

**Ministry of Environment and Tourism  
Office of the Environmental Commissioner  
Private Bag 13306  
WINDHOEK  
Namibia**

**7 July 2020**

Dear Sir,

**APPLICATION FOR ENVIRONMENTAL CLEARANCE IN TERMS OF THE ENVIRONMENTAL MANAGEMENT ACT OF 2007, FOR THE PERMANENT CLOSURE OF A PORTION OF ABALONE AVENUE LOCATED IN MILE 4, SWAKOPMUND**

Van der Westhuizen Town Planning and Properties, on behalf of the proponent, the Swakopmund Municipality, we herewith formally apply to the Environmental Commissioner for Environmental Clearance for the permanent closure of a portion of Abalone Avenue located in Mile 4, Swakopmund (Annexure A).

**1. BACKGROUND**

Our client, Mr J D Geringer, applied to the Swakopmund Municipality on 28 March 2017 to purchase a portion of street located between erven 40 and 41 Mile 4 in order to consolidate such portion with Erf 40 Mile 4. The application served before Council on 31 August 2017 (Annexure E) whereby Council approved such sale of a portion of Abalone Avenue to Mr Geringer.

The proponent, Swakopmund Municipality, and owner of Abalone Avenue, the Municipality of Swakopmund decided to permanently close a Portion of Abalone Avenue located in the Mile 4 area of Swakopmund. A portion of approximately 325m<sup>2</sup> of Abalone Avenue is to be permanently closed in order for the Municipality of Swakopmund to sell this portion of street to the owner of Erf 40 Mile 4 and to be consolidated with Erf 40 Mile 4 and use such for Residential purposes (Annexure B).

It must also be noted that our office submitted an application for an Environmental Clearance Certificate to the Swakopmund Municipality but was informed by the Environmental Officer that Council on have delegated authority to attend to Clearance Certificates related to the rezoning of properties.

The locality plan on the next page indicates where the proposed street portion in Swakopmund is located in relation to the existing land uses in the area.



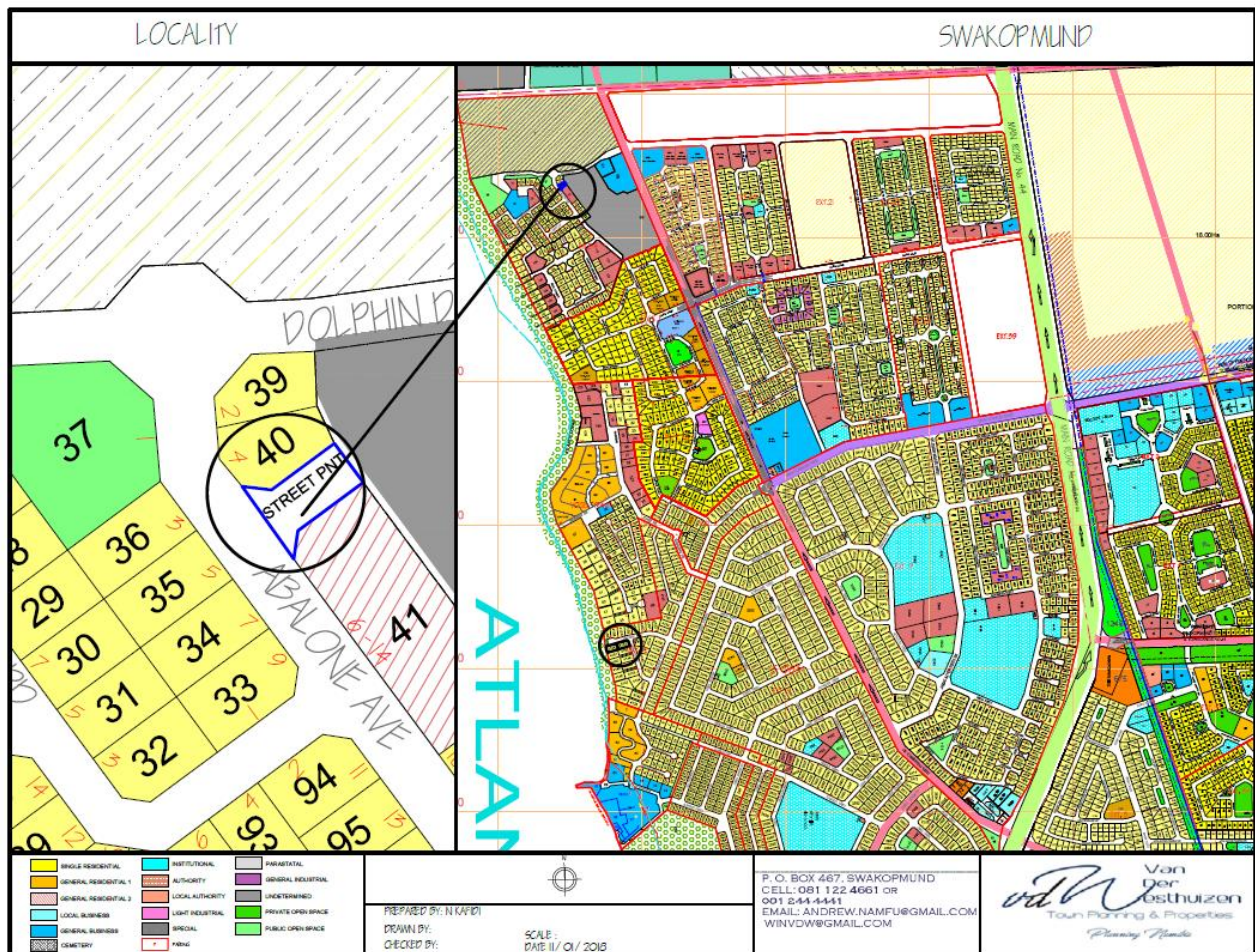


Photo 1: Indicating locality of Street Portion

## 2. OWNERSHIP

Ownership of Abalone Avenue, Mile 4, Swakopmund vests with the Municipality of Swakopmund as per the Conditions of Establishment as per Government Gazette dated 2 May 1996 (Annexure C).

## 3. LOCALITY AND ERF DESCRIPTION

The portion of street is located along Abalone Avenue which makes access to this portion very accessible. According to the Surveyors Diagram, the portion of street to be closed measures 325m<sup>2</sup> in size and is reserved for street purposes. The portion of street to be closed will be consolidated with Erf 40 Mile 4 and thus retain a "Single Residential" zoning after consolidation approval hence no rezoning will be required.

## 4. CURRENT SITUATION

Currently this portion for street accommodates a broken down playground for the neighbouring kids constructed by the owner of Erf 40 Mile 4 a few years ago. This is just an indication that this portion of street will likely never be used as a street due to the property being used for other activities.

The photos below was recently taken upon a site inspection.



**Photo 2:** Indicating the broken down structure on the property (Easterly direction)



**Photo 3:** Indicating location of Erf 40 Mile 4 (Northern direction)

#### **4.1 Landscape**

The terrain is characterised by a soft sandy top surface layer which could be dough up easily when foundations is to be dag. The terrain is fairly flat and can be used for intended development of residential purposes. It should be noted that the street portion in question is barren with no permanent physical structures or vegetation located here.

#### **4.2 Fauna and Flora**

Due to the land being situated in an already planned and developed area the site is highly disturbed already. There exist no fauna and flora in need of protection on the property. Due to the close proximity of other uses to the site and constant human activity no fauna and flora is present on the site resulting to no listed species in need of protection.

#### **4.3 Social, Economic and Cultural Impact**

The social and cultural characteristics of the area can be described as that of high and low density residential. The proposed activity will therefore have no negative impacts on the Social, Economic or Cultural nature of the area in question. This proposed activity will in fact be beneficial to the area in terms of its social, economic and cultural status. From a public point of view the environmental advertisements and notices were supported by the general public as no objection/concerns were lodged in this regard.

#### **4.4 Guide lines used for Scoping report**

During the compilation of this scoping report, the following Guide lines and Legislation was used:

- Environmental Management Act of 2007;
- Swakopmund Town Planning Scheme No. 12

#### **4.5 Need and Desirability**

It should be noted that this portion of street being applied for serves no purpose as a street nor does it accommodate and municipal services. The portion is located between erven 40 and 41 Mile 4 and stops parallel to the rear boundary lines of these erven. It is highly unlikely that this portion will ever be used as a street. Please the see attached diagrams.

Our motivation for this request stems from the fact that during the construction of the residential dwelling located on Erf 39, a portion of the dwelling was constructed over the boundary line of Erf 40 Mile 4. This was only noticed 8 months after our client purchased the erf and started with the excavations of the foundations for the construction of his dwelling on the said property. This resulted in long delays for our client and unnecessary costs.

In order to rectify the matter without having to break down any structures, an area of approximately 93m<sup>2</sup> needs to be subdivided from Erf 40 and be consolidated with Erf 39. These processes will commence once the proposed street portion is consolidated with Erf 40 Mile 4. This also resulted in extra costs to our client. Our client also need to redesign his building plans which will also be additional costs. Furthermore, the cost of construction materials has since increased and will continue to do so while these processes to create the erf is ongoing. Another factor that lead to this requested is the current status of the Namibian economy.

It is the intention of all parties involved to have this issue resolved as soon as possible without unnecessary delays in order for our client to continue with the construction of his dwelling.

#### 4.6 Significant and Cumulative Effects

As mentioned earlier in this report, the fact that this street portion is located in an existing built up area of Swakopmund, there will be no detrimental, significant or cumulative effects or impacts on the environment or the community as a result of the proposed street closure. In fact the intended street closure will positively contribute to the growth of the existing area and the economic status of Swakopmund and Namibia as a whole.



**Photo 4:** Indicates ground top soil structure



**Photo 5:** Indicates portion of street to be closed between Erven 40 and 41 Mile 4 (North Eastern Direction)

## **4.7 Draft Management Plan**

The existing built up area consists of high and low residential uses. An existing street network with all municipality services can also be found here. It is highly unlikely that this area will ever be rehabilitated to its original state. Taking the above in consideration, a Draft Management Plan will not be applicable for this proposed activity. The intended uses are not of such nature that any mitigating measures are to be put in place.

The applicant will however ensure that all building materials such as sand, cement, bricks, stone, wood, etc. required during the construction phase of his residential dwelling, is kept on site. Any waste that will be created during the construction phase will be placed in waste bins and skips to ensure no material waste is left in the open. These bins and skips will be covered to ensure that no waste is blown out of it by prevailing winds. Removal of these waste bins and skips will be done on an ad-hoc basis as they become full. A portable site toilet will also be placed on site to ensure that the construction workers do not make use of the public areas to relieve themselves. This toilet will be cleaned on a regular basis by an independent company where this toilet is rented. No waste run-off water will be created as water will only be used for the cement required for foundations and building.

## **4.8 Advertising and Public Participation**

Advertisements for the Environmental Clearance of the closure of a portion of Abalone Avenue, Swakopmund, were placed in the Namib Times on 21 February 2020 and 28 February 2020. Closing dates for objections was on the 13 March 2020. Neighboring properties have also been requested by registered mail to give their comments and/or objections in writing to the Chief Executive Officer of the Swakopmund Municipality and the applicant before the closing date. One objection was received by the owner of Erf 99 by closing time for objections but was withdrawn on 26 March 2020 (Annexure H). Attached please find copies of letters to neighbors via registered post (Annexure D) as well as copies of advertisement placed in the Newspaper (Annexure F). A Notice was also placed on the erf for public comments (Annexure G).

## **4.9 Terms of Reference**

### **4.9.1 Description of all tasks undertaken**

The tasks that were undertaken for the compilation of this report includes consultation with the Manager of Town Planning Section as well as the Environmental Officer of the Swakopmund Municipality. Site visits to the Erf was done for inspection to assess if any fauna or flora is present on the site and also to assess the soil structure and physical structures on the property. The Environmental Management Act of 2007 was used as a guideline together with the Swakopmund Town Planning Amendment Scheme No. 12.

### **4.9.2 Stages for Consultation with Environmental Commissioner**

As the Swakopmund Municipality has delegated authority from the office of the Environmental Commissioner for the issuing of Environmental Clearance Certificates within their town boundaries, it was understood by our office that it was not required to consult with the Environmental Commissioner. Due to the location within an already developed local authority area and the small size of the area being applied for, our office only consulted with the Environmental Officer of the Swakopmund Municipality.

### **4.9.3 Assessing Environmental Issues and Alternatives**

Looking at the site photos within this report, it can be reasonably be argued that no environmental issues was identified during the assessment of the proposed activity nor was any alternatives required or needed. The proposed activity is within an existing built up area and is in line with the requirements of the Swakopmund Town Planning Scheme No. 12.

### **4.9.4 Nature and Extend of Public Participation**

Public Participation was done according to the requirements of the Environmental Management Act of 2007. This included the placing of advertisements for the intentions in the local newspapers for two consecutive weeks. These advertisements were placed in the Namib Times on 21 February 2020 and 28 February 2020 and is attached to this report as Annexure F. Registered mail was also sent to adjoining neighbours informing them of the proposed activity and should they have any comments or objections to please forward such comments to the Chief Executive Officer of Swakopmund Municipality and our offices on or before the 13 March 2020. A notice was also placed on site for 31 days informing the general public of the proposed activity. It should be noted that no objections or comments was received from the neighbours or general public during the Public Participation phase.

### **4.10 Proposed Statutory Processes**

It will be needed to follow the following procedures in order to apply to the Swakopmund Council and Townships Board for the proposed permanent street closure:

- a) Environmental Clearance for the proposed Permanent Street Closure
- b) Submission of street closure application to Swakopmund Council for approval.
- c) Submission of subdivision and consolidation application to Council for approval.
- d) Submission of subdivision and consolidation application to Townships Board for final approval by the Honourable Minister.

## **5. APPLICATION**

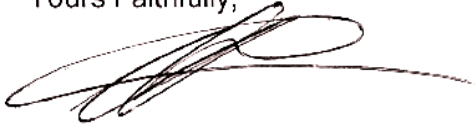
Application is herewith made to the Environmental Commissioner for Environmental Clearance for the following:

**“Permanent Closure of a Portion of Abalone Avenue measuring 325m<sup>2</sup> located in Mile 4, Swakopmund”**

It is herewith requested that the application be found favourable by the Ministry of Environment and Tourism based on the reasons as contained within this document. It should however be noted that the situation in Swakopmund is unique to other towns as there are very little worth saving within the areas as indicated in this document. It is due to the aforesaid that Van Der Westhuizen Town Planning and Properties on behalf of the proponent urge the Environmental Commissioner to find the above application favourable in order to facilitate the sustainable and efficient growth of Swakopmund.

For any further enquiries please do not hesitate to contact Van Der Westhuizen Town Planning and Properties directly on details provided.

Yours Faithfully,

A handwritten signature in black ink, appearing to be 'A R Van Der Westhuizen', written in a cursive style with a long horizontal flourish extending to the right.

**A R VAN DER WESTHUIZEN**