streets are well connected to the wider road network and do not exist in isolation. This means traffic can easily be distributed across the road network and will not be concentrated in one part resulting in traffic congestion.

Traffic can flow with ease as they are both wide roads, and can accommodate pedestrians too. There are proper road signage that can be easily seen and understood by any road user. As the area is not fully developed the roads cope well with existing traffic and will continue to cope well with the expected fair increase in traffic. Due to the fact that the site is very large, on-site parking will be provided in accordance with the requirements of the Henties Bay Town Planning Scheme. In view of the above motivation, the rezoning application has intrinsic worth and should therefore be supported.

Alternatives

There are no other alternatives that will bring similar benefits, without causing negative impact on the natural environment like the proposed rezoning and development.

5. Impact Assessment

Methodology

Table 2 below shows the criteria that was used to assess the significance of the identified impacts of rezoning a portion of Erf 1784 Omdel Extension 5.

Table 2: Criteria used to determine the significance of impacts and description thereof

CRITERIA	DESCRIPTION
(i) DIRECTION	Indicates whether the proposed activity has beneficial (positive) or adverse (negative) impacts on the environment or no impact whatsoever (neutral).
(ii) MAGNITUDE	Indicates the order of magnitude the impact will have relative to the size and value of the environment such as: none (no impact); small (impact on environment is negligible and sustainable); medium (impact modifies environment, but continues to function); large (impact on environment is harmful and unsustainable). The larger the magnitude, the greater the significance.
(iii) EXTENT	Indicates measures on what spatial scale the potential impact will have on the environment such as: site-specific (on site); sub-local (limited to within 1km of the site); local (limited to within 15km of the site); regional (limited to within the borders of the Erongo region); national (limited to within the borders of Namibia); and international (beyond Namibia's borders). The larger the scale, the greater the significance.
(iv) DURATION	Indicates the time period of the impact which will either be: short-term (in days, less than a month); medium-term (in months, less than a year); long-term (in years, less than a decade); or permanent (more than 10 years). The longer the duration, the greater the significance.
(v) FREQUENCY	Indicates the return period of impacts which will reoccur over time such as: never (will not reoccur); daily (will reoccur everyday); monthly (will reoccur every 30 days); seasonally (will reoccur every few months); or annually (will reoccur every year).



(vi) REVERSIBILITY	Indicates the permanence of the impact on the environment for example: reversible (environment will rehabilitate itself over time); semi-reversible (human intervention can rehabilitate the environment); and irreversible (permanent damage to the environment, cannot be rehabilitated).
(vii) LIKELIHOOD OF OCCURENCE	Indicates the possibility of a particular impact occurring as predicted such as: improbable (low likelihood of occurring); probable (possible likelihood of occurring); highly probable (high likelihood of occurring); and definite (will happen regardless of prevention measures).

A significance level was given to each impact according to the severity of the criteria discussed above. The significance levels are described in the table below:

Table 3: Significance levels and their description

SIGNIFICANCE LEVEL	DESCRIPTION
LOW	Impact on the environment is negligible and no mitigations are necessary.
MEDIUM	Impact could potentially affect the environment and requires some form of mitigation.
HIGH	Impact will have a significant influence on the environment and in case of a negative impact, require an Environmental Management Plan.

Potential impacts

A total of 12 potential impacts were identified during the site visit and the significance level thereof was assessed using the SLAM method as summarised in table 4 below:

Table 4: Significance Level Assessment Matrix (SLAM)

POTENTIAL IMPACTS	DIRECTION	MAGNITUDE	EXTENT	DURATION	FREQUENCY	REVERSIBILITY	LIKELIHOOD OF OCCURENCE	SIGNIFICANCE LEVEL
1. Impact of the proposed zoning on traffic generation.	Negative	Small	Sub-local	Long term	Daily	Semi-reversible	Probable	MEDIUM
2. Impact of the proposed zoning on services.	Negative	Small	Local	Permanent	Daily	Semi-reversible	Probable	MEDIUM
3. Impact of construction on dust and noise levels.	Negative	Medium	Site-specific	Short term	Daily	Reversible	Definite	MEDIUM
4. Impact of the development on the geography of the environment.	Neutral	None	Site-specific	Long term	Daily	Semi-reversible	Improbable	LOW
5. Impact of a new development on urban growth.	Positive	Medium	Local	Permanent	Annually	Irreversible	Definite	LOW
6. Impact on biodiversity and the natural environment.	Neutral	None	Local	Permanent	Never	Semi-reversible	Highly probable	LOW
7. Impact of a single storey development on privacy.	Positive	None	Site-specific	Permanent	Daily	Semi-reversible	Probable	LOW

8. Impact of building works on public safety.	Negative	Medium	Site-specific	Medium term	Daily	Semi-reversible	Highly probable	MEDIUM
9. Impact of proposed zoning on surrounding land-uses.	Positive	Small	Sub-local	Long term	Daily	Semi-reversible	Probable	LOW
10. Impact of development on the quality of life.	Positive	Medium	Sub-local	Long term	Daily	Semi-reversible	Definite	LOW
11. Impact of the development on job creation.	Positive	Medium	Sub-Local	Long term	Daily	Reversible	Definite	LOW
12. Impact of development on the community.	Positive	None	Local	Medium term	Never	Semi-reversible	Probable	LOW

In summary, there are 12 identified impacts of which four (4) were negative, six (6) were positive and two (2) were neutral and had no impact at all. Eight impacts received a significance level of **LOW** and required no mitigation. Four impacts received a significance level of **MEDIUM** which could potentially affect the environment and required some form of mitigation and control. No impact with a **HIGH** significance level was identified during the assessment.

6. Draft Management Plan

The following Draft Management Plan will summarise the mitigation measures in order to address the **MEDIUM** impacts identified in the previous section. The mitigation measures in table 5 will help prevent environmental degradation, control pollution and protect the general amenity of the community.

Table 5: Proposed mitigation measures

Potential Impact	Pre-mitigation significance level	Mitigation measure	Post-mitigation significance level
1. Impact of the proposed zoning on traffic generation.	MEDIUM	<ul style="list-style-type: none"> ✓ Provision of sufficient on-site parking. ✓ Obtain access from internal road instead of main road. 	LOW
2. Impact of the proposed zoning on services.	MEDIUM	<ul style="list-style-type: none"> ✓ Consider if there is sufficient bulk municipal services for the development in the short and long term; ✓ Encourage the use of renewable sources of energy such as solar panels and solar powered geysers to reduce electrical consumption ✓ Install water-saving taps and toilets to reduce water consumption 	LOW
3. Impact of construction on dust and noise levels.	MEDIUM	<ul style="list-style-type: none"> ✓ Fence construction site off from the public to minimise the spread of dust and to absorb noise. 	LOW
4. Impact of the development on the geography of the environment.	LOW	<ul style="list-style-type: none"> ✓ No mitigation required 	LOW
5. Impact of new development on urban expansion.	LOW	<ul style="list-style-type: none"> ✓ No mitigation required 	LOW
6. Impact on biodiversity and the natural environment.	LOW	<ul style="list-style-type: none"> ✓ No mitigation required 	LOW
7. Impact of a single storey development on privacy.	LOW	<ul style="list-style-type: none"> ✓ No mitigation required 	LOW



8. Impact of building works on public safety.	MEDIUM	<ul style="list-style-type: none"> ✓ Ensure that construction site is fenced off from the public; ✓ No entrance to the site by unauthorised personnel; ✓ All workers must wear highly protective clothing while on site 	LOW
9. Impact of proposed zoning on surrounding land-uses.	LOW	<ul style="list-style-type: none"> ✓ No mitigation required 	LOW
10. Impact of development on the quality of life.	LOW	<ul style="list-style-type: none"> ✓ No mitigation required 	LOW
11. Impact of the development on job creation.	LOW	<ul style="list-style-type: none"> ✓ No mitigation required 	LOW
12. Impact of development on the community.	LOW	<ul style="list-style-type: none"> ✓ No mitigation required 	LOW

The proposed mitigation measures will reduce the identified **MEDIUM** impacts to a **LOW** significance level.

In summary, most of the potential impacts identified during the study are generic construction and development impacts in terms of noise and dust pollution which can be adequately avoided with the proposed mitigation measures. Redeveloping within the existing urban edge, will reduce the ecological footprint than establishing a new township. Therefore, redevelopments should be encouraged.

7. Public Consultation

Steps of consultation

The following steps were taken to consult the public:

- 1) The proposed activity has been advertised in **The Namibian** and **New Era newspapers** on **24 January 2020**, please note that a notice appeared on the 28 January 2020, but it was misprinted which led to the third notice on **07 February 2020**;
- 2) Adjacent owners were notified about the proposed activity via **Registered Mail**;
- 3) An environmental notice of the proposed activity was up on the Henties Bay Municipality Head Office notice board from **24 January 2020 to 21 February 2020**;
- 4) A notice was placed on site to advertise the proposed activity from **24 January 2020 to 14 February 2020**, which was the initial closing date, but was extended to the **21 February 2020** due to the newspaper misprint.

Proof of consultation

Copy of the newspaper extract, registered mail sent to interested and affected parties.

List of stakeholders

Table 6: A list of all stakeholders relevant to the proposed activity

NAME	STAKEHOLDER	POSTAL ADDRESS	CONTACT DETAILS
Coenraad Steyn	Client	P. O. Box 516, Henties Bay	Mobile Number: 081 312 6133
Stewart Planning	EAP	P. O. Box 2095, Walvis Bay	bruce@sp.com.na
Ministry of Environment and Tourism	Relevant Authority	Private Bag 13306, Windhoek	061 284 2111
Owner of Erf 2207	Potential I&AP	P. O. Box 31797 Windhoek	Not known

Owner of Erf 2206	Potential I&AP	P. O. Box 1962 Walvis Bay	Not known
Owner of Erf 2205	Potential I&AP	P. O. Box 5226 Secunda, RSA	Not known
Owner of Erf 2204	Potential I&AP	P.O. Box 58851 Karenpark. RSA	Not known
Owner of Erf 2193	Potential I&AP	P.O. Box 31121 Pioneerspark	Not known
Owner of Erf 2192	Potential I&AP	P.O. Box 40 Otjiwarongo	Not known

Comments raised

No comments were raised by the neighbours or any potential interested and affected party.

8. Conclusion

The rezoning of a portion of Erf 1784, Omdel Extension 5 from “Institutional” to “Local Business” and intended development of shops, a restaurant, Guest House and recreational facilities will have a limited and insignificant impact on the environment. In cases where there are any slight impacts the Draft Management Plan should be adhered to.

During the impact assessment, the four impacts identified with a **MEDIUM** level could successfully be mitigated to a **LOW** significance level. No **HIGH** impacts were identified within the assessment, therefore, the proposed development of shops, restaurants, a bar, guest house and recreational facilities will not have any negative environmental effects. The site under consideration is situated along the main activity corridor which Jakkalsputz Road. Rezoning undeveloped land is better than developing on land that was initially earmarked for that purpose, considering the current shortage of serviced land in Namibia. Rezoning the site to accommodate the needs of the Henties Bay town while it is still growing can be achieved without causing environmental damages to the area.

The Environmental Management Act requires that the impact of the development on the environment and the residents be assessed and mitigated for. This report has done just that, and have discovered that tourism related activities can take place in a sustainable way, affordable and environmentally friendly way.

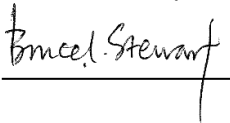
It is therefore recommended that the proposed activity of rezoning a portion of Erf 1784, Omdel Extension 5 from “Institutional” to “Local Business” be issued with an Environmental Clearance Certificate.

I attach the following documents for a formal Environmental Clearance application:

- Annexure A: Application for Environmental Clearance Certificate
- Annexure B: Curriculum Vitae of EAP
- Annexure C: Newspaper Notice
- Annexure D: Letter to Interested and Affected Parties

Should there be any outstanding information or documents, please do not hesitate to contact me.

Yours faithfully,



Bruce Stewart
Town and Regional Planner



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