

**Environmental Assessment (EA) for the  
Proposed Servitude for the  
Subdivision of Erf 3462, Klein Windhoek.**

**Scoping Report**

**ECC Application No.: APP- 005698**

**April 2025**

**Client: A L Marais  
Owner: Erf 3462, KW  
10 Schuckmann Street,  
Avis,  
Windhoek**

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## Abbreviations and Acronyms

BID	Background Information Document
EA	Environmental Assessment
EAP	Environmental Assessment Practitioner
ECC	Environmental Clearance Certificate
EIA	Environmental Impact Assessment
EMA	Environmental Management Act
EMP	Environmental Management Plan
MEFT	Ministry of Environment, Forestry and Tourism
URPB	Urban and Rural Planning Board

## Appendices

- Appendix A:** Approval from CoW for the subdivision of Erf 3462 KW
- Appendix B:** Environmental Management Plan for the servitude
- Appendix C:** Consent for use of the servitude from neighbours
- Appendix D:** CV of EAP responsible for the Environmental Assessment

# 1 Introduction

## 1.1 Project Background and Location

**The project:** The owner of Erf 3462, Klein Windhoek, situated at 10 Schuckmann Street, Avis, Windhoek, wishes to subdivide the erf into two parts. The new erf that will be created (Portion A) will use the existing panhandle driveway to the neighbouring properties (Erven 3141 and 3142), for access. The driveway is already registered as an existing private Right of Way Servitude (Figures 1 and 2).

The requirement for an Environmental Clearance Certificate (ECC) for this servitude for Portion A was previously cancelled by the City of Windhoek (Appendix A). The City of Windhoek has approved the subdivision, and all the required infrastructure for Portion A has been put in place. The requirement for an ECC for the servitude was re-instated by the Urban and Rural Planning Board. This Scoping Report serves as the application for Environmental Clearance for the servitude that will serve Portion A.

**Location:** 22.575478°S, 17.122724°E. 10 Schuckmann Street, Avis, Windhoek.

**Proponent:** The Client is the owner of Erf 3462 KW, Anna Marais.

**Environmental Assessment Practitioner:** Ms Henriette Potgieter (EAP registered with EAPAN) was appointed by Anna Marais to undertake an environmental assessment for the purpose of applying for an ECC for the servitude.

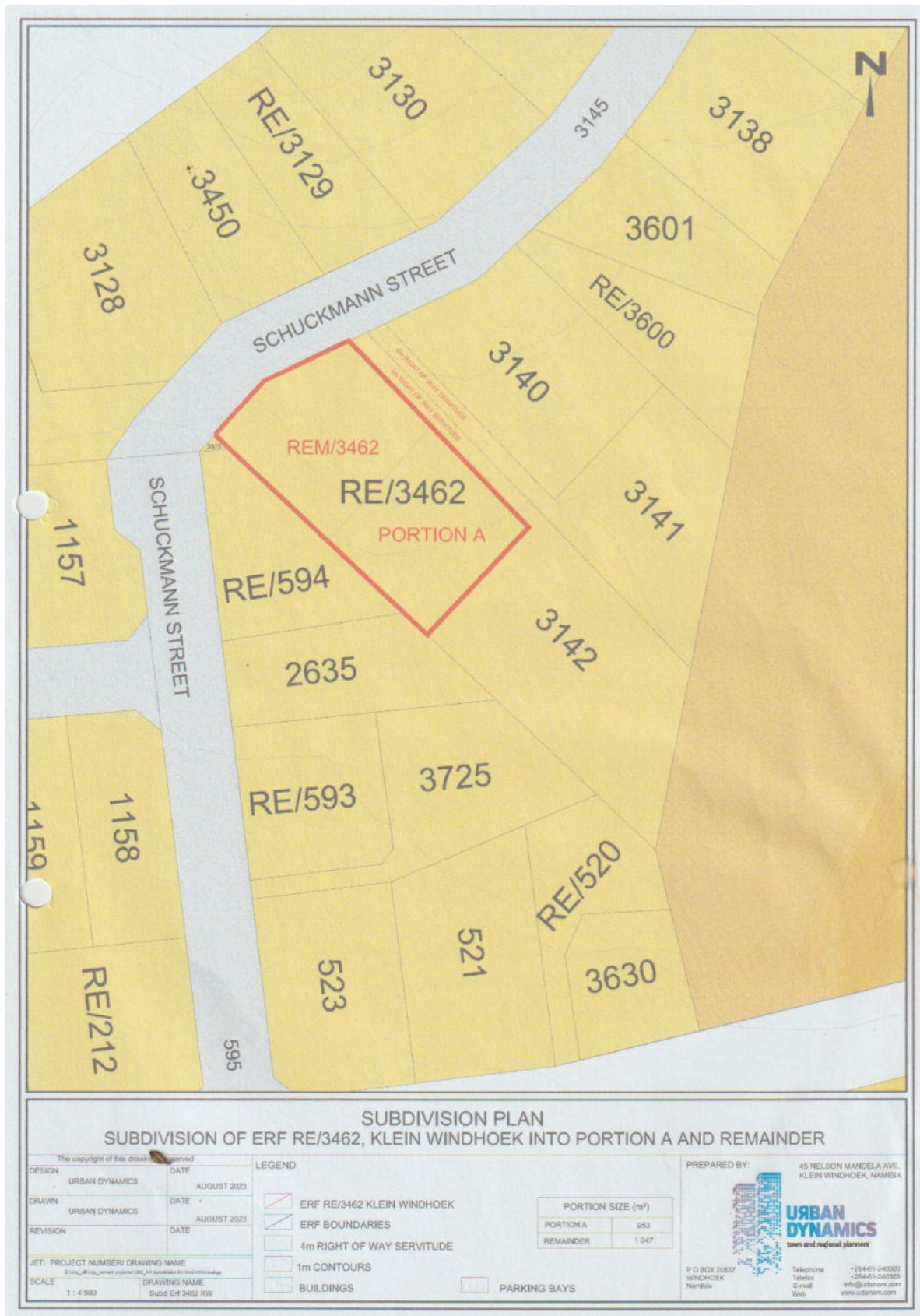


Figure 1. Location of the proposed Subdivision and existing Right-of-Way Servitude for Erf 3462, Klein Windhoek.





Figure 2. GoogleEarth image of Erf 3462 KW, showing the proposed new erf (Portion A) and the existing private servitude. The inset shows the project area (the yellow rectangle) in the context of greater Windhoek.

## 1.2 Environmental Assessment Process

### 1.2.1 Registration of Application for Environmental Clearance Certificate

The activity which the project entails, as stipulated in the 'List of Activities that may not be undertaken without an Environmental Clearance Certificate' (GN. No. 29 of 2012), is:

#### **Infrastructure**

- The construction of public roads;
- The route determination of roads and design of associated physical infrastructure where
  - (a) it is a public road.
  - (b) the road reserve is wider than 30 meters; or
  - (c) the road caters for more than one lane of traffic in both directions.

The Client has argued that the servitude is not a public road, and will not become a public road after the creation of Portion A. The driveway is privately owned as part of erven 3141 and 3142, and will remain that way.

The road reserve is not wider than 30 m.

The road does not cater for more than one lane of traffic.

In this case, the project is not a listed activity, and does not need an ECC. This fact was recognised by CoW in the early stage of the subdivision process, as shown in Appendix A.

Nevertheless, the Urban and Rural Planning Board has insisted that an ECC is required.

## 2 Project Team

The team for this environmental assessment comprises Henriette Potgieter.

### 2.1 Henriette Potgieter

Ms 'Hoens' Potgieter has 10 years of experience as an Environmental Assessment Practitioner in Namibia. Her areas of specialisation cover tourism and biodiversity, and she has focused on Environmental Management Plans and strategies in the tourism industry. She has an M.Sc in Environmental Sciences (2015), and is registered as a member of the Environmental Assessment Professionals of Namibia (EAPAN). Her CV is attached in Appendix D.



### 3 Project Description

The Right-of-Way Servitude is 55 m long and 8 m wide. The total area of the servitude is therefore 0.04 hectares. The servitude has been in existence since 2007, and no construction or change is necessary. i.e. there will be no construction phase.

The proposed new erf (Portion A) contains one single-bedroom dwelling, a ‘granny-flat’, that is designed to be occupied by one person or a couple. The vehicle parking area for Portion A is a covered shelter with space for two sedan vehicles, which lies to the south-western side of the servitude on Portion A.

Vehicle use of the servitude for Portion A is very low, about 1 – 3 trips per day, and this is not expected to change significantly from the current situation which has existed since 2007. The Servitude will remain as a private Right of Way.

Consent for use of the servitude has been received from the owners of Erven 3141 and 3142 (Appendix C). All concerned parties are comfortable with the vehicle movements of previous and existing occupants of the granny-flat.

The required water, electricity and sewage infrastructure for the new erf have been installed and approved by the relevant departments of the City of Windhoek. On the basis of these approvals, the subdivision has been approved by the City of Windhoek (Appendix A).

The servitude is paved with interlock pavers and is lined on both sides with trees.

#### 3.1 No-Action Alternative

In the event that the proposed project is denied an Environmental Clearance Certificate (ECC), the servitude will continue existing and life will go on, with the granny-flat occupied by tenants. The CoW will be denied the additional rates and taxes that it could get from the subdivided erf. Densification of the Windhoek suburbs will be incrementally less if the subdivision is prevented.

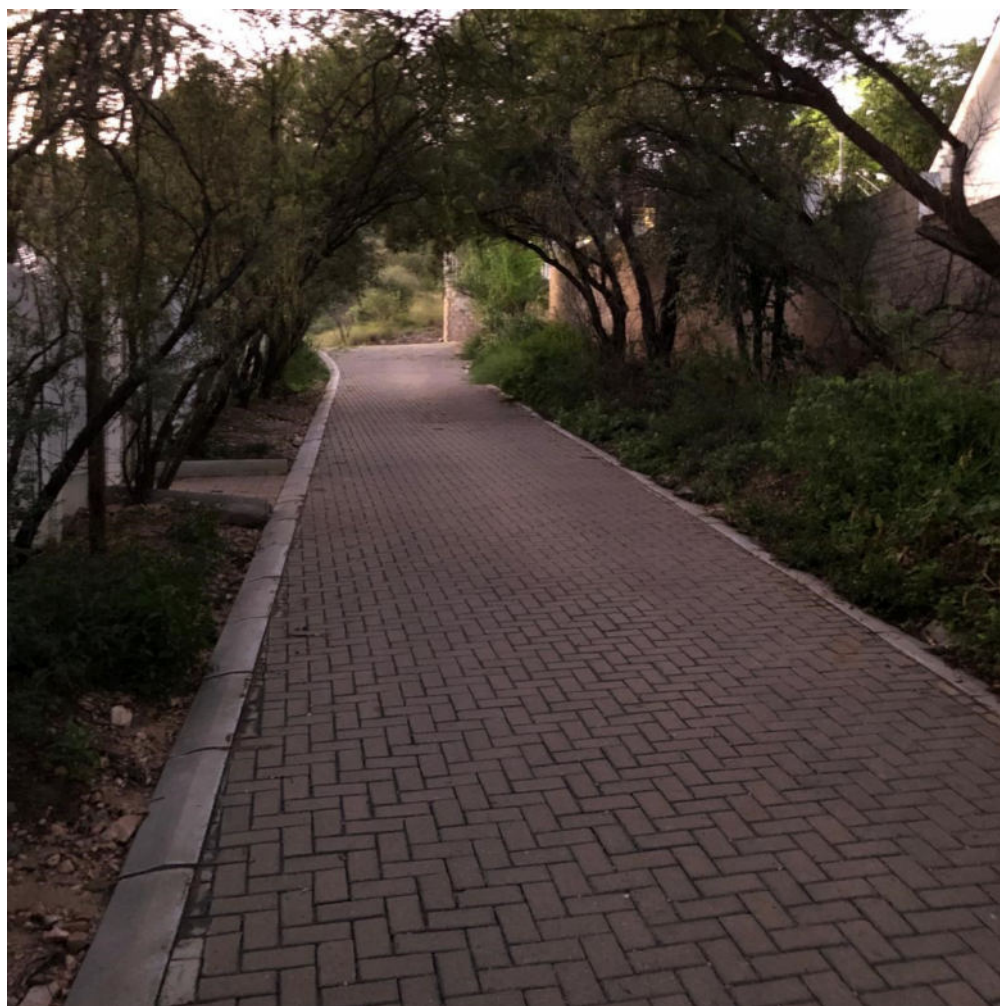
Based on the above, the “no-go” alternative is not favourable to the social and economic environment in Windhoek.

## 4 Description of the Receiving Environment

### 4.1 Biophysical Environment

The servitude is located in the urban area of Windhoek. It is a brownfield site, and there will be no change – i.e. zero change to the biophysical environment. The climate, topography, soil, hydrology and geohydrology will not be affected in any way by the servitude because the servitude has been in existence for almost 30 years. Animal life will not be affected, because there will be no change in the human activities in the foreseeable future. Vegetation in the servitude comprises *Rhus lancea* trees (indigenous to Namibia) along each side of the driveway. These trees will continue as they have done – they grow comfortably with no artificially provided water.

The servitude is illustrated in Figure 3.



**Figure 3. View up the servitude towards Schuckmann Street, from near the bottom of the downward slope of the servitude.**

## 4.2 Socio-Economic Environment

The private servitude is a brownfield site and has been in existence since it was created in about 1995.

The proposed new erf (Portion A) contains one single-bedroom dwelling, a 'granny-flat', that is designed to be occupied by one person or a couple. The vehicle parking area for Portion A is a covered shelter with space for two sedan vehicles, which lies to the south-western side of the servitude on Portion A.

Vehicle use of the servitude for Portion A is very low, about 1 – 3 trips per day, and this is not expected to change significantly from the current situation which has existed since 2007. The Servitude will remain as a private Right of Way.

Consent for use of the servitude has been received from the owners of Erven 3141 and 3142 (Appendix C). All concerned parties are comfortable with the vehicle movements of previous and existing occupants of the granny-flat.

## 5 Public Consultation

Advice received from the DEA in April 2025 (from Ms Saima Angula) was that this project was so small that public consultation was not necessary. The only affected people are the owners of the servitude, i.e. the owners of erven 3141 and 3142, who have owned the private servitude since it was created in approximately 1995. They have given their consent for the subdivision (Appendix C). No change to the number of people using the servitude will occur as a result of the creation of Portion A as a private erf. This is because the dwelling on Portion A has been occupied since 2007 by various tenants. There have been no instances where the traffic from occupants in the granny-flat has been a source of conflict or irritation to people in the neighbouring erven.



## 6 Environmental Assessment

The potential impacts associated with the use of the servitude for Portion A are presented below.

There will be no construction involved, so zero impacts in the non-existent construction phase.

In the operational phase, there will be no change to the traffic on the servitude, as described above.

### 6.1 Damage to vegetation lining the servitude

Physical damage to the trees lining the servitude might be caused by large vehicles, such as delivery trucks.

**Mitigation:** This can be prevented by ensuring that items or materials delivered to the proposed erf are carried onto the property by hand. This has been done on previous occasions: it is a short distance down the driveway (only 55 m) and is quite feasible.

### 6.2 Increased risk of accidents by traffic on the servitude

The risk of accidents with pedestrians or animals might increase if the traffic on the servitude increases.

**Mitigation:** Gateways leading on to the driveway should continue to be kept closed when not in use, so that children and domestic pets do not stray onto the driveway. This safety measure is already practiced by all three properties that use the servitude.

These mitigatory measures are set out in the Environmental Management Plan (Appendix B).

## 7 Conclusion and Recommendations

The private servitude for the proposed subdivision exists already. The creation of Portion A as a separate property, and the continued use of the servitude, will have no significant impact on the receiving biophysical and socio-economic environment.

The management measures for the servitude are simple and all users of the servitude practice them already. Instructions to the users of the servitude are set out in the Environmental Management Plan.

It is recommended that this project be granted an Environmental Clearance Certificate.

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