

# **ENVIRONMENTAL ASSESSMENT REPORT FOR THE PROPOSED SUBDIVISION AND CREATION OF PRIVATE RIGHT OF WAY (SERVITUDE) OF ERF 738 WALVIS BAY PROPER, ERONGO REGION, NAMIBIA**

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Prepared For:

**Mr. M. Khan**

**Walvis Bay**

**Email: manzur@iafrica.com.na**

**Cell: +264 81 378 7347**

Prepared By:

**Envirofficient Consultants cc**

**Unit 8, Stop & Shop Complex, Vrede**

**Rede str, Swakopmund**

**envirofficient@gmail.com**

**Cell: +26481 307 7370**



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<b>PROJECT NAME</b>	ENVIRONMENTAL ASSESMENT REPORT FOR THE PROPOSED SUBDIVISION AND CREATION OF PRIVATE RIGHT OF WAY (SERVITUDE) OF ERF 738 WALVIS BAY PROPER, ERONGO REGION, NAMIBIA
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<b>CLIENT</b>	Mr. MC. Khan Walvis Bay Email: manzur@iafrica.com.na Cell: +264 81 378 7347
<b>LEAD CONSULTANT</b>	<b>Envirofficient consultants</b> Enquiries: Nikolas Ndeikonghola Cell: +264 81 307 7370 E-Mail: <a href="mailto:envirofficient@gmail.com">envirofficient@gmail.com</a>
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<b>AUTHOR</b>	Nikolas Ndeikonghola

## Table of Contents

LIST OF ACRONYMS AND ABBREVIATIONS.....	5
EXECUTIVE SUMMARY .....	6
1. INTRODUCTION.....	7
1.1. Background.....	7
1.2. Scope of the Environmental Impact Assessment .....	7
1.3. Proponent.....	8
1.4. Environmental Assessment Practitioner (EAP).....	8
1.5. Regulatory Framework and Need for Environmental Assessment.....	8
2. PROJECT DESCRIPTION .....	9
2.1. Location and Site Description .....	9
2.2. Need for the Project .....	10
2.3. Suitability and Description of the Development .....	10
2.4. Scale and Nature of the Activity .....	11
2.5. Consideration of Alternatives .....	12
3. LEGISLATION.....	13
4. RECEIVING ENVIRONMENT.....	15
4.1. Biophysical Environment .....	15
4.1.1. Climate.....	15
4.1.2. Topography, Geology and Soils .....	15
4.1.3. Surface Water and Groundwater Resources .....	15
4.1.4. Vegetation and Fauna.....	16
4.2. Social Environment.....	16
4.2.1. Settlement Pattern and Services .....	16
4.2.2. Population and Livelihoods .....	16
4.2.3. Land Use, Heritage and Sense of Place.....	16
4.2.4. Traffic and Visual.....	16
4.3. Economic Environment.....	17
4.4. Summary of Key Environmental and Social Sensitivities .....	17
5. PUBLIC CONSULTATION .....	17
6. IMPACT ASSESSMENT .....	18
6.1. Methodology Employed for the Impact Assessment .....	18
7. CONCLUSIONS.....	18
8. RECOMMENDATIONS TO THE ENVIRONMENTAL COMMISSIONER.....	18
REFERENCES.....	19

**LIST OF TABLES OF FIGURES**

Table 1 legal frameworks relating to the proposed project ..... 13  
Table 4 Summary of Key Environmental and Social Sensitivities..... 17

Figure 1 Locality Map .....9  
Figure 2 Site Map ..... 10  
Figure 3 Proposed Right Of way ..... 11  
Figure 4 Approved Map depicting the subdivisions and existing improvements and proposed  
right of way..... 12  
Figure 5 Site Notices ..... 18

## LIST OF ACRONYMS AND ABBREVIATIONS

Acronym	Meaning
BID	Background Information Document
cc	Close Corporation
D2102	District Road 2102
DEA	Department of Environmental Affairs
EA	Environmental Assessment
ECC	Environmental Clearance Certificate
ECO	Environmental Control Officer
EAP	Environmental Assessment Practitioner
EIA	Environmental Impact Assessment
EMA	Environmental Management Act
EMP	Environmental Management Plan
GN	Government Notice
I&APs	Interested and Affected Parties
MAWLR	Ministry of Agriculture, Water and Land Reform
MEFT	Ministry of Environment, Forestry and Tourism
MICT	Ministry of Information and Communication Technology
NDC	Nationally Determined Contribution
NDPs	National Development Plans
NHC	National Heritage Council
NSA	Namibia Statistics Agency
OHS	Occupational Health and Safety
PPE	Personal Protective Equipment
SMMEs	Small, Medium and Micro Enterprises
km	Kilometre
m	Metre
mm	Millimetre
m/s	Metres per second

## **EXECUTIVE SUMMARY**

This Environmental Scoping Report evaluates the proposed subdivision of Erf 738, located in Walvis Bay Proper, Erongo Region. The proponent, Mr. Manzur Charles Khan, intends to subdivide the property to formalize two existing dwelling units into separate, independently owned erven.

Erf 738 is approximately 1,250 m<sup>2</sup> in extent and is situated within a fully developed urban area along Sam Nujoma Avenue. The site is already serviced with water, sewerage, electricity, and road infrastructure, and contains two established dwelling units. The surrounding area is undergoing a gradual transition from single residential use to mixed-use development due to its proximity to the central business district.

The proposed subdivision will create two portions: the Remainder ( $\pm 593$  m<sup>2</sup>) and Portion X ( $\pm 657$  m<sup>2</sup>). A right-of-way servitude will be registered over the Remainder to provide permanent access to Portion X, ensuring legal and practical access to the public road. This servitude will be secured through a Notarial Deed.

Although the subdivision of land and establishment of a servitude are not listed activities under the Environmental Management Act (Act No. 7 of 2007) and the EIA Regulations (2012), the Ministry of Environment, Forestry and Tourism recommended that a full Environmental Assessment process be undertaken following submission of the Background Information Document.

The receiving environment is a fully transformed urban setting with no significant environmental sensitivities. There are no natural habitats, watercourses, or protected features on site, and the area is supported by existing municipal infrastructure. The project is administrative in nature and does not involve construction or physical disturbance.

The impact assessment found no significant environmental or social impacts associated with the proposed subdivision. The environmental footprint is negligible, with the only consideration being the management of the access servitude, which will be addressed through appropriate legal arrangements.

Public consultation was conducted in line with regulatory requirements. Stakeholders were notified, and a Background Information Document was distributed. Due to the low-risk nature of the project, limited engagement was recorded and no major concerns were raised.

The proposed subdivision complies with the Walvis Bay Town Planning Scheme and aligns with national development objectives for sustainable urban densification. The proposed subdivision of Erf 738 is environmentally acceptable. It is recommended that an Environmental Clearance Certificate be granted

## 1. INTRODUCTION

### 1.1. Background

Urban land management and densification remain key planning considerations in established towns such as Walvis Bay, where increasing demand for well-located residential and mixed-use properties requires efficient utilization of existing serviced land. In many older residential areas, properties were historically developed in ways that no longer align perfectly with current cadastral configurations, often resulting in multiple dwelling units being located on a single erf.

Erf 738, located within Walvis Bay Proper, represents such a case where two legally constructed dwelling units exist on a single property. While these structures comply with the Walvis Bay Town Planning Scheme in terms of density, their placement on a single erf limits ownership flexibility and formal land administration.

The property is situated within a transitional zone, where traditional single residential use is gradually evolving into a more commercially oriented environment due to its proximity to the central business district and its location along Sam Nujoma Avenue. This transformation has increased the desirability of formally subdividing properties to enable independent ownership, investment, and potential future land use changes.

In response, the proponent, Mr. Manzur Charles Khan, proposes to subdivide Erf 738 into two portions to formalize the existing development. The subdivision will include the creation of a private right-of-way servitude to ensure access to the rear portion (Portion X), which does not have direct access to a public road.

### 1.2. Scope of the Environmental Impact Assessment

A review of the listed activities under the EIA Regulations indicates that neither the subdivision of land nor the creation of a right-of-way servitude constitutes a listed activity that would automatically trigger the requirement for an Environmental Clearance Certificate (ECC). However, following consultation with the Ministry of Environment, Forestry and Tourism (MEFT), it was recommended that a scoping report and full EIA procedures be followed to apply for ECC.

- Subdivision of land → **Not a listed activity**
- Right-of-way servitude → **Not a listed activity**

This assessment is supported by recommended mitigation measures to ensure that any minor impacts identified will be appropriately managed. Given the limited scope and low-risk nature of the project, the assessment is focused on confirming the environmental acceptability of the proposed subdivision.

### 1.3. **Proponent**

The project proponent is Mr. Manzur Charles Khan, a private property owner based in Walvis Bay. The proponent seeks to subdivide Erf 738 in order to formalize two existing dwelling units into separate, independently owned erven.

The proposed development aligns with local planning regulations and supports efficient land use within an established urban area. The proponent is responsible for ensuring that all legal, planning, and environmental requirements associated with the subdivision are met.

### 1.4. **Environmental Assessment Practitioner (EAP)**

Envirofficient Consultants cc has been appointed as the independent Environmental Assessment Practitioner (EAP) to undertake the environmental assessment process for the proposed subdivision and to prepare the necessary documentation for submission to the relevant authorities.

The EAP has conducted the assessment with due professional diligence, objectivity, and independence. Envirofficient Consultants cc has no vested interest in the proposed development other than the role as an independent environmental consultant. The assessment has been undertaken in accordance with applicable environmental legislation and best practice guidelines.

### 1.5. **Regulatory Framework and Need for Environmental Assessment**

This assessment has been conducted in accordance with the Environmental Management Act, 2007 (Act No. 7 of 2007), and the Environmental Impact Assessment Regulations of 2012, which regulate activities that may have an impact on the environment and require environmental authorization.

A review of the listed activities under the EIA Regulations indicates that the proposed subdivision of land and the establishment of a right-of-way servitude are not listed activities that trigger the requirement for a full Environmental Impact Assessment or an Environmental Clearance Certificate (ECC). However, following the submission of BID for screening to the Ministry of Environment, Forestry and Tourism (MEFT), it was recommended that the project is subjected to a full Study and submission of supporting documents thereof, hence the submission of this Report.

## 2. PROJECT DESCRIPTION

### 2.1. Location and Site Description

The proposed project is located on Erf 738 in Walvis Bay Proper, within the Erongo Region of Namibia. The property lies within a fully developed urban area and is accessed via Sam Nujoma Avenue, a key transport route within the town.

The site is situated within an established residential neighbourhood that is gradually transitioning into a mixed-use area due to its proximity to the central business district. The surrounding land uses include residential properties, small-scale commercial activities, and municipal infrastructure.

Erf 738 measures approximately 1,250 square metres and is fully serviced with water, sewerage, electricity, and road access. The property is already developed and contains two existing dwelling units, each of which is positioned in a manner that supports subdivision into two separate erven.

The site is characterized by flat terrain and improved urban environment. There are no environmentally sensitive features, such as wetlands, rivers, or protected habitats, located on or near the property.

No known proclaimed heritage sites occur within the footprint of the proposed development, apart from surrounding buildings that are older than 50 years as highlighted in the National Heritage Act.



Figure 1 Locality Map



Figure 2 Site Map

## 2.2. Need for the Project

The proposed subdivision is required to formalize the existing development on Erf 738 by creating two legally recognized erven corresponding to the two existing dwelling units. Currently, both structures are situated on a single erf, which limits ownership flexibility and complicates property management.

The subdivision will provide:

- Legal clarity and improved tenure security
- Alignment between physical development and cadastral boundaries
- Opportunities for independent ownership and potential investment
- Compliance with local planning regulations and density requirements

In addition, the development supports efficient land use within an already serviced urban area, reducing the need for expansion into undeveloped land and contributing to sustainable urban development.

## 2.3. Suitability and Description of the Development

The site is considered suitable for the proposed subdivision as there is already two constructed dwelling units. The property complies with the zoning requirements for single residential use, including density provisions. The proposed development involves the subdivision of Erf 738 into two portions, namely the Remainder of Erf 738 and Portion X as follows.

Table 1: Property Description

Erf Number	±Area (m <sup>2</sup> )	Zoning	Density
738	1,250 m <sup>2</sup>	Single Residential	1;500 m <sup>2</sup>
Subdivision			
Remainder of Erf 738	593 m <sup>2</sup>	Single Residential	1;500 m <sup>2</sup>
Portion X	657 m <sup>2</sup>	Single Residential	1;500 m <sup>2</sup>

Each portion will accommodate one of the existing dwelling units, thereby formalizing their separation into individual erven. No additional construction or physical expansion of the site is proposed as part of this development at this stage.

A key component of the proposal is the establishment of a private right-of-way servitude over the Remainder of Erf 738 to provide access to Portion X. This servitude will ensure that the rear portion has permanent and legal access to Sam Nujoma Avenue. The servitude will be clearly defined, surveyed, and registered through a Notarial Deed, ensuring legal enforceability and long-term functionality. Restrictions will be applied to prevent obstruction of the servitude area and to always maintain access.

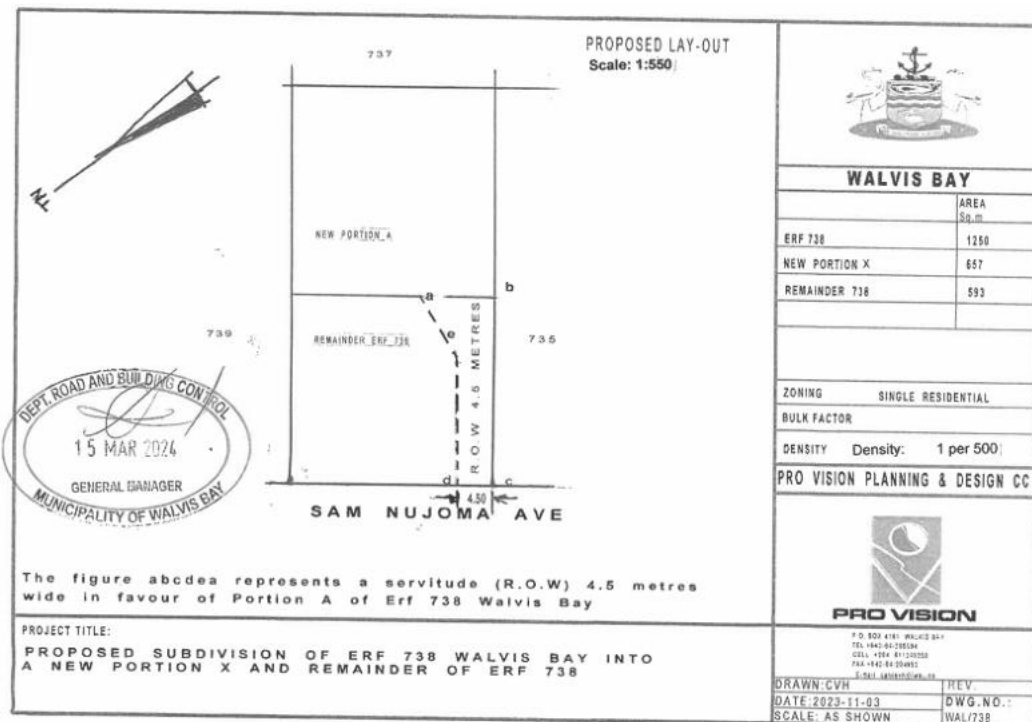


Figure 3 Proposed Right Of way

#### 2.4. Scale and Nature of the Activity

The proposed subdivision is small in scale and administrative in nature, involving legal and cadastral adjustments rather than physical development. The activity does not involve excavation, construction, or changes to land use beyond formalization of existing conditions.

As such, the environmental footprint of the project is negligible, and no significant changes to the physical environment are anticipated.

Following the subdivision, each portion of the property will be independently owned and managed by its respective owner. Responsibility for maintaining the servitude will be shared in accordance with the conditions set out in the Notarial Deed. No centralized operational management structure is required, as the development does not involve ongoing operational activities beyond normal residential use.

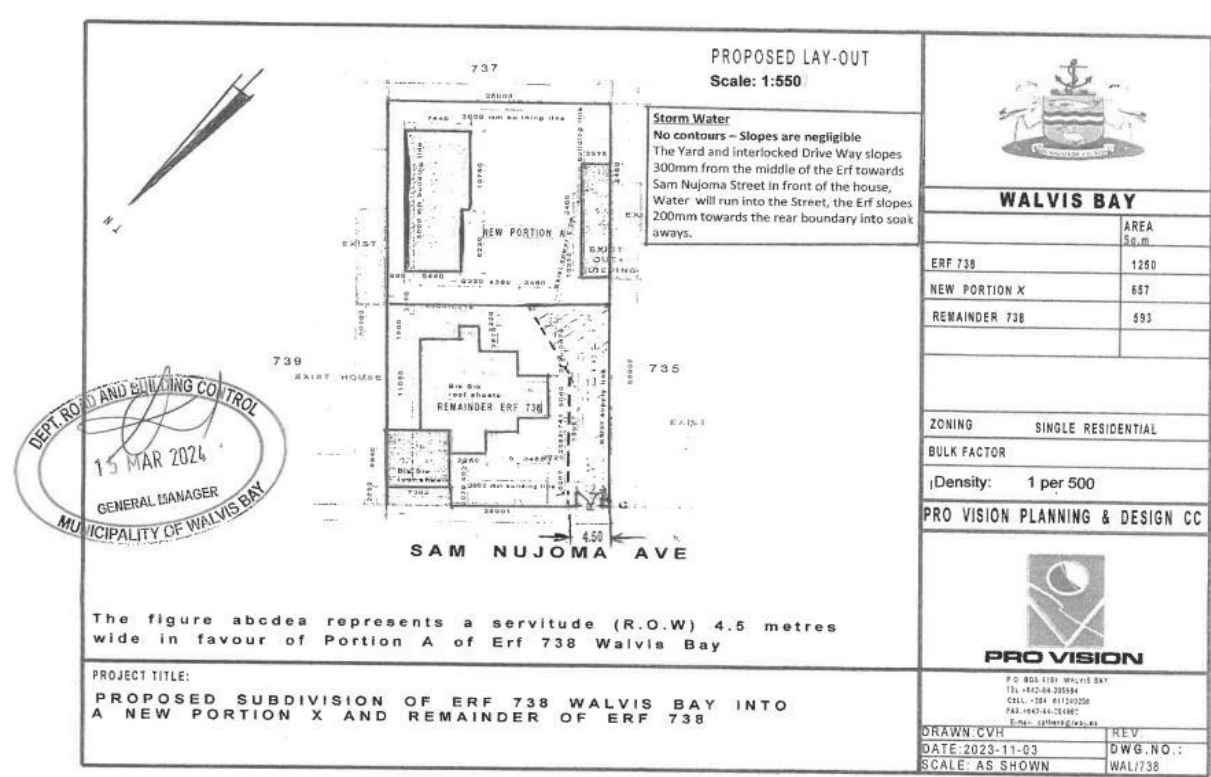


Figure 4 Approved Map depicting the subdivisions and existing improvements and proposed right of way

## 2.5. Consideration of Alternatives

The primary alternative considered is the “no-go” option, which would involve maintaining the current configuration of the property as a single erf. This option is not preferred, as it does not provide legal clarity or allow for independent ownership of the existing dwellings.

The preferred alternative is the subdivision of the property with the inclusion of a right-of-way servitude to ensure access. This option aligns with planning requirements, supports efficient land use, and formalises existing development. No alternative sites were considered, as the proposal relates specifically to the subdivision of an existing property.

### 3. LEGISLATION

The pursuit of sustainability is guided by a sound legislative framework. In this section relevant legal instruments as well as their relevant provisions have been surveyed. An explanation is provided regarding how these provisions apply to this project.

*Table 1 legal frameworks relating to the proposed project*

THEME	LEGISLATIVE / POLICY INSTRUMENT	RELEVANT PROVISIONS	RELEVANCE TO OKANDJIRA LANDFILL PROJECT
Constitutional Framework	Namibian Constitution	Article 95(l): Obligation to promote ecosystem integrity and sustainable use of natural resources for present and future generations.	Provides the overarching legal basis for sustainable land use, ensuring that the subdivision does not negatively impact the urban environment or public welfare.
Environmental Assessment & Governance	Environmental Management Act 7 of 2007 (EMA)	Section 27: Listed activities require an Environmental Clearance Certificate (ECC). Section 3: Environmental management principles including sustainable development and pollution prevention. Section 2(b-c): Public participation.	The proposed subdivision and servitude are not listed activities but have been submitted for screening. The Act governs the environmental assessment process and ensures compliance with environmental principles.
	Environmental Impact Assessment Regulations (GN 30 of 2012)	Defines listed activities and outlines requirements for screening, reporting, and decision-making by the Competent Authority.	Confirms that subdivision and servitude are not listed activities but supports the screening process to determine whether an ECC is required.
Land Use Planning & Development	Urban and Regional Planning Act 5 of 2018	Provides procedures for subdivision, consolidation, and land use planning approvals.	Governs the subdivision application process and approval by the relevant planning authorities.
	Walvis Bay Town Planning Scheme	Regulates zoning, density, building lines, and land use rights.	The subdivision complies with single residential zoning (1 dwelling per 500 m <sup>2</sup> ) and supports orderly urban development.
Local Governance	Local Authorities Act 23 of 1992	Empowers local authorities to regulate land use, service provision, and municipal planning.	The Walvis Bay Municipality oversees subdivision approval, service provision, and compliance with planning requirements.

Land Survey & Registration	Land Survey Act 33 of 1993	Governs land surveying, preparation, and approval of subdivision diagrams.	A registered land surveyor must prepare and submit subdivision diagrams for approval.
	Deeds Registries Act 47 of 1937	Provides for registration of land rights, including servitudes and subdivisions.	The right-of-way servitude must be registered via a Notarial Deed to ensure legal enforceability.
Access & Infrastructure	Roads Ordinance 17 of 1972	Regulates access to public roads, road reserves, and traffic safety.	Ensures that the servitude provides lawful and safe access to Portion X from Sam Nujoma Avenue.
Public Health & Safety	Public Health Act 1 of 2015	Prevents conditions that may pose risks to public health, including sanitation and environmental nuisances.	Ensures that subdivision does not create health risks; minimal relevance due to absence of construction or waste-related activities.
Infrastructure & Services	Water Act 54 of 1956	Prohibits pollution of water resources.	Ensures that subdivision does not negatively impact municipal water and sewer infrastructure.
Development Planning	Vision 2030 & National Development Plans (NDPs)	Promote sustainable urban development, efficient land use, and infrastructure optimization.	The subdivision supports efficient land use within an existing urban area and aligns with national development objectives.
Climate & Sustainability	National Climate Change Policy (2011)	Promotes sustainable development and climate resilience.	The project has negligible climate impact but supports sustainable urban densification principles.

## **4. RECEIVING ENVIRONMENT**

An assessment of the potential environmental and social impacts associated with the proposed subdivision of Erf 738 requires a clear understanding of the existing conditions of the receiving environment. This section describes the baseline biophysical and socio-economic characteristics of the project area and its immediate surroundings.

### **4.1. Biophysical Environment**

#### **4.1.1. Climate**

Walvis Bay is situated within the hyper-arid coastal zone of Namibia and is strongly influenced by the cold Benguela Current (Mendelsohn et al., 2002). The climate is characterised by extremely low and unreliable rainfall, typically less than 50 mm per annum, and frequent fog events, particularly during the winter months (Namibia Meteorological Service, 2018). Temperatures are generally moderate due to the coastal influence, with limited seasonal variation compared to inland regions (Mendelsohn et al., 2002). Prevailing south-westerly winds are common and may influence localised dust movement; (MEFT, 2020). These climatic conditions are not relevant to the proposed subdivision, as the activity is administrative in nature and does not involve physical disturbance of the environment.

#### **4.1.2. Topography, Geology and Soils**

The project site is located within a fully developed urban area characterised by flat terrain and minimal topographical variation (Municipality of Walvis Bay, 2019). The property lies within Walvis Bay Proper, where land has been significantly modified through historical urban development. The underlying geology consists predominantly of unconsolidated coastal sediments, including sandy soils typical of the Namib coastal plain (Mendelsohn et al., 2002). These soils have been previously disturbed, compacted, and stabilised through existing development. Given that no excavation, construction, or land alteration is proposed, the subdivision will not result in any impacts on topography, geology, or soils.

#### **4.1.3. Surface Water and Groundwater Resources**

There are no perennial rivers, wetlands, or natural surface water bodies within the urban area of Walvis Bay Proper (Department of Water Affairs, 2017). Surface water is limited to occasional stormwater runoff during rare rainfall events, managed through municipal stormwater infrastructure (Municipality of Walvis Bay, 2019). The project site does not contain any drainage lines or watercourses and. Groundwater resources in Walvis Bay are limited, where potable water is supplied through municipal systems (Department of Water Affairs, 2017). The proposed subdivision has no impacts on surface or groundwater resources.

#### 4.1.4. **Vegetation and Fauna**

The site is fully developed and forms part of an established residential area, and there is no indigenous or protected plant species were identified within the site, and no natural habitats remain. Faunal presence is limited to common urban-adapted species such as birds and small mammals typically associated with residential environments (MEFT, 2020). Given the absence of natural habitats and ecological features, the proposed subdivision will not have any impact on biodiversity.

### 4.2. **Social Environment**

#### 4.2.1. **Settlement Pattern and Services**

The project site is located within Walvis Bay Proper, a well-established urban area characterised by formal residential development and access to full municipal services, including water, sewerage, electricity, and road infrastructure (Municipality of Walvis Bay, 2019). The surrounding area is undergoing gradual transformation from a purely residential character to a more mixed-use environment, largely due to its proximity to the central business district and its location along Sam Nujoma Avenue (Municipality of Walvis Bay, 2019).

#### 4.2.2. **Population and Livelihoods**

Walvis Bay is a key economic centre in Namibia, with livelihoods supported by a diverse economic base that includes port operations, logistics, fishing, tourism, and small-scale commercial activities (Namibia Statistics Agency, 2022). The proposed subdivision is not expected to influence population dynamics or livelihoods but will support property ownership opportunities and investment.

#### 4.2.3. **Land Use, Heritage and Sense of Place**

The area surrounding Erf 738 is predominantly residential, with a mix of middle-income households and increasing commercial activity (Municipality of Walvis Bay, 2019). Many properties in the neighbourhood are more than 50 years old and may therefore fall under the provisions of the National Heritage Act (National Heritage Council of Namibia, 2004). Any alterations or renovations to such structures would require compliance with the relevant heritage approval processes. The proposed subdivision will not alter the existing land use or negatively affect the sense of place. Instead, it will support continued urban functionality and property investment.

#### 4.2.4. **Traffic and Visual**

Access to the property is provided via Sam Nujoma Avenue, a major transport route within Walvis Bay. Traffic volumes in the area are moderate to high but are adequately accommodated by existing infrastructure (Municipality of Walvis Bay, 2019).

The proposed subdivision will not result in increased traffic, as no additional development or change in land use is proposed. The visual character of the site is consistent with the surrounding urban environment, and no visual impacts are anticipated.

#### 4.3. **Economic Environment**

Walvis Bay plays a strategic role in the Namibian economy, particularly due to its port and associated industrial activities (Namibia Statistics Agency, 2022). The proposed subdivision is expected to have a positive economic effect by Enhancing property values, enabling independent ownership and Supporting investment opportunities

#### 4.4. **Summary of Key Environmental and Social Sensitivities**

Key sensitivities associated with the receiving environment are minimal due to the fully developed nature of the site and the absence of environmental features. The project is located within an established urban area with existing infrastructure and services.

*Table 2 Summary of Key Environmental and Social Sensitivities*

<b>Feature</b>	<b>Description</b>	<b>Sensitivity</b>	<b>Potential Impact</b>
Climate	Hyper-arid coastal conditions	Low	No impact
Soils	Disturbed urban soils	Low	No impact
Groundwater	Not utilised on site	Low	No impact
Surface Water	No water bodies present	Low	No impact
Vegetation	Fully transformed	Low	No impact
Fauna	Urban species only	Low	No impact
Land Use	Residential / mixed-use transition	Low	Positive
Traffic	Established road network	Low	No impact
Visual	Urban environment	Low	No impact

### 5. **PUBLIC CONSULTATION**

Public consultation forms an integral part of the Environmental Assessment process and was conducted in accordance with the EIA Regulations (2012). Given the small-scale and low-risk nature of the proposed subdivision, a focused consultation process was undertaken. Stakeholders identified included relevant authorities, adjacent property owners, and municipal representatives, who were informed through direct communication, submission of project documentation to the relevant authorities, site notices, and newspaper publications. The notices were advertised in the New Era Newspaper and the Windhoek Observer on 8 and 15 April 2026. A Background Information Document (BID) was prepared to provide stakeholders with detailed and accessible information regarding the proposed project, including the project description, location, and the environmental assessment process. A public meeting was deemed unnecessary due to the low level of interest generated during the consultation process.



Figure 5 Site Notices

## 6. IMPACT ASSESSMENT

### 6.1. Methodology Employed for the Impact Assessment

The impact assessment was conducted in accordance with the EIA Regulations (2012). The main potential impacts relate to cadastral planning and access arrangements, which have been adequately addressed through appropriate design measures and legal provisions. No construction activities are proposed for the project; therefore, no impacts are associated with the construction phase.

In the operational phase, impacts are limited to normal residential use, with the primary consideration being the shared access servitude, which will be clearly defined and managed through legal agreements to ensure proper access and minimize potential conflicts among property users.

## 7. CONCLUSIONS

The Environmental Assessment concludes that the proposed subdivision of Erf 738 in Walvis Bay is environmentally acceptable. The project is administrative in nature and does not involve physical development or environmental disturbance.

No significant impacts have been identified, and the proposal aligns with applicable planning and environmental legislation.

## 8. RECOMMENDATIONS TO THE ENVIRONMENTAL COMMISSIONER

It is recommended that an Environmental Clearance Certificate be granted for the proposed subdivision, subject to compliance with the Urban and Regional Planning Act 5 of 2018 regarding subdivision. Registration of the right-of-way servitude against the title deed of property owner of Remainder of Erf 738, Adherence to municipal requirements, and monitoring against improvement of the right of way servitude by the Walvisbay Municipality.

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