

**ENVIRONMENTAL MANAGEMENT PLAN (EMP) FOR THE PROPOSED  
REZONING OF ERF 4369, OSHAKATI PROPER FROM SINGLE  
RESIDENTIAL WITH A DENSITY OF 1/300 TO BUSINESS WITH A BULK  
OF 1, OSHANA REGION.**

**Prepared For**

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## DOCUMENT INFORMATION

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<b>Project Name</b>	Proposed Rezoning of Erf 4369, from “Single Residential” with Bulk 1/300 to “Business” with a Bulk of 1, Oshakati Proper, Oshana Region
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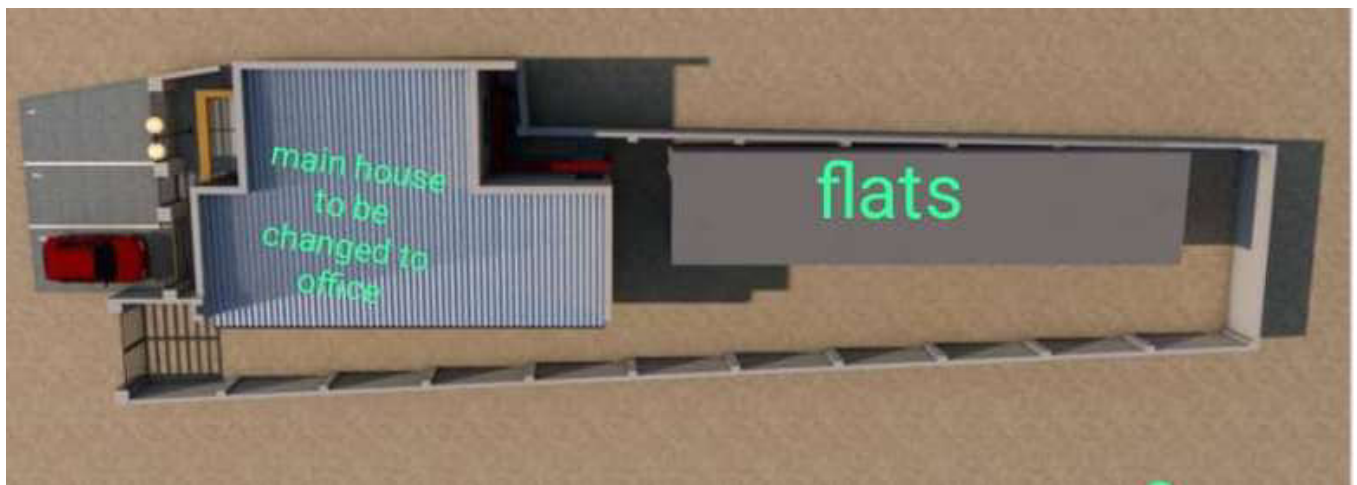
## List of acronyms

DEAF:	Directorate of Environmental Affairs and Forestry
EAP:	Environmental Assessment Policy
ECC:	Environmental Clearance Certificate
EIA:	Environmental Impact Assessments
EMA:	Environmental Management Act
EMP:	Environmental Management Plan
I&APs:	Interested and Affected Parties
MAWLR	Ministry of Agriculture, Water, and land Reform
MEFT:	Ministry of Environment, Forestry and Tourism
MURD:	Ministry of Urban and Rural Development
PPE:	Personal Protective Equipment
URPB:	Urban and Regional Planning Board

# 1. Introduction and Background

## 1.1 Introduction

Erf 4369 is located in Oshakati Proper, along the Mandume Ndemufayo Street, it measures approximately 334m<sup>2</sup> and is currently zoned “Single Residential; with bulk 1/300. The site is occupied by a main house and residential flats. The owner intends to increase the development potential of the property by upgrading the main building to accommodate an office space, formalize the existing flats and create ample parking onsite for the customers. Provisional approval has been granted by the Oshakati Town Council for the intended activities.



In terms of the Urban and Regional Planning Act, 2018, town planning procedures should be applied for the Rezoning of Erf 4369 from the current zoning “Single Residential” with Bulk 1/300 to “Business” to fit the intended activities. In terms of the Schedule 5.1 (a) of the Environmental Impact Assessment Regulations of February 2012, the Rezoning of land from (a) Residential use to industrial or commercial use; cannot be undertaken without an EIA being carried out and an ECC being obtained, hence this study. Green Gain Consultants cc has been appointed to conduct the required EIA study and apply for the ECC for the proposed activities.

This document constitutes to an Environmental Management plan (EMP) and it has been prepared for the proposed rezoning of Erf 4369, located in Oshakati Proper, from a Single Residential with density 1/300 to “Business” with density Bulk 1. The proposed Rezoning is necessary to formalize the existing situation in line with the Oshakati Town Planning Scheme and to obtain approval of the Urban and Regional Planning Board (URPB).

## **1.2 Objectives of the EMP**

The main purpose of the EMP is to ensure that undue or reasonably avoidable adverse caused by the proposed project are minimized or prevented and the positive benefits of the project are enhanced. The EMP was prepared as part of the EIA process with the purpose of ensuring that the management actions arising from Environmental Impact Assessment (EIA) processes are clearly defined and implemented through all phases of the project life cycle. The specific objectives of this EMP are as follows.

- To provide information on the potential negative impacts associated with the proposed rezoning.
- Present mitigation measures for the identified negative impacts and enhancement measures for the positive impacts.
- To provide guidelines for the management and monitoring of the identified environmental issues.
- To provide guidelines to the responsible persons to follow appropriate contingency plans in the case of various possible impacts.

## **2. Responsibilities**

It is the responsibility of the proponent to ensure the successful implementation of this EMP and any condition to be imposed by the Ministry of Environment, Forestry and Tourism (MEFT). However, the implementation of this EMP also requires the involvement of various role players, each with specific responsibilities to ensure that the proposed activities are carried out in an environmentally sensible manner.

### **2.1 The Proponent: Mrs. Ester Embanga**

#### Responsibilities

- a) Approve the need and desirability for the proposed subdivisions (already approved).
- b) Oversee the implementation of the final EMP after approval by DEAF and ensure the project comply with the EMP and conditions therein.
- c) Ensure that the proposed subdivision by the planner is done in compliance to this EMP and the Townships and Division of Land Ordinance 11 of 1963 and the urban and Regional Planning act, 05 of 2018.
- d) Appoint the responsible official/s to take responsibility of the following.
  - Provide Environmental training and awareness on the EMP to all contractors, sub-contractors, and employees involved in the construction.
  - Conduct regular inspections and monitoring during the construction phase.
  - Review of the on-site environmental management and implementation of the EMP by the maintenance team or Contractor and sub-contractors.

### **2.2 Town Planner**

The appointed Town Planner shall ensure that.

- Consider input from adjacent properties and the Town Council
- Apply all the necessary relevant town planning procedures in line with the Town Planning Act.
- Make submission to the URPB in the prescribed manner and obtain approval.
- Notify the Town Council on the approval of the URPB.

### **2.3 Contractor and sub-contractors**

It is expected that various contractors and sub-contractors might be appointed at various times and for various tasks for this project. All appointed contractors shall ensure to comply with the EMP and its conditions. The proponent must ensure that a copy of the EMP is given to all contractors before commencement of any work at the project. The contractor upon receiving this EMP should ensure.

- To undertake their activities in an environmentally sensitive manner and within the context of this EMP
- To undertake good housekeeping practices during the duration of the activities
- To ensure that adequate environmental awareness training takes place in the language of the employees.



### 3. Legal framework

The proponent must ensure compliance with that all project activities complies the following legislations.

LEGISLATION	PROVISION
<b>Constitution of the Republic of Namibia (1990)</b>	<p>The articles 91(c) and 95 (i) commits the state to actively promote and sustain environmental welfare of the nation by formulating and institutionalizing policies to accomplish the sustainable objectives which include:</p> <ul style="list-style-type: none"> <li>- Guarding against overutilization of biological natural resources,</li> <li>- Limiting over-exploitation of non-renewable resources,</li> <li>- Ensuring ecosystem functionality,</li> <li>- Maintain biological diversity.</li> </ul>
<b>Environmental Management Act No. 07 of 2007</b>	<p>The purpose of this Act is to promote the sustainable management of the environment and the use of natural resources by establishing principles for decision-making on matters affecting the environment; to provide for a process of assessment and control of projects which may have significant effects on the environment; and to provide for incidental matters. The Act gives legislative effect to the Environmental Impact Assessment Policy. Moreover, the act also provides procedure for adequate public participation during the environmental assessment process for the interested and affected parties to voice and register their opinions and concern about the proposed project.</p>
<b>Water Resources Management Act 2004</b>	<p>The Water Resources Management Act (No 11 of 2013) stipulates conditions that ensure effluent that is produced to be of a certain standard. There should also be controls on the disposal of sewage, the purification of effluent, measures should be taken to ensure the prevention of surface and groundwater pollution and water resources should be used in a sustainable manner.</p>
<b>Pollution Control and Waste Management Bill</b>	<p>This Bill serves to regulate and prevent the discharge of pollutants to air and water as well as providing for general waste management. This Bill will license discharge into watercourses and emissions into the air.</p>
<b>Labour Act (No 11 of 2007)</b>	<p>135 (f): “the steps to be taken by the owners of premises used or intended for use as factories or places where machinery is used, or by occupiers of such premises or by users of machinery in connection with the structure of such buildings of otherwise in order to prevent or extinguish fires, and to ensure the safety in the event of fire, of persons in such building;” (Ministry of Labour and Employment Creation)</p>

<b>Noise Control Regulations (Labour Act)</b>	It is essential to ensure that before any development project is approved and undertaken, an assessment or evaluation of expected noise level is done.
<b>Town and Regional Planners Act, 1996 (Act No. 9 of 1996)</b>	This Act establishes the Namibian Council for Town and Regional Planners, defines functions, and powers of the Council and provides for the registration of town and regional planners and the supervision over their conduct. The Minister may, on recommendation of the Council prescribe the kinds of work of a town and regional planning nature which shall be reserved for town and regional planners. The Act also defines improper conduct and defines disciplinary powers of the Council. Furthermore, the Act provides for the establishment of national, regional, and urban structure plans, and the development of zoning schemes. It also deals with a variety of related land use control issues such as the subdivision and consolidation of land and the establishment and extension or urban areas.
<b>Land Survey Act 33 of 1993</b>	To regulate the survey of land; and to provide for matters incidental thereto.
<b>Townships and Division of Land Ordinance 11 of 1963, as amended</b>	The objective of this Ordinance is to consolidate and amend the laws relating to the establishment of townships and to provide for the regulation and control of the development and subdivision of land and for matters incidental thereto.
<b>Local Authorities Act (No. 23 of 1992)</b>	
<b>Soil Conservation Act 76 of 1969</b>	The Soil Conservation Act stipulates that the combating and preventing of soil erosion should take place; the soil should also be conserved, protected, and improved, vegetation and water sources and resources should also be preserved and maintained. When proper mitigation measures are followed along the construction and implementation phase of the project, the natural characteristic of the property is expected to have a moderate to low impact on the environment.
Public and Environmental Health Act 1 of 2015	<b>Of paramount importance</b> -GN 121 of 14 October 1969 as amended -Public Health COVID-19 General Regulations

## **4. PROPOSED MITIGATION MEASURES**

It is the core responsibility of the proponent to ensure the successful implementation of this EMP during the planning & design and construction phase and adhere to any condition to be imposed by the competent authority or by the regulatory authority. The proponent must ensure that a copy of the EMP is given to all contractors before commencement of any work at the project.

### **4.1 Measures during planning phase**

The following should be ensured during the planning phase

- Neighboring properties have been consulted and given a chance to comment on the proposed rezoning
- Approval should be obtained from the Urban Planning Board (URPB) under the Ministry of Urban and Rural Development for the proposed rezoning
- Changes should be affected in the Oshakati Town Planning Scheme to reflect the new zone on Erf 4369, upon approval from URPB.
- Traffic regulations in should be amended to regulate traffic flow along the street

## 4.2 Measures during planning and design phase

The following mitigation measures should be applied during the planning and design phase.

Environmental Issue/Impacts	Mitigation Measures	Roles and Responsibilities
		Implementation
<b>Legal compliance</b>	<ul style="list-style-type: none"> <li>Approval should be approved from the URPB for the intended Rezoning.</li> <li>The Building Plan should be approved by the Oshakati Town Council</li> </ul>	Proponent
<b>Public Safety</b>	<ul style="list-style-type: none"> <li>Follow the General Health Safety Regulations GN 121 of 14 October 1969 as amended.</li> <li>General safety regulations provided by the Town Council should be adhered to</li> <li>Provide and maintain pedestrian crossing across the street</li> </ul>	Proponent
<b>Impact of surface drainage</b>	<ul style="list-style-type: none"> <li>Do not block drainage system and keep sand and waste away</li> </ul>	Contractor
<b>Impact on water</b>	<ul style="list-style-type: none"> <li>Use water sparingly</li> </ul>	Contractor
<b>Impact on the soil</b>	<ul style="list-style-type: none"> <li>Contain all wastewater and avoid any seepage of contaminates into the soil</li> </ul>	Contractor
<b>The aesthetic view of the area</b>	<ul style="list-style-type: none"> <li>The site must be clear of litter.</li> <li>All waste must be removed and disposed of to the landfill site.</li> <li>Plant ornamental vegetation to enhance the aesthetic view.</li> <li>Provide routine maintenance to the property</li> </ul>	Contractor
<b>Traffic impacts</b>	<ul style="list-style-type: none"> <li>Ensure road signs and markings at the intersection to the existing roads.</li> </ul>	Oshakati Town Council
<b>Waste management</b>	<ul style="list-style-type: none"> <li>Provide sufficient refuse bins or skips.</li> <li>All construction waste should be collected and disposed of at Oshakati landfill site</li> </ul>	Contractor

### 4.3 Measures during Operation phase

**Table 1: Mitigation measures during Operation phase**

Environmental Issue/Impacts	Mitigation Measures	Roles and Responsibilities
		Implementation
<b>Legal compliance</b>	<ul style="list-style-type: none"> <li>The property use should be in line with the uses under category “Business as specified in the” Oshakati Town Planning Scheme</li> <li>The proponent should obtain Fitness Certificate from the Oshakati Town Council</li> </ul>	Proponent
<b>Public Safety</b>	<ul style="list-style-type: none"> <li>Follow the General Health Safety Regulations GN 121 of 14 October 1969 as amended.</li> <li>General safety regulations provided by the Town Council should be adhered to</li> <li>Provide and maintain pedestrian crossing across the street</li> </ul>	Proponent
<b>Impact of surface drainage</b>	<ul style="list-style-type: none"> <li>Provide routine maintenance to drainage channels</li> </ul>	Proponent
<b>Impact on water</b>	<ul style="list-style-type: none"> <li>Encourage tenants to use water sparingly.</li> <li>Install water saving showers</li> </ul>	Proponent
<b>Impact on the soil</b>	<ul style="list-style-type: none"> <li>Provide regular maintenance to sewage lines, prevent overflows and</li> <li>Avoid any seepage of contaminants into the soil</li> <li>Provide a stormwater drainage system around the site and avoid soil erosion</li> </ul>	Proponent
<b>The aesthetic view of the area</b>	<ul style="list-style-type: none"> <li>The site must be clear of litter.</li> <li>All waste must be removed and disposed of to the landfill site.</li> <li>Plant ornamental vegetation to enhance the aesthetic view.</li> <li>Provide routine maintenance to the property</li> </ul>	Proponent
<b>Traffic impacts</b>	<ul style="list-style-type: none"> <li>Ensure road signs and markings at the intersection to the existing roads.</li> </ul>	Oshakati Town Council
<b>Waste generation</b>	<ul style="list-style-type: none"> <li>Provide sufficient refuse bins or skips</li> <li>Ensure regular picking up of waste by self or Town Council</li> </ul>	Proponent

## **5. Conclusion**

Although the implementation of this EMP requires a multitude of administration of different role players, the proponent should play a pivotal role in the implementation of this EMP as outlined in the report. The proponent should therefore ensure proper coordination with other stakeholders and may provide training on the content of this EMP to contractors and any other parties involved in this project.

The proponent should also ensure to avail of necessary resources and synergies to enable the implementation of this EMP. Upon approval by the authority, the EMP shall be considered a legally binding document, and any deviation or transgression from this EMP is punishable by law as per the Environmental Management Act, No. 07 of 2007. A copy of this EMP shall be always kept by the proponent or responsible person. Lastly, this EMP is valid until the project is fully implemented.