



STEWART PLANNING

TOWN & REGIONAL PLANNERS

First Floor CLA Building
84 Theo Ben Gurirab Street
Walvis Bay

P.O. Box 2095
Tel: (064) 280 770
Email: otto@sp.com.na

Project title: Proposed closure and rezoning of Erf 9806 Swakopmund Ext 39 as Public Open Space.

Date: 30 January 2023

Reference: OLD REFERENCE: APP-003574
NEW REFERENCE: APP-00381

Report Status: Scoping Report
APP-00381_Scoping Report.V2
Version: 2

Proponent: Michael Christiaan Ludeke
P.O. Box 1423
Swakopmund
13001
Namibia

Consultant: Stewart Planning – Town & Regional Planners
P.O. Box 2095
Walvis Bay
13013
Namibia

EAP/Author: Johann Otto Melissa Kroon
otto@sp.com.na melissa@sp.com.na
+264 64 280 773 +264 64 280 770
+264 85 754 4740

Competent Authority: Environmental Commissioner
Ministry of Environment, Forestry and Tourism
Private Bag 13306
Windhoek
10005
Namibia



Table of Contents

1. Introduction.....	5
2. Terms of reference.....	5
3. Project Description.....	5
3.1. Background.....	5
3.2. Proposed project.....	7
3.3. Developmental phases.....	7
3.4. Listed activities.....	9
3.5. Alternative proposals.....	9
3.6. Site Alternatives.....	9
3.7. No rezoning alternative.....	9
3.8. Design alternative.....	9
4. Description of receiving environment.....	10
5. Identification of laws and policies.....	13
6. Public Consultation Process.....	15
6.1. Steps taken to notify potential interested and affected parties.....	15
6.2. Proof of consultation.....	17
6.3. List of registered interested and affected parties.....	17
6.4. Summary of issues raised by interested and affected parties.....	17
7. Identification of Potential Impacts.....	18
8. Need and desirability of the project.....	20
9. Impact assessment.....	21
9.1. Methodology.....	21
9.2. Assessment of potential impacts.....	23
10. Environmental Management Plan.....	26
11. Conclusion.....	26
12. Recommendation.....	26
13. References.....	27

List of Tables

Table 1: Property description.....	13
Table 2: Laws or legislation applicable to the project.....	13
Table 3: Policies or guidelines relevant to the project.....	15
Table 4: Neighbour ownership information retrieved from the Swakopmund Municipality.....	16
Table 5: Planning Phase: List of Potential Impacts Numbered P1 to P7.....	18
Table 6: Construction Phase: List of Potential Impacts Numbered C1 to C8.....	19
Table 7: Operational Phase: List of Potential Impacts Numbered O1 to O9.....	19
Table 8: Definition of each significance level.....	21
Table 9: Summary of criteria, definition and grading.....	21
Table 10: Planning phase and assessment of impacts before mitigation.....	23
Table 11: Construction phase and assessment of potential impacts before mitigation.....	24
Table 12: Operational phase and assessment of potential impacts before mitigation.....	25

List of Figures

Figure 1: Map showing the current and proposed zoning of Erven 9793 and 9806.....	6
Figure 2: Site development proposal for the supermarket, convenience store, service station and parking.....	7
Figure 3: Location of the site (in red) in relation Swakopmund.....	10
Figure 4: Cadastral boundaries of Erven 9793 and 9806 Swakopmund Ext 39 (in red) and surrounding erven.11	
Figure 5: Location of the site superimposed on top of a Google Earth image (Date: 17 Oct 2022).....	11

Figure 6: Approximate cadastral boundaries in red superimposed on top of Google Earth image (Date: 17 Oct 2022). 12
 Figure 7: Neighbouring land owners notified of the application as highlighted in yellow and green. ... 16

Abbreviations

CBD:	Central Business District
CV:	Curriculum Vitae
EAP:	Environmental Assessment Practitioner
EC:	Environmental Commissioner
ECC:	Environmental Clearance Certificate
EMP:	Environmental Management Plan
FOG:	Fats, Oils and Grease
I&AP:	Interested and Affected Party
LA:	Local Authority
MEFT:	Ministry of Environment, Forestry and Tourism
OSHA:	Occupational Safety and Health Administration
PPE:	Personal Protective Equipment
TIA:	Traffic Impact Assessment
WHO:	World Health Organization

Attachments

Annexure A:	Environmental Management Plan
Annexure B:	Consent Letter from Municipality of Swakopmund
Annexure C:	Proof of Consultation
Annexure D:	Screening Notice Confirmation
Annexure E:	Project Site Maps
Annexure F:	CV of EAP
Annexure G:	List of Registered I&APs
Annexure H:	Service Station ECC



1. Introduction

The purpose of this report is to obtain an Environmental Clearance Certificate (ECC) as recommended below:

- [1] That an Environmental Clearance Certificate be issued to Michael Christiaan Ludeke for the following listed activities:
- a. Permanent Closure of Erf 9806 Swakopmund Extension 39 as Public Open Space and rezoning from Public Open Space to General Business on condition that Erf 9793 Swakopmund Extension 39 be rezoned from General Residential 2 to Public Open Space to partially replace open space.

The report will describe the site, the proposed development, the need and desirability of the application and statutory/policy support for the application for further consideration.

2. Terms of reference

The following terms of reference set out the approach the proponent intends to follow in undertaking the assessment in accordance with the Environmental Management Act of 2007 and the EIA Regulations:

- a) a description of the proposed project, location and receiving environment, and alternative proposals;
- b) identify relevant laws and policies for the project;
- c) advertise and consult potential I&APs, such as the Municipality of Swakopmund and neighbours to provide an opportunity to submit comments, representations and/or objections to the proposed project;
- d) identify potential impacts the project activity will have on the receiving environment and assess their significance level;
- e) provide possible mitigation measures to be included in the EMP to reduce negative impacts and/or enhance positive impacts on the receiving environment.

3. Project Description

3.1. Background

The owner (Michael Ludeke) of Erf 9794, Swakopmund Extension 39 intends to develop a new service station, convenience store, and supermarket on the property. An ECC for the service station was issued on 28 June 2020 (see Annexure H). To comply with the Swakopmund Zoning Scheme's on-site parking requirements, it was determined that Erf 9794 cannot accommodate the development footprint and parking requirements. Consequently, alternative options for the provision of on-site parking needed to be identified.

This led to the owner of Erf 9794 applying to the Swakopmund Council for the alternative provision of parking on adjacent Erf 9806, Swakopmund Extension 39 which is zoned Public Open Space, but the Council did not support this proposal as this would result in the loss of land zoned Public Open Space.

The proposal was reconsidered and alternative options were discussed with the Swakopmund Council which led to a new proposal that still involved the provision of parking on adjacent Erf 9806, but subject to a land swap application to ultimately ensure there remains Public Open Space zoned land within Swakopmund Extension 39.

A land swap application was approved by the Swakopmund Council on 30 November 2021 (see Annexure B) which involved the exchange of Erf 9806 and 9793 Swakopmund Extension 39. Erf 9806 is zoned Public Open Space and is owned by the Swakopmund Council and Erf 9793 is zoned General Residential 2 and was purchased by Michael Ludeke for N\$1.5 million.

The land swap application was subject to certain statutory procedures and an application for the following land assembly procedures was submitted to the Swakopmund Council:

1. Permanent Closure of Erf 9806, Swakopmund Extension 39 as Public Open Space and rezoning from Public Open Space to General Business;
2. Consolidation of Erfen 9794 and 9806, Swakopmund Extension 39; and
3. Rezoning of Erf 9793, Swakopmund Extension 39 from General Residential 2 to Public Open Space.

The land assembly application was approved by the Swakopmund Council on 7 September 2022 (see Annexure B).

As a result, the loss of open space on Erf 9806 will be partially replaced by the rezoning of Erf 9793 to Public Open Space. Figure 1 illustrates the zoning map of the properties and the before and after status of the land as a result of the proposed land swap.

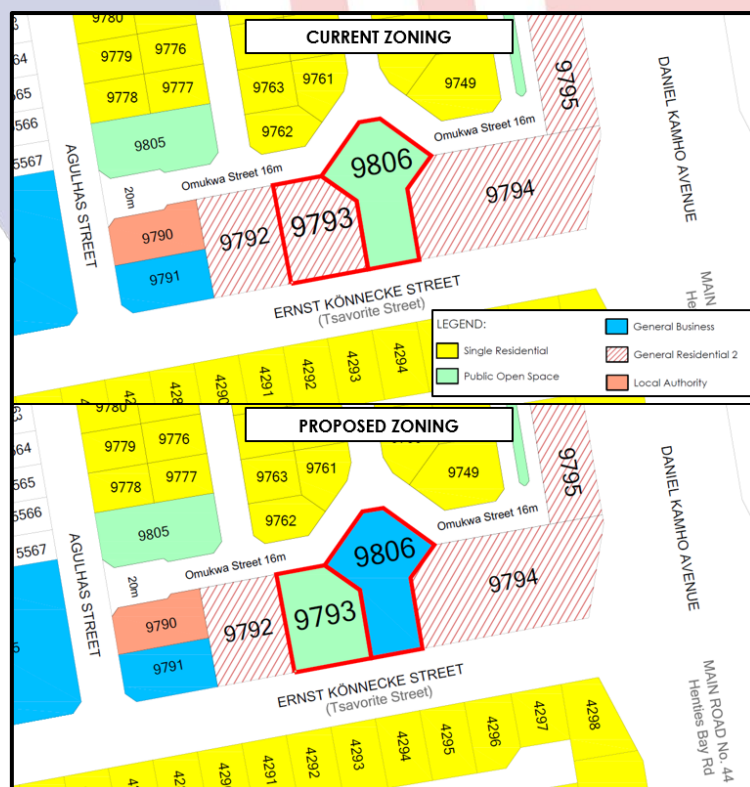


Figure 1: Map showing the current and proposed zoning of Erfen 9793 and 9806.

3.2. Proposed project

Michael Ludeke (the Proponent) intends to obtain an ECC for the closure and rezoning of Public Open Space zoned Erf 9806 Swakopmund Ext 39. The closure and rezoning is subject to a land swap agreement to ultimately ensure there remains a Public Open Space zoned erf within Swakopmund Extension 39.

The land swap agreement entails the exchange of Erf 9806 (Public Open Space property owned by the Swakopmund Council) for Erf 9793 (General Residential 2 property purchased by the Proponent). The Proponent purchased Erf 9793 Swakopmund Ext 39 for N\$1.5 million in order to comply with the Council's sale condition.

Public Open Space zoned Erf 9806 will be closed and rezoned to General Business in order to be consolidated with adjacent Erf 9794 Swakopmund Ext 39.

General Residential zoned Erf 9793 will be rezoned to Public Open Space to ensure to ensure a "park" is provided within Swakopmund Extension 39.

Figure 2 below illustrates the proposed project.

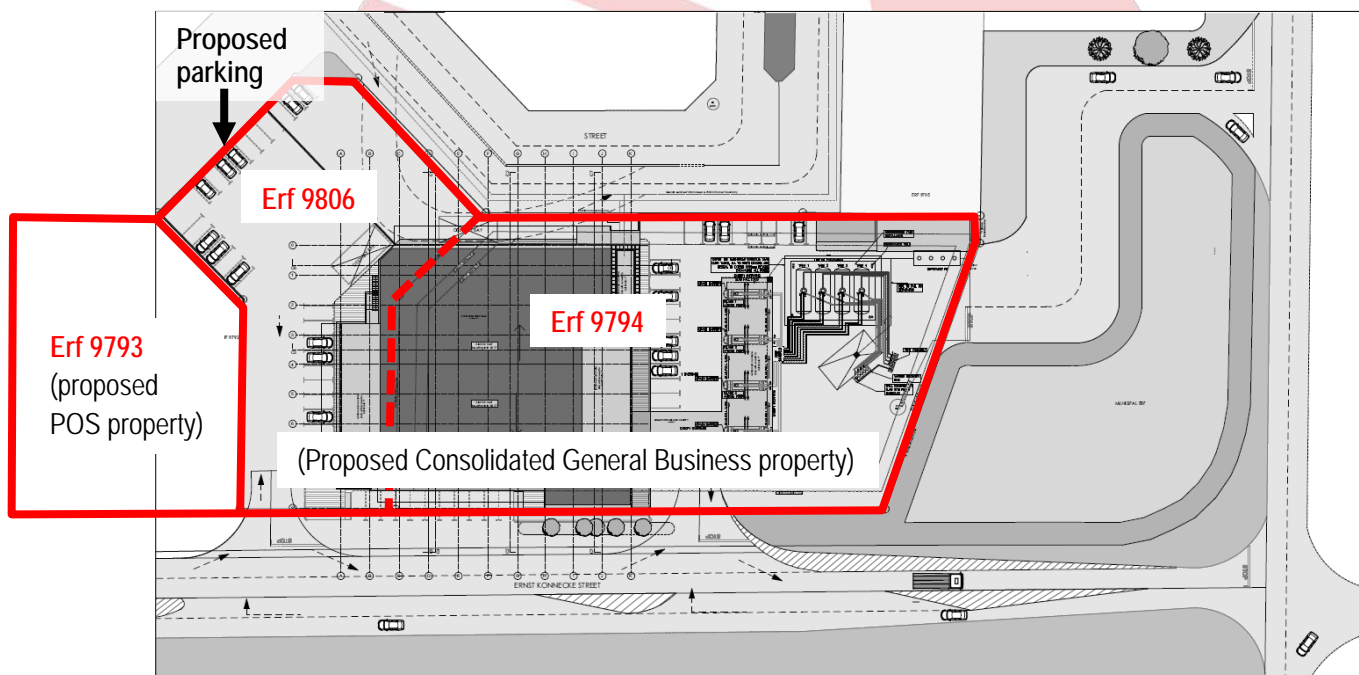


Figure 2: Site development proposal for the supermarket, convenience store, service station and parking.

Once an ECC has been issued, the town planning application will be submitted to the Urban and Regional Planning Board, the Surveyor General and Registrar of Deeds to finalise the process. Once this is complete, then development will proceed in phases as outlined in the following section.

3.3. Developmental phases

The project will follow four phases of development namely the (1) Planning Phase, (2) the Construction Phase, (3) the Operational Phase, and the (4) Decommission Phase as detailed on the following page.

(1) Planning Phase

This phase entails obtaining statutory approvals from the relevant authorities such as the Swakopmund Council, the Ministry of Environment, Forestry and Tourism, Ministry of Urban and Rural Development (Urban and Regional Planning Board), Surveyor General and the Registrar of Deeds. This phase has been partially implemented as certain approvals have been granted such as the ECC for the service station and the Swakopmund Council's approval of the sale, land swap and land assembly application.

This phase is deemed complete once an ECC has been issued for the permanent closure and rezoning of Erf 9806 Swakopmund Ext 39 and the subsequent land assembly application is approved by the Urban and Regional Planning Board, Surveyor General and the consolidated General Business property is registered with the Registrar of Deeds.

(2) Construction Phase

Partial construction of the proposed supermarket and parking will take place on Erf 9806 Swakopmund Ext 39.

This phase will include the appointment of a contractor, setting up a construction site and supporting infrastructure and sanitation for construction workers. Delivery of equipment and building materials and tools. Minor earthworks, levelling and compaction will be done followed by the digging and laying of foundations, construction of walls and roof. In addition, essential services such as water pipes, plumbing, electric cabling and sewerage pipelines will be installed during construction. Final touches such as plastering, the installation of windows, doors, frames, furniture, fittings and painting the building will be done. Parking space and access points will also be paved and be clearly indicated by appropriate signs.

This phase is deemed complete once the Swakopmund Municipality has issued a Completion and Occupation Certificate for the supermarket.

(3) Operational Phase

The Proponent will apply to the Municipality of Swakopmund for the necessary Business Registration and Fitness Certificates to commence the opening and operation of the supermarket. Operation of the business is expected to continue in the long term (at least 20 years).

This phase is continuous and will cease to operate as dictated by the Proponent.

(4) Decommission Phase

This phase is undetermined until the constructed building needs to be demolished in the future as determined by the Proponent or the new property owner. This last phase falls beyond the scope of this report given the uncertainty of the associated impacts related to this phase.

3.4. Listed activities

The proposed project has been evaluated in terms of the list of activities that may not be undertaken without an Environmental Clearance Certificate as promulgated under Notice 29 of Government Gazette No.4878 dated 6 February 2012. The proposed project triggers the following listed activities:

LAND USE AND DEVELOPMENT ACTIVITIES

- 5.1. The rezoning of land from -
- (d) use for nature conservation or zoned open space to any other land use.

Note that a separate EIA and EMP report was prepared for the proposed service station and an ECC was issued on 28 June 2020 (see Annexure H). Therefore, the service station component of the development does not fall within the scope of this report.

3.5. Alternative proposals

Alternatives concerning the proposed activity imply different means of meeting the general development objective of acquiring land suitable to provide the required amount of parking for the proposed supermarket, convenience store and service station on Erf 9794 Swakopmund Ext 39. The following alternatives were considered for the proposed activity.

3.6. Site Alternatives

The primary site (undeveloped Erf 9806) was selected due to its strategic location next to Erf 9794. Erf 9794 is situated on the corner of Daniel Kamho Avenue (Old Henties Bay Road) and Ernst Konnecke Street, therefore, limited site alternatives are available. Erven 9806 and 9795 are the only erven located adjacent to Erf 9794. Erf 9795 was already purchased and being developed for residential purposes, resulting in Erf 9806 being the only site option to accommodate the required amount of parking for the proposed development.

3.7. No rezoning alternative

This alternative implies that Erf 9806 Swakopmund Ext 39 remains "Public Open Space". The implication would be that the Proponent will not be able to create a larger site for the supermarket and thereby not meet on-site parking requirements.

3.8. Design alternative

Several design alternatives have been prepared but these are minor variations which deal with access, parking, traffic and landscaping. In all design variations, Erf 9806 was needed for the provision of on-site parking.

The proposed scale and location of the service station, convenience store and supermarket remains largely the same. The latest concept design from the architect is shown in Figure 2 on page 7. This is the only design for consideration – no other design alternatives will be considered as part of this report.

4. Description of receiving environment

This section will describe the receiving environment that may be affected by the proposed activity or which could influence or impact the development proposal. Table 7 on page 19 summarises the activity, receptor (the receiving environment) and the potential impact on the receptor.

Erven 9793 and 9806, Swakopmund Extension 39 is situated in the northern part of Swakopmund known as Ocean View, between the Swakopmund Retirement Village to the West, Omukwa Street (16m wide) to the North, Daniel Kamho Avenue ($\pm 70\text{m}$ wide) to the East and Ernst Könnecke Street ($\pm 30\text{m}$ wide) to the South. Figure 1 below shows the locality of the erven within Swakopmund Extension 39.

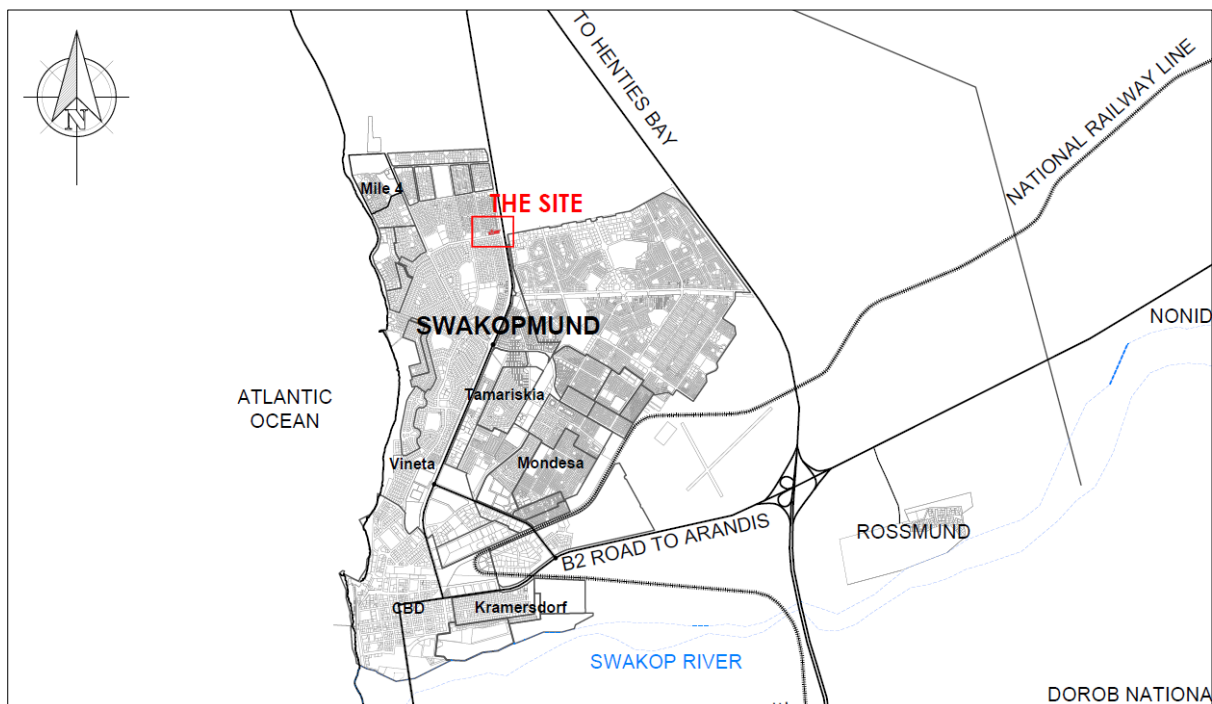


Figure 3: Location of the site (in red) in relation Swakopmund.

Erf 9806 measures 2251m^2 in extent and is currently zoned “Public Open Space” for a park to be used for recreational purposes. However, Erf 9806 is undeveloped and not currently landscaped as a park, thus the permanent closure and redevelopment will not result in the actual loss of green space or aesthetics.

Erf 9793 measures 1835m^2 in extent, is currently zoned “General Residential 2” with a density of one dwelling unit per 250m^2 (or $1:250\text{m}^2$) which permit the development of seven apartments/flats/townhouses. It is currently undeveloped and available to be landscaped as a future park under the proposed POS zoning to the benefit of the neighbourhood.



Figure 4: Cadastral boundaries of Erven 9793 and 9806 Swakopmund Ext 39 (in red) and surrounding erven.

Erf 9794 is highly accessible due to its location on the corner of activity routes Ernst Könnecke Street and Daniel Kamho Avenue, making the site ideal for the development of a service station with a convenience store and supermarket. The site coordinates are: -22.632651, 14.540261.

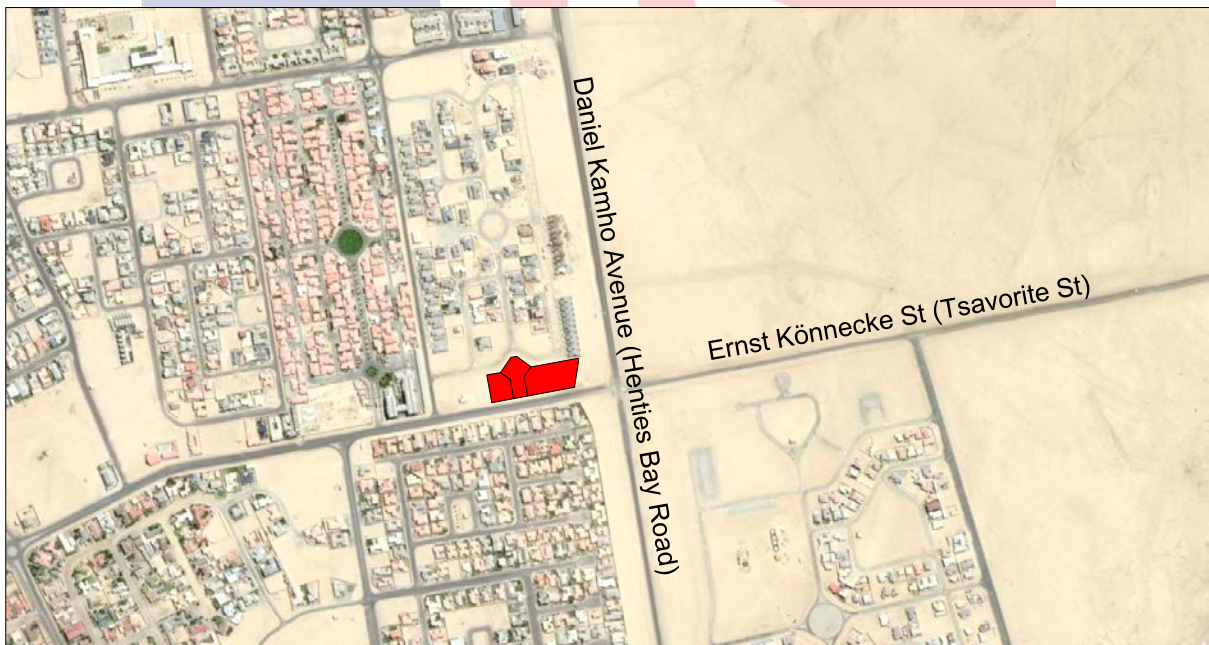


Figure 5: Location of the site superimposed on top of a Google Earth image (Date: 17 Oct 2022).

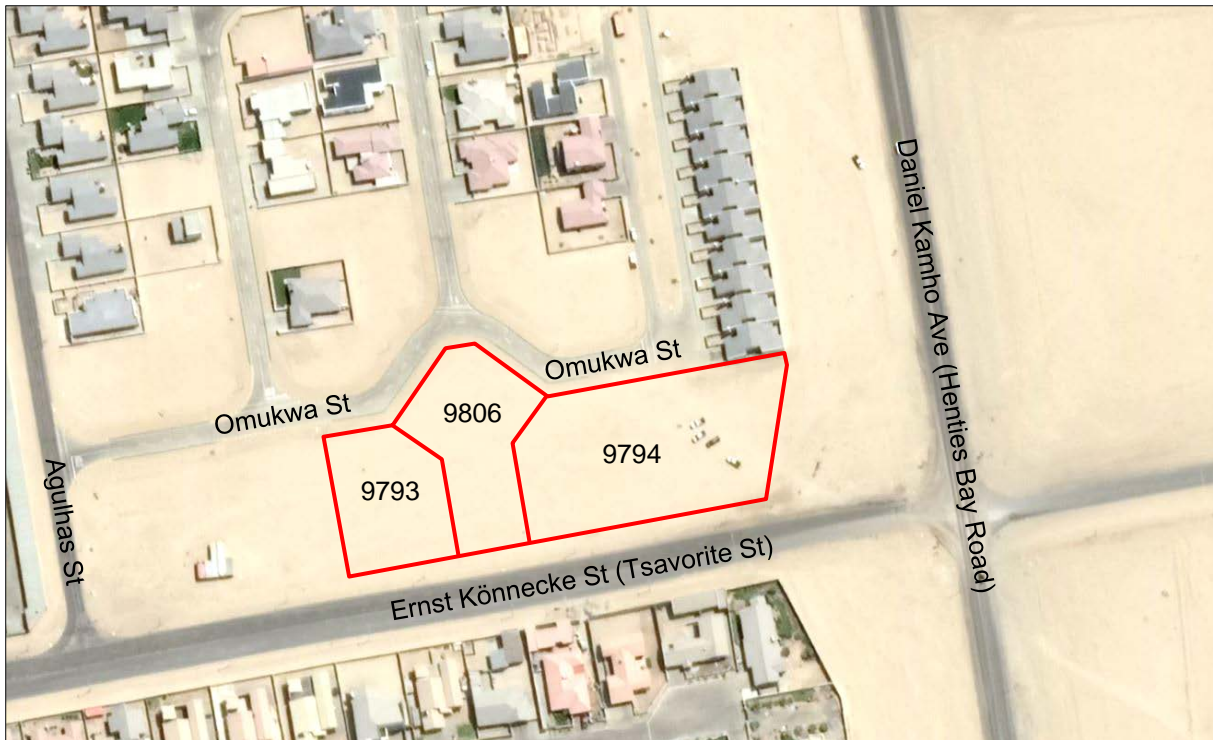


Figure 6: Approximate cadastral boundaries in red superimposed on top of Google Earth image (Date: 17 Oct 2022).

The site is located in a residential neighbourhood which is well developed to the south and still developing north of the site. The daily operation of a supermarket, such as air ventilation systems, delivery of goods, traffic and parking, may generate noise impacts which could potentially disturb the closest residents. These potential noise impacts need to be mitigated during the operational phase of the project.

Minor earthworks and construction activity on Erf 9806 may generate noise which need to be mitigated during the construction phase of the project.

From a socio-economic point of view, the proposed supermarket is expected to create employment opportunities which will help mitigate the high unemployment levels in Swakopmund.

The proposed supermarket is not expected to create unfair competition in the retailing industry due to its location and different market segment it will serve.

A *Pick n Pay Express* is situated about 600 metres north of the site and operates as a convenience store for the *Namcor Service Station (Pitstop Service Station)*. This convenience store serve customers of the service station, and the most northern part of Ocean View residents.

The nearest sizeable supermarket is *Spar*, the anchor shop in the *Ocean View Shopping Centre* which is located about 1.2 km from the site and serves a different area and population threshold.

Another convenience store and related shops can be found at *Ocean View Shell Service Station* which is located about 1.6km south of the site along Daniel Kamho Avenue which serve a portion of Ocean View, Tamariska, and Mondesa.

Major shops and restaurants can be found at the *Platz Am Meer Mall* which is located about 2.2km west of the site and serves the wider Swakopmund community and region.

The proposed supermarket is expected to serve its own population threshold and market as it will provide a wider choice of goods and groceries in comparison to the *Pick n Pay Express* which will serve immediate residents and customers of the service station. The two retailers can thus operate complementary to each other. The other supermarkets are located far from the site and will not be in direct competition with the proposed supermarket.

The potential economic impacts on nearby service stations fall beyond the scope of this report, as an EIA/EMP was already undertaken for the service station component.

Table 1 below provides a summary of Erven 9793 and 9806:

Table 1: Property description.

Registered Name	Erf No.9793 Swakopmund Extension 39 Erf No.9806 Swakopmund Extension 39
Size	Erf No. 9793 = 1835m ² Erf No. 9806 = 2251m ²
Registered Owner	Erf No. 9793 = Michael Christiaan Ludeke (Registered on 4 October 2022) Erf No. 9806 = Municipal Council of Swakopmund (not registered)
Street Address	Erf No. 9793 = Between Omukwa and Ernst Könnecke (Tfavorite) Streets. Erf No. 9806 = Between Omukwa and Ernst Könnecke (Tfavorite) Streets.
Location	See Locality Plan (Annexure E). GPS Co-ordinates: -22.632651, 14.540261 .
Current Zoning	Erf No. 9793 = General Residential 2 Erf No. 9806 = Public Open Space
Density	Erf No. 9793 = One dwelling unit per 250m ² Erf No. 9806 = Density control does not apply.
Bulk Factor	Erf No. 9793 = Not specified but a maximum bulk of 1.0. Erf No. 9806 = Bulk factor does not apply.
Land Use	Erf No. 9793 = Vacant/undeveloped Erf No. 9806 = Vacant/undeveloped (not landscaped as a typical green park).
Proponent	Michael Christiaan Ludeke
Local Authority Area	Swakopmund Municipality

5. Identification of laws and policies

Table 2 provides an overview of legislation and its application to the proposed project whereas Table 3 summarises relevant policies that apply to the project.

Table 2: Laws or legislation applicable to the project.

Law or Policy	Provision or application	Authority
Namibia Constitution First Amendment Act of 1998	Article 95(I): The State shall actively promote and maintain the welfare of the people by promoting sustainable development.	National Government
Public Health COVID-19 General Regulations as	Provides restrictions on movement, public gatherings, and non-essential businesses to slow down the	Ministry of Health and

Law or Policy	Provision or application	Authority
Amended: Public and Environmental Health Act, 2015 (Act No.1 of 2015).	spread of COVID-19 as published in the Government Gazette from time to time.	Social Services (MOHSS)
Swakopmund Zoning Scheme as underwritten by the Urban and Regional Planning Act, 2018 (Act No.5 of 2018).	The proposed consolidation and rezoning requires approval from the Local Authority (LA) and Urban and Regional Planning Board (URP Board).	LA & URP Board.
Local Authorities Act, (Act No.23 of 1992) as amended.	The proposed permanent closure requires a closure certificate from the Local Authority or from the Ministry of Urban and Rural Development.	LA & MURD
Environmental Management Act, 2007 (Act No.7 of 2007) and EIA Regulations.	The rezoning of land from zoned open space to any other use is a listed activity which requires an Environmental Clearance Certificate to be undertaken. The Ministry of Environment, Forestry and Tourism (MEFT) is the custodian of this Act.	MEFT
Labour Act, 2007 (Act No.11 of 2007), as amended.	The proponent and contractor need to adhere to the provisions of this law. This Act provides regulations to protect employees from unfair labour practices and prescribes labour disputes in the workplace. Employers must adhere to minimum wages and promote a healthy working environment, free from discrimination. The Ministry of Labour, Industrial Relations and Employment Creation (MLIREC) is the custodian of this Act.	MLIREC
Atmospheric Pollution Prevention Ordinance, 1976 (APPO:1976).	Provides general guidance on pollution control such as dust. This ordinance requires any construction site to adopt the best practicable method to prevent dust from spreading and causing health issues.	MEFT
Public and Environmental Health Act, 2015 (Act No.1 of 2015).	To promote public health and well-being and to protect individuals and communities from public health risks. The proposed development is subject to the provisions of the Act and inspections from the Local Authority.	LA
Swakopmund Municipality: Business Registration Regulations.	Provide matters to the registration of businesses in the Local Authority area and restrictions to operate a business without a Certificate of Fitness and Registration Certificate, offences and penalties and incidental matters.	LA
Swakopmund Municipality: Standard Building Regulations of 1975 as amended.	Provide matters to building approval and control of building activities to protect residents and the environment, offences and penalties and incidental matters. Any person who intends to erect any building, whether permanent or temporary, must make a written application to the Local Authority for approval.	LA
All relevant Local Authority Regulations and Municipal by-laws.	The project is subject to all relevant regulations as required by the various departments of the Local Authority.	LA

Table 3: Policies or guidelines relevant to the project.

Policy	Provision or application	Authority
Swakopmund Urban Structure Plan	This plan indicates the future growth and structure plan of Swakopmund up to 2040 with policies on land use planning. The urban structure plan was reviewed to determine whether the proposed activity is broadly in line with the future planning of Swakopmund.	LA
Draft Procedures and Guidelines for EIA and EMP of 2008.	A procedure and guideline document serves as a reference and supportive text only.	MEFT
Sustainable Urban Energy Planning: A handbook for cities and towns in developing countries. (ICLEI: 2004).	Provides a comprehensive list of case studies to implement energy-saving measures to conserve natural resources with city planning.	ICLEI & UN-Habitat

6. Public Consultation Process

The public were notified of the proposed development in terms of the following legislation:

- Section 107(1) of the Urban and Regional Planning Act (Act No.5 of 2018) with respect to the proposed rezoning;
- Section 50(3) of the Local Authorities Act (Act No.23 of 1992) as amended, with respect to the permanent closure of a public place; and
- Section 7 of the Environmental Management Act (Act No.7 of 2007), with respect to the closure of Public Open Space as a listed activity.

6.1. Steps taken to notify potential interested and affected parties

The following steps were taken to notify potential interested and affected parties of the proposed application:

1) Notice in the Gazette for 1 Week.

A notice was published in Government Gazette No.7764 dated 15 March 2022.

2) Notices in 2x Newspapers for 2 Weeks.

Notices were published in the Namibian and the Namib Times on 18 and 25 March 2022.

3) Notice on Site.

Two notices (sized A2) were placed on-site, one facing Ernst Konnecke Street and the other facing Omukwa Street, and were on display from 15 March to 14 April 2022.

4) Notice at the Local Authority

A notice was placed on the notice board of the Swakopmund Municipality and was on display from 15 March to 14 April 2022.

5) Notice to neighbouring landowners

Thirteen properties were identified as neighbouring landowners as indicated in Figure 7 on the next page and were considered potential interested and affected parties.

Ownership information and the postal address of the properties were retrieved from the Swakopmund Municipality on 09 February 2022 as shown in Table 4.

Table 4: Neighbour ownership information retrieved from the Swakopmund Municipality.

No	Erf Number	Name of Owner	Postal Address
1	Erven 9749, 9750 and 9792	The Block Nine Endowment Trust	PO Box 4087 Swakopmund
2	Erven 9761 and 9762	Snydwel, KJ & NN	PO Box 35126 Pionierspark
3	Erf 9795	Meyer, G.E.	PO Box 988 Swakopmund
4	Erf 4292	Namaseb, T.	PO Box 40754 Aussspanplatz
5	Erf 4293	Smith, J.S.	PO Box 6160 Vineta
6	Erf 4294	Van Wyk, R.	PO Box 24996 Windhoek
7	Erven 4295 and 4296	Parreira, J.E.	PO Box 634 & 492 Rundu
8	Erf 4297	Coetzee, J.	PO Box 81079 Olympia
9	Erf 4298	Kuchemann Horst, F & K.A.	PO Box 1845 Swakopmund

Given that some properties are registered in the same ownership, a total of nine (9) notices were sent by registered mail on 22 March 2022. In addition, seven letters were hand-delivered on 21 March 2022 to properties that were developed and occupied at the time.

Figure 7 illustrates the neighbouring land owners in relation to the site and the manner in which they were notified.

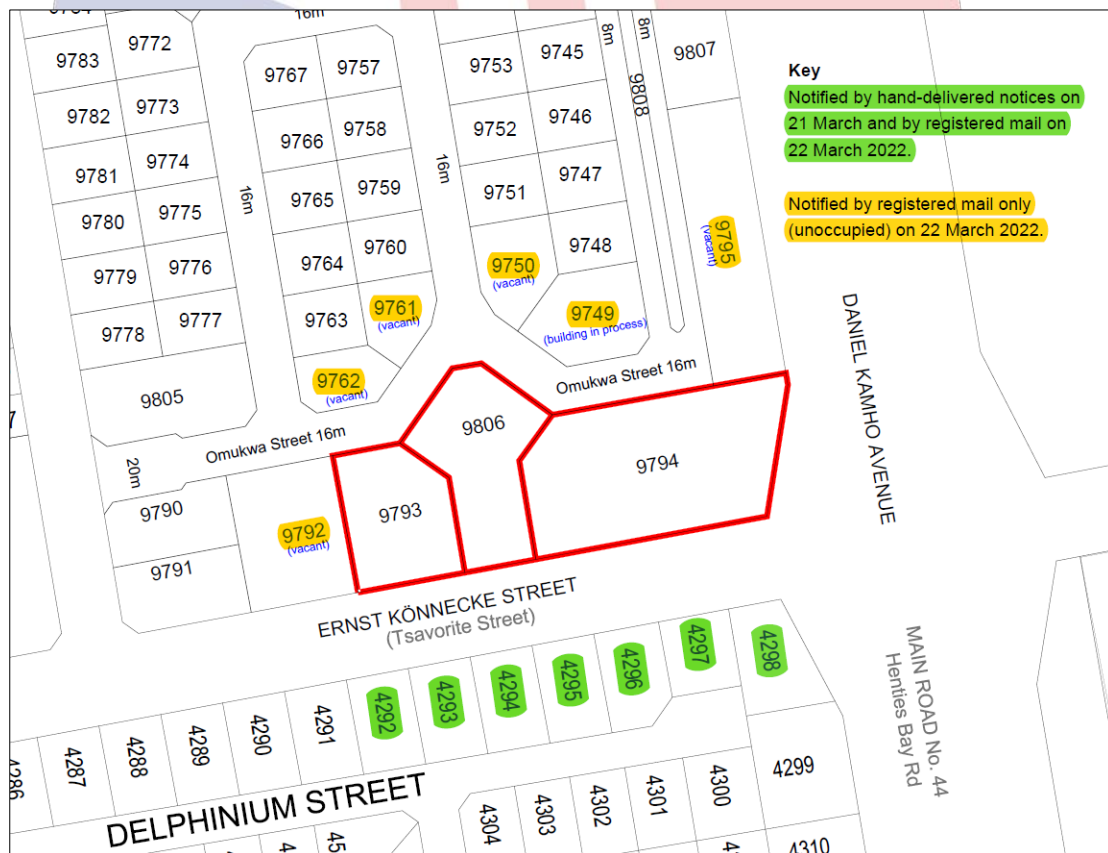


Figure 7: Neighbouring land owners notified of the application as highlighted in yellow and green.

6) Background Information Document

Potential interested and affected parties were given the opportunity to download the complete application from www.sp.com.na/projects.

6.2. Proof of consultation

Please refer to Annexure C for proof of consultation.

6.3. List of registered interested and affected parties

Please refer to Annexure G for the list of registered interested and affected parties.

6.4. Summary of issues raised by interested and affected parties

A letter of objection was received from Jan Olivier & Co Legal Practitioners on 14 April 2022 who acts on behalf of five clients namely:

- [1] Andrico Investments Number Thirteen CC;
- [2] Sandra Mendes;
- [3] Pieter Alchin;
- [4] Jacqueline Eleonor Parreira; and
- [5] Jackie Parreira.

The letter of objection with response from Stewart Planning is included in the Proof of Consultation Report attached as Annexure C.

Two issues were raised by the objection letter dated 14 April 2022:

First Issue: Objectors [1], [2] and [3] are against the proposed service station on Erf 9794 and the land swap between Erven 9793 and 9806 to which they previously objected to in a separate consent use and land swap application that was submitted to the Swakopmund Municipality.

Second Issue: Objectors [4] and [5] bought Erven 4295 and 4296 in a quiet residential area which will be negatively impacted by the proposed development which will introduce pollution, including noise and visual pollution.

The first issue raises technical objections against the proposed service station which falls beyond the scope and purpose of this report. Given that these objections have been dealt with in separate applications and approving authorities, it is not necessary to deal with them from an environmental point of view.

The second issue raises potential impacts related to pollution, noise and visual pollution which needs to be taken into account during the construction and operational phase of the project. The matter is somewhat mitigated by the fact that the affected houses are separate by a 30m wide road reserve and is built in such a way to face away from the proposed development. Houses along Ernst Konnecke have high boundary walls or firewalls with little to no window openings, thus mitigating potential noise and visual impacts.

Nonetheless, there is a need to mitigate pollution and noise related impacts as a supermarket can generate pollution from poor solid waste management or noise from industrial ventilation systems or when goods are delivered in bulk.

7. Identification of Potential Impacts

During public participation and the scoping exercise, potential impacts were identified which is linked to the proposed activity and/or a sensitive receptor. The potential impacts have been identified among three phases namely:

1. Planning Phase (see Table 5 below);
2. Construction Phase (see Table 6 on page 19).
3. Operational Phase (see Table 7 on page 19).

Table 5: Planning Phase: List of Potential Impacts Numbered P1 to P7.

IMPACT IDENTIFICATION: PLANNING PHASE			
No.	Activity	Receptor	Potential Impact
P1	Permanent closure of Public Open Space	Overall Public Open Space in Swakopmund Extension 39	Loss of Public Open Space Negative: The permanent closure will result in the loss of 2251m ² of Public Open Space.
P2	Permanent closure of Public Open Space	Erf 9806 is not landscaped as a park.	Neighbourhood Amenity Positive: The property is not currently landscaped or used as a typical playpark, therefore, the removal of this "amenity" will be less significant to residents.
P3	Proposed supermarket	Surrounding neighbourhood.	Lower Travel Demand Positive: The supermarket will serve the northern suburbs of Ocean View, reducing travel demand and trips to other shops located further away. The nearby availability goods and services are considered a neighbourhood amenity.
P4	Notification of application and public participation.	General public and neighbouring properties.	Public Input Negative: Some interested and affected parties raised objections to the proposed development.
P5	Payment of purchase price of Erven 9793 and 9806 Swakopmund Ext 39.	Lack of Council revenue sources for the general upkeep and maintenance of the town.	Council Revenue Generation Positive: Increase in Council revenue due to payment of betterment fees and purchase price for Erven 9793 and 9806 Swakopmund Ext 39 and increased business rates, taxes and service charges.
P6	Development of the site.	No heritage status or cultural value to the land.	Cultural Impacts Positive: No heritage or cultural significance has been destroyed.
P7	Future decommissioning of the building by the proponent or new owner.	Neighbouring properties and residents.	Decommission Impacts Negative: Similar construction-related impacts have been identified in Table 6.

Table 6: Construction Phase: List of Potential Impacts Numbered C1 to C8.

IMPACT IDENTIFICATION: CONSTRUCTION PHASE			
No.	Activity	Receptor	Potential Impact
C1	Loud noise is generated from vehicles, machinery, drilling and compactors.	Adjacent residents and construction workers without PPE.	Construction Noise Impacts Negative: Construction activity will generate noise, potentially disturb residents and can be harmful to persons working with heavy machinery and equipment without PPE.
C2	Improper disposal of building rubble and waste.	Site, street and neighbourhood.	Construction Waste Management Negative: Illegal dumping of building rubble can create a public nuisance by nature of its odours, dust, the attraction of vermin or disease vectors, or damage to the environment through pollution or degradation.
C3	Accidental spillage of hazardous waste such as oil, paint or wet cement.	Site, street and neighbourhood.	Hazardous Waste Management Negative: Water paint, oil leakages from heavy vehicles or equipment, and spillage of wet cement can pollute the environment and be a health risk to construction workers and residents.
C4	Excavation of Borrow Pits and/or Earthworks	Flat and level site.	Topsoil Management Positive: Minor earthworks will be required to level the site prior to construction. No borrow pits are required.
C5	Lack of sanitation facilities, clean drinking water, warning signs and safety training.	Construction workers and visitors from the public.	Sanitation, Health and Safety Impacts Negative: Lack of sanitation and clean drinking water can create a health risk. Lack of first aid training and awareness of potential injuries can create a safety risk.
C6	Generation of dust particles from compaction or release of dry cement.	Construction workers without PPE.	Dust Impacts Negative: Generation of dust during compaction and/or particles from cement or other related construction activity can negatively impact the health and safety of workers.
C7	Labour disputes, proper wages, gender discrimination, and unsafe working environments.	Construction workers especially female workers.	Socio-economic Impacts Negative: Lack of proper compensation and/or unsafe working sites, and unfair gender recruitment, can be harmful to the well-being and health of employees.
C8	Movement of heavy vehicles to and from the site. Delivery of building material.	Access to other residential properties.	Construction Traffic Impacts Negative: Heavy vehicles will increase traffic congestion and potentially reduce access to residential driveways.

Table 7: Operational Phase: List of Potential Impacts Numbered O1 to O9.

IMPACT IDENTIFICATION: OPERATIONAL PHASE			
No.	Activity	Receptor	Potential Impact
O1	Operation of new retail supermarket.	Nearby apartments and houses.	Operational Noise Impacts Negative: An increase in traffic activity, delivery of bulk goods during inappropriate times, or ventilation systems may generate noise and disturb nearby residents.
O2	Improper disposal of bulk solid waste and management.	Site, street and neighbourhood.	Operational Pollution Impacts Negative: Lack of waste containers and a public nuisance can result in overfilled containers and damage to waste containers. Lack of maintenance and cleaning can lead to a polluted environment.
O3	Modern building design and associated landscaping.	Undeveloped land in a residential environment.	Aesthetic/Visual Impacts Negative: The proposed retail land use may have a negative visual impact and influence the receiving residential character.
O4	Appointment of permanent employees	High unemployment rates in Swakopmund.	Employment Creation

IMPACT IDENTIFICATION: OPERATIONAL PHASE			
No.	Activity	Receptor	Potential Impact
	to operate the business.		Positive: Creates long-term employment opportunities in the local retail and service industry. Employment indirectly reduces poverty and crime in general.
O5	Increase in water and electrical consumption.	Scarce water and energy resources.	Water and Energy Management Negative: The proposed development will increase electrical and water consumption which are scarce resources in Namibia.
O6	Lack of proper toilet facilities or lack of cleaning/maintenance.	General public health and convenience.	Public Sanitation Impact Negative: A potential lack of clean toilets within the proposed building can create a public health risk for workers and/or visitors.
O7	Property access and sight lines.	Daniel Kamho Avenue and Ernst Konnecke Street.	Access and Traffic Impacts Positive: Access can be taken from two street frontages to improve property access and the flow of on-site traffic. Distance from the intersection was also deemed suitable in terms of the Traffic Impact Assessment.
O8	Parking of vehicles and deliveries.	Large site size and wide road reserve.	Parking Impacts Positive: All parking can be provided on-site which is one of the reasons for the closure of Erf 9806 Swakopmund Ext 39.
O9	Disposal of fats, oils and grease (FOG). General increase on effluent load.	Sewerage system network and effluent load.	Sewerage Impacts Negative: Disposal of FOG can potentially clog pipes, create bad odours and can cause sewer backups.

8. Need and desirability of the project

The proposed permanent closure and rezoning of Erf 9806 Swakopmund Extension 39 is considered needed and desirable due to the following reasons:

- [1] Erf 9793 Swakopmund Extension 39 will be rezoned to Public Open Space to partially replace open space in Swakopmund Extension 39.
- [2] Erf 9806 Swakopmund Extension 39 is currently not landscaped or developed as a typical green play park and is suitable to be utilised as part of a the supermarket with the required on-site parking.
- [3] The supermarket will be ancillary and complementary to the proposed service station and convenience store. The overall proposal will result in the beautification and major upgrading of the area.
- [4] The available Public Open Space in Swakopmund Extension 39 is not significantly reduced and still meets the policy guidance of the Ministry of Urban and Rural Development.
- [5] An ECC was granted for the service station in June 2020.

In conclusion, the proposed permanent closure and rezoning of Public Open Space zoned Erf 9806 is considered needed and desirable and can be supported in principle.

9. Impact assessment

The following section will contain a description and assessment of the significance of any effects, including cumulative effects, that may occur as a result of undertaking the activity.

9.1. Methodology

The assessment of impacts is based on methods published in Namibia and South Africa (Directorate of Environmental Affairs, 2008: 42; DEAT, 2002). Each identified impact is evaluated systematically in terms of its magnitude and extent in area, the duration and frequency of occurrence, the reversibility on the environment, and the acceptability from interested and affected parties. The average grading is then multiplied by the probability of and direction to determine a final numerical value.

This value determines the significance which ranges from highly negative (-3) to highly positive (+3) as indicated on the following scale:



Table 8 provides a definition and overview of each significance level and Table 9 is a summary of the criteria used, their definition and the grading scale.

Table 8: Definition of each significance level.

SIGNIFICANCE LEVEL	DEFINITION	GRADE
-VERY LOW or +VERY LOW	Impacts that affect a tiny area or population, and hardly modify the environment. Biological and socio-economic aspects continue to function normally. Positive or negative effects are trivial and non-existent, and no mitigation is required.	±0
-LOW or +LOW	Impacts that affect a small area or population, and slightly modify the environment. Biological and socio-economic aspects continue to function sustainably without mitigation. Positive and negative effects are minor and almost unnoticeable. Mitigation is cost-efficient and easy to implement.	±1
-MEDIUM or +MEDIUM	Impacts affect a larger area or population and modify the environment to some extent. Biological and socio-economic aspects continue to function sustainably with mitigation. Positive and negative effects are noticeable and important. Mitigation is costly but can be implemented.	±2
-HIGH or +HIGH	Impacts that affect a wide area or population and heavily modify the environment. Biological and socio-economic aspects continue to function on an unsustainable basis for negative impacts. Both positive and negative impacts are major and apparent. Mitigation is expensive and sometimes impossible to implement.	±3
-VERY HIGH or +VERY HIGH	Impacts that affect a massive area or large population and severely modify the environment. Biological and socio-economic aspects will stop functioning or continue on an unsustainable basis for negative impacts. Both positive and negative impacts are foremost and apparent. The cost of mitigation will outweigh the benefits.	±4
-MAJOR or +MAJOR	Impacts that affect a regional or international scale and a massive population. It will completely change the environment and biological and socio-economic aspects will completely change and discontinue to function, even with mitigation. Both positive and negative impacts have major implications which warrant special consideration. Negative impacts may be too difficult and expensive to mitigate and does should not continue.	±5

Table 9: Summary of criteria, definition and grading.

CRITERION	DEFINITION	GRADE
MAGNITUDE	Magnitude defines the scale and ability of an impact to cause a change in the environment which is measured from a very low (0) to a very high (5) scale of change.	
Very Low	The impact has little to no change in the size or value of an environmental feature.	1
Low	The impact has a small change in the size or value of an environmental feature.	2
Moderate	The impact has a moderate and noticeable change on the environment.	3

CRITERION	DEFINITION	GRADE
High	The impact has a large and noteworthy change in the size or value of an environmental feature.	4
Very High	The impact has a major and significant change in the size or value of an environmental feature.	5
EXTENT	Extent defines the ability of an impact to affect a certain geographic area which can range from on-site (1) to an international (5) level.	
On-site	The impact is limited to the boundaries of the project site within a 50-meter radius.	1
Local	The impact affects the local surrounding environment within a 500-meter radius.	2
Urban	The impact affects the wide urban area within a 5 km radius	3
Regional	The impact is extensive and felt on a regional or national scale within the borders of the country.	4
International	The impact is widespread, cross-border cutting, and felt on an international level.	5
DURATION	Duration specifies how long an impact and effect will endure which can last from very short (1) to very long (5) duration.	
Very Short	The impact can last less than a day or week.	1
Short	The impact can last a few months or less than a year or during the construction phase only.	2
Medium	The impact can last between 1 to 10 years or during the operational phase only.	3
Long	The impact can last more than 10 years and close to the end of the operational phase.	4
Very Long	The impact can last from up to 100 years or more and beyond the decommissioning phase.	5
FREQUENCY	Frequency defines how many times an impact will occur over time which can range from a very low (1) to a very high (5) rate of occurrence.	
Very Low	The impact occurs only once or has a very low number of occurrences over the project life cycle.	1
Low	The impact occurs infrequently or has a low number of occurrences in a year.	2
Medium	The impact occurs occasionally or has a medium number of occurrences in a month.	3
High	The impact occurs often or has a high number of occurrences in a few days or a week.	4
Very High	The impact occurs frequently with a very high number of occurrences in an hour or day.	5
REVERSIBILITY	Reversibility is the ability of the receiving environment to restore itself with or without human intervention and is measured from a low (1) to high cost (5).	
Low Cost	The impact has a high rate of reversibility or the environmental health will restore itself to its natural state at a fast rate with little to no cost.	1
Medium Cost	The impact has a medium rate of reversibility or the environmental health can be restored to its natural state but with human intervention at a reasonable rate and cost.	3
High Cost	The impact has a low rate of reversibility (if not irreversible) or the environmental health can be restored to its natural state at a slow rate but it will be difficult or expensive to rehabilitate.	5
ACCEPTABILITY	Acceptability shows the level of tolerance from the public which can range from being acceptable (1) to unacceptable (5) depending on the response received from interested and affected parties.	
Acceptable	The impact is acceptable when no objections or concerns have been noted during public participation and/or the impact does not pose a potential risk to public health and safety.	1
Manageable	The impact is manageable when a small number of objections or concerns have been noted during public participation and/or the impact has a small potential risk to public health and safety.	3
Unacceptable	The impact is unacceptable when many objections or concerns have been noted during public participation and/or the impact poses a major potential risk to public health and safety.	5
PROBABILITY	Probability is the likelihood of a potential impact happening as predicted which can range from a very low (0%) to a very high (100%) chance of occurring. The probability is multiplied by the average grading.	
Very Low	The impact will not occur with a probability of 0%.	0%
Low	The impact is unlikely to occur with a low probability of say $\pm 25\%$.	25%
Medium	The impact is expected to occur with a medium probability of say $\pm 50\%$.	50%
High	The impact is likely to occur with a high probability of say $\pm 75\%$.	75%
Very High	The impact will occur with a probability of 100%.	100%
DIRECTION	Direction determines whether an impact will have a positive (+) or a negative (-) impact on the environment and is multiplied by the average grading to determine whether the impact is beneficial or not.	
Positive	Positive impacts have beneficial, useful, and desirable effects on the receiving environment.	(+)
Negative	Negative impacts have adverse, costly and undesirable effects on the receiving environment.	(-)

9.2. Assessment of potential impacts

The identified impacts are evaluated according to their magnitude, extent, duration, frequency, reversibility and acceptability to obtain an average grading. This grading is multiplied by the probability and direction to calculate the final grading and significance level before mitigation measures are implemented.

Table 10 lists the planning-related impacts numbered P1 to P7 (see Table 5 on page 18) and their associated evaluation and determination of significance level before any mitigation.

Table 10: Planning phase and assessment of impacts before mitigation.

IMPACT ASSESSMENT BEFORE MITIGATION: PLANNING PHASE											
Impact No.	Magnitude	Extent	Duration	Frequency	Reversibility	Acceptability	Average grading	Probability	Direction	Final grading before mitigation	Significance level before mitigation
P1	High 4	Local 2	Very Long 5	Very Low 1	Medium Cost 3	Manageable 3	3.00	Very High 100%	Negative (-)	-3.0	-HIGH
P2	High 4	Local 2	Long 4	Very Low 1	Low Cost 1	Acceptable 1	2.17	Very High 100%	Positive (+)	+2.2	+MEDIUM
P3	Moderate 3	Urban 3	Long 4	Very High 5	Medium Cost 3	Acceptable 1	3.17	High 75%	Positive (+)	+2.4	+MEDIUM
P4	Moderate 3	Local 2	Medium 3	Low 2	Low Cost 1	Manageable 3	2.33	Very High 100%	Negative (-)	-2.3	-MEDIUM
P5	Moderate 3	Urban 3	Long 4	Medium 3	Medium Cost 3	Acceptable 1	2.83	High 75%	Positive (+)	+2.1	+MEDIUM
P6	Very Low 1	On-site 1	Short 2	Very Low 1	Low Cost 1	Acceptable 1	1.17	Very High 100%	Positive (+)	+1.2	+LOW
P7	Low 2	Local 2	Short 2	Very Low 1	Medium Cost 3	Manageable 3	2.33	Very High 100%	Negative (-)	-2.3	-MEDIUM

Table 11 lists construction-related impacts numbered C1 to C8 (see Table 6 on page 19) and their associated evaluation and significance level before any mitigation measures.

Table 11: Construction phase and assessment of potential impacts before mitigation.

IMPACT ASSESSMENT BEFORE MITIGATION: CONSTRUCTION PHASE											
Impact No.	Magnitude	Extent	Duration	Frequency	Reversibility	Acceptability	Average grading	Probability	Direction	Final grading before mitigation	Significance level before mitigation
C1	High 4	Local 2	Short 2	Very High 5	High Cost 5	Manageable 3	3.50	High 75%	Negative (-)	-2.6	-HIGH
C2	High 4	On-site 1	Short 2	High 4	Medium Cost 3	Manageable 3	2.83	Very High 100%	Negative (-)	-2.8	-HIGH
C3	Very High 5	On-site 1	Short 2	Medium 3	Medium Cost 3	Unacceptable 5	3.17	High 75%	Negative (-)	-2.4	-MEDIUM
C4	Moderate 3	On-site 1	Very Short 1	Low 2	Low Cost 1	Acceptable 1	1.50	Very High 100%	Positive (+)	+1.5	+MEDIUM
C5	High 4	Urban 3	Long 4	Very High 5	Medium Cost 3	Manageable 3	3.67	High 75%	Negative (-)	-2.7	-HIGH
C6	High 4	Local 2	Long 4	Medium 3	High Cost 5	Manageable 3	3.50	High 75%	Negative (-)	-2.6	-HIGH
C7	High 4	Urban 3	Short 2	Low 2	Low Cost 1	Unacceptable 5	2.83	High 75%	Negative (-)	-2.1	-MEDIUM
C8	Moderate 3	Local 2	Very Short 1	High 4	Low Cost 1	Manageable 3	2.33	High 75%	Negative (-)	-1.7	-MEDIUM

Table 12 lists operational-related impacts numbered O1 to O9 (see Table 7 on page 19) and their associated evaluation and significance level before mitigation.

Table 12: Operational phase and assessment of potential impacts before mitigation.

IMPACT ASSESSMENT BEFORE MITIGATION: OPERATIONAL PHASE											
Impact No.	Magnitude	Extent	Duration	Frequency	Reversibility	Acceptability	Average grading	Probability	Direction	Final grading before mitigation	Significance level before mitigation
O1	High 4	Local 2	Long 4	Very High 5	Medium Cost 3	Unacceptable 5	3.83	High 75%	Negative (-)	-2.9	-HIGH
O2	High 4	Urban 3	Long 4	Medium 3	Medium Cost 3	Manageable 3	3.33	Very High 100%	Negative (-)	-3.3	-HIGH
O3	Moderate 3	Urban 3	Long 4	Low 2	Medium Cost 3	Manageable 3	3.00	High 75%	Negative (-)	-2.3	-MEDIUM
O4	Low 2	Urban 3	Medium 3	Medium 3	Medium Cost 3	Manageable 3	2.83	High 75%	Positive (+)	+2.1	+MEDIUM
O5	Moderate 3	Regional 4	Long 4	High 4	Medium Cost 3	Manageable 3	3.50	Medium 50%	Negative (-)	-1.8	-MEDIUM
O6	Low 2	On-site 1	Medium 3	High 4	Low Cost 1	Acceptable 1	2.00	High 75%	Negative (-)	-1.5	-MEDIUM
O7	Moderate 3	On-site 1	Long 4	Very High 5	Medium Cost 3	Acceptable 1	2.83	Very High 100%	Positive (+)	+2.8	+HIGH
O8	High 4	On-site 1	Long 4	Very High 5	Medium Cost 3	Manageable 3	3.33	Very High 100%	Positive (+)	+3.3	+HIGH
O9	Moderate 3	Urban 3	Long 4	High 4	Medium Cost 3	Manageable 3	3.33	High 75%	Negative (-)	-2.5	-HIGH

10. Environmental Management Plan

Please refer to Annexure A for the Environmental Management Plan (EMP) and recommended mitigations for each potential impact.

11. Conclusion

Given the proposed land use activity and the positive impact of development, the proposed development is not expected to generate a significant negative impact on the receiving urban environment.

Although objections to the permanent closure were received, these objections are more related to the proposed service station and land swap which was dealt with in a separate application.

The Municipal Council of Swakopmund recommended the land swap between Erven 9793 and 9806 Swakopmund Extension 39 for approval at their meeting held on 25 November 2021 and the same Council recommended the permanent closure, rezoning and consolidation for approval at their meeting held on 28 July 2022.

In separate applications, the Municipal Council of Swakopmund approved the consent for a service station on Erf 9794 Swakopmund Extension 39 and an ECC was also granted for the service station in June 2020.

If all mitigation measures are implemented as provided in the EMP, it is expected that all of the negative impacts can be reduced and in some cases, the positive impacts can be enhanced.

The EMP document should be provided to all responsible stakeholders and be used as an on-site reference document during all phases of the proposed development.

12. Recommendation

Based on the findings of this report, the following is recommended:

- [1] That an Environmental Clearance Certificate be issued to Michael Christiaan Ludeke for the following listed activity:
- a. Permanent Closure of Erf 9806 Swakopmund Extension 39 as Public Open Space and rezoning from Public Open Space to General Business on condition that Erf 9793 Swakopmund Extension 39 be rezoned from General Residential 2 to Public Open Space to partially replace open space.

Yours sincerely,



Johann Otto

STEWART PLANNING

13. References

Atmospheric Pollution Prevention Ordinance of 1976.

Crawford, A.B. 1973. Impact analysis using differentially weighted evaluation criteria. In Cochrane, J.L. and Zeleny, M. (Eds.), *Multiple Criteria Decision-Making*. Columbia: University of South Carolina Press.

DEAT. 2002. *Impact Significance, Integrated Environmental Management*. Information Series 5. Pretoria: Department of Environmental Affairs and Tourism.

Directorate of Environmental Affairs. 2008. *Procedures and Guidelines for Environmental Impact Assessment (EIA) and Environmental Management Plans (EMP)*. Windhoek: Directorate of Environmental Affairs, Ministry of Environment and Tourism.

ICLEI (Local Governments for Sustainability). 2004. *Sustainable Urban Energy Planning: A handbook for cities and towns in developing countries*. ICLEI: Nairobi

Namibia. 1975. *Swakopmund Municipality: Adoption of Standard Building Regulations*. (Notice 21). *Government Gazette*, 3448, 15 February 1975.

Namibia. 1992. *Local Authorities Act of 1992*.

Namibia. 2007. *Environmental Management Act 7 of 2007*.

Namibia. 2007. *Labour Act of 2007*.

Namibia. 2012. *List of activities that may not be undertaken without an Environmental Clearance Certificate: Environmental Management Act, 2007*. (Notice 29). *Government Gazette*, 4878:1, 6 Feb.

Namibia. 2015. *Public and Environmental Health Act of 2015*.

Namibia. 2018. *Urban and Regional Planning Act 5 of 2018*.

SM (Swakopmund Municipality). 2002. *Swakopmund Town Planning Amendment Scheme No.12*. Approved 31 July 2003.

SM (Swakopmund Municipality). 2020a. *Municipality of Swakopmund Structure Plan 2020-2040*.

SM (Swakopmund Municipality). 2020b. *Swakopmund Town Planning Amendment Scheme No.71*. Pending approval.

END OF REPORT

