

# ENVIRONMENTAL MANAGEMENT PLAN:

FOR A 10M RIGHT-OF-WAY SERVITUDE IN FAVOUR OF PORTION 5 OF THE  
REMAINDER OF REMAINDER OF FARM DIVUNDU TOWNLANDS NO. 1362 WITHIN  
KAVANGO EAST

## PROPONENTS:

DIVUNDU VILLAGE COUNCIL  
P O Box 5266  
DIVUNDU  
**NAMIBIA**

DIVAVA PROPERTY (PTY) LTD  
P O Box 2184  
WINDHOEK  
**NAMIBIA**

## SUBMISSION:

MINISTRY OF ENVIRONMENT, FORESTRY AND TOURISM  
PRIVATE BAG 13306  
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## CONSULTANT:

URBAN DYNAMICS AFRICA  
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**GENERAL LOCATION DESCRIPTION OF THE DEVELOPMENT AREA:**

<b>DESCRIPTOR:</b>	<b>LOCATION SPECIFICS:</b>
NATURE OF ACTIVITIES:	Registration of a 10 m right of way servitude
REGION:	Kavango East Region
LOCAL AUTHORITY:	Divundu Village Council
FALL WITHIN:	Divundu Townlands
NEAREST TOWNS / CITY:	Divundu
AREA:	Length of right of way 950 m and 10 m wide
LAND USE:	Private right of way (Access road)
STRUCTURES:	No Structures
HISTORICAL RESOURCES:	No Historical Resources
CEMETERY:	No Cemetery
FLOODLINES:	No Floodlines
ENVIRONMENTAL SIGNIFICANT ASPECTS:	No Potential of removal of protected trees
LATITUDE:	-18°7'23.40"S,
LONGITUDE:	21°35'19.75"E

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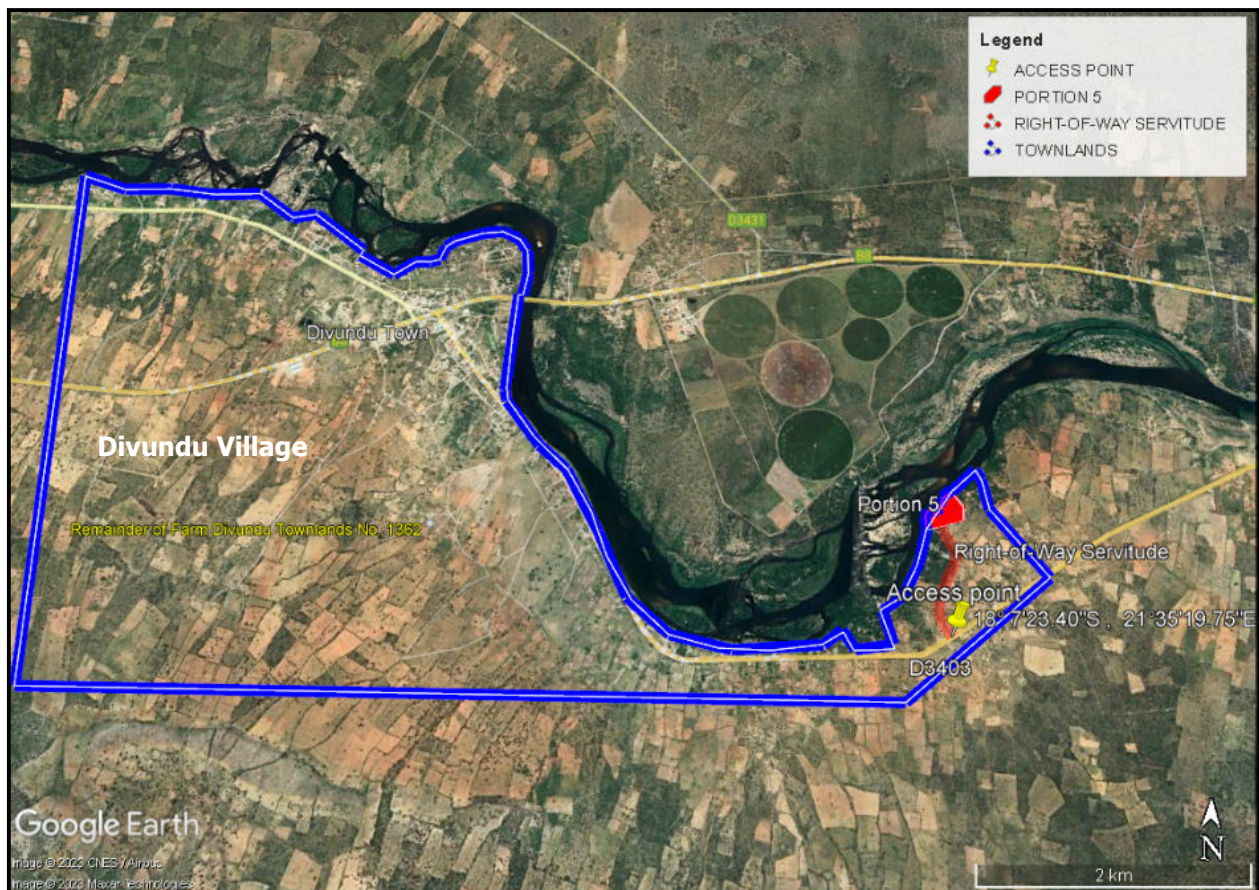
## 1 APPOINTMENT

Urban Dynamics Africa was appointed to obtain environmental clearance for a 10m wide right-of-way servitude over the Remainder of the Farm Divundu Townlands No. 1362.

## 2 BACKGROUND

Divava Property (Pty) Ltd., the owner of the existing Divava Okavango Lodge and Spa, is purchasing the land they operate on from the Divundu Village Council. In conjunction with the Remainder of Farm Divundu Townlands No. 1362 subdivision into Portion 5 and Remainder, a 10m wide right-of-way servitude over the remainder of the townlands will be registered in favour of new Portion 5.

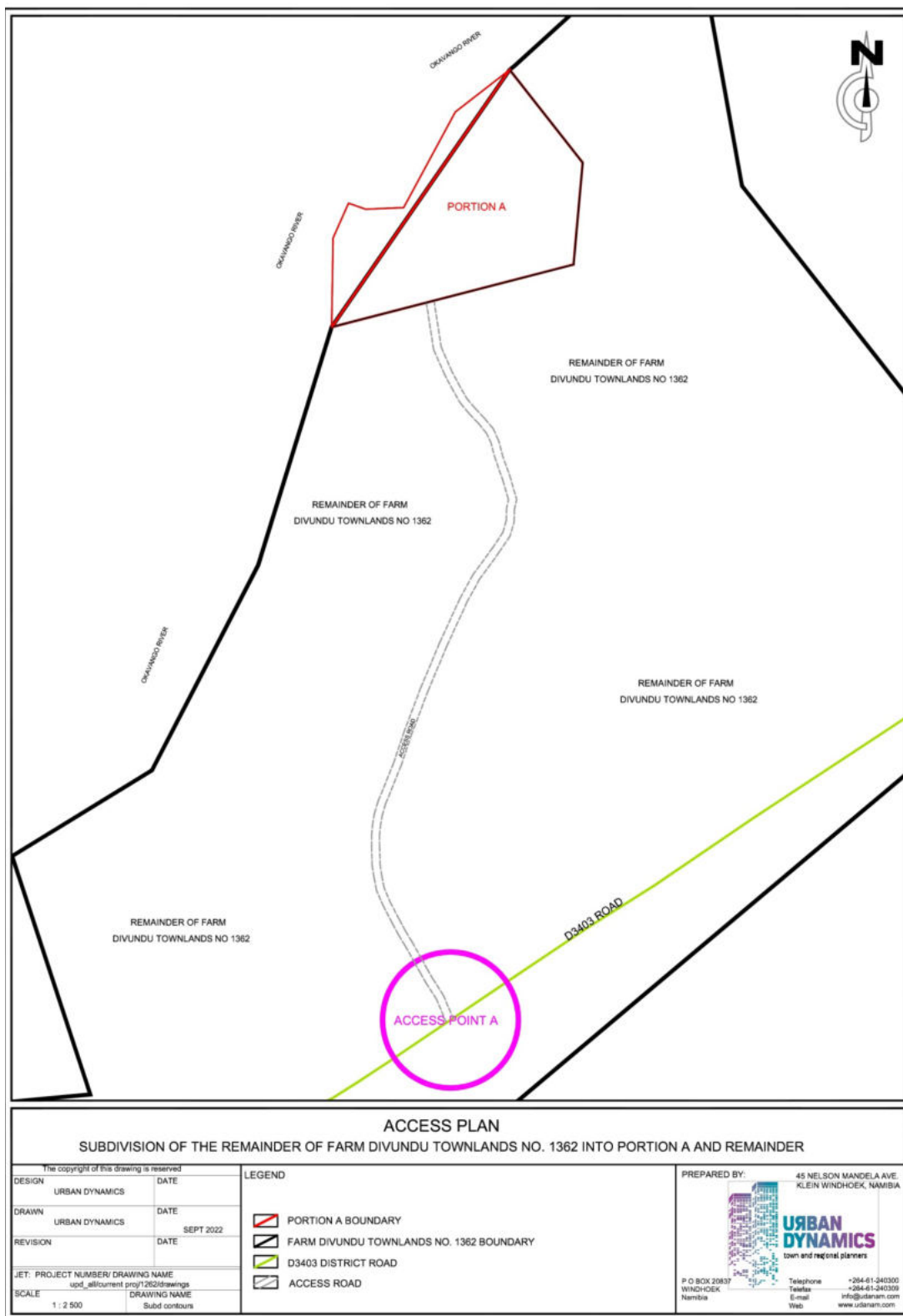
**Figure 1: Locality of the Project Area**



### 3 LAYOUT DETAIL

The proposed servitude will not change the current "Undetermined" zoning status of the townlands. The servitude's length, stretching from the main road to the new portion, spans a distance of 970m. Furthermore, the servitude width is 10m. Details regarding the dimensions and configurations of the servitude are clearly presented in **Table 1** and **Figure 2** for your reference.

**Figure 2: Subdivision / Access Sketch Plan**



**Table 1: Length, with and Reservation**

Width	Length	Servitude
10m	970m	10m right-of-way in favour of New Portion 5

#### 4 SUMMARY OF THE SITE

This summary provides essential information about the project site, including its location, ownership, current land use, environmental characteristics, and biodiversity screening results. It is important to consider the ecological impact and potential effects on the surrounding environment when planning any development or changes to the site.

- Location: The project site is located within the Kavango East Region, situated on the Remainder of Farm Divundu Townlands No. 1362. Its coordinates are approximately -18°7'23.40"S, 21°35'19.75"E.
- Ownership: The land on which the servitude is registered on is owned by the Divundu Village Council.
- Servitude Size: The proposed servitude measures approximately 970 meters in length.
- Current Land Use: The site is currently utilised as an informal access road.
- Terrain: The terrain in the project area is predominantly flat.
- Flooding Risk: The site is not susceptible to flooding, indicating a low risk of inundation.
- Soil Composition: The region is characterized by predominantly sandy soil.
- Vegetation: The primary vegetation type in the region is North-eastern Kalahari woodland. However, habitat alterations resulting from the informal road use have significantly degraded the ecological condition of the site.
- Protected Trees: While the project site itself does not host any protected tree species, it's important to note that there are ecologically and legally significant protected tree species in the surrounding area.
- States of the Site: The project site is not designated as a protected area.
- Environmental Impact: The site has been ecologically impacted and is no longer pristine, with extensive habitat alterations due to its use as an informal access road. It is best described as an impacted ecosystem.

- Biodiversity Screening: A screening process for the proposed 10-meter right-of-way servitude has been conducted, and it revealed no significant biodiversity-related issues. Based on these screening results, it has been determined that no further investigation is required in this regard.

The screening process conducted for the proposed 10m right-of-way servitude has revealed no significant biodiversity-related issues. Based on the screening results, it has been determined that no further investigation is required in this regard.

## 5 ENVIRONMENTAL MANAGEMENT PLAN (EMP)

An EMP is a critical component of the Environmental Assessment (EA) process. It synthesizes all recommended mitigation and monitoring measures across various project life cycle stages, with clearly defined follow-up actions and responsibilities assigned to specific stakeholders. This EMP aligns with the Namibian Environmental Management Act (No. 7 of 2007) and its Environmental Impact Assessment Regulations (2012). The plan outlines mitigation and monitoring measures for the construction and operation phases of the development.

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### 5.1 RESPONSIBILITIES

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This section outlines the responsibilities for both the planning and operational phases of the Environmental Management Plan (EMP). It specifies the environmental actions, procedures, and roles of key role players.

#### 5.1.1 KEY ROLE PLAYERS

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Each key role player's responsibilities are described as follows:

**URBAN DYNAMICS AFRICA (PTY) LTD.:** During the Planning Phase, Urban Dynamics Africa (PTY) Ltd. is responsible for carrying out the necessary statutory procedures related to subdivision and the application for Environmental Clearance. Their duties include managing the public participation process and submitting applications to the Divundu Village Council, the Ministry of Urban and Rural Development, and the Ministry of Environment, Forestry, and Tourism.

**DIVAVA PROPERTY (PTY) LTD.:** In the Operational Phase, Divava Property (PTY) Ltd. and the Manager of Divava Okavango Lodge and Spa, working in collaboration with the Divundu Village Council, hold the responsibility for ensuring strict adherence to the Environmental Management Plan (EMP). Their joint efforts are focused on maintaining compliance with the EMP's provisions during the operational phase.

## 6 MITIGATION DETAIL

Table 2 offers a scaled summary of the primary environmental management themes, encompassing both generic and site-specific mitigation details.

**Table 2: Generic and site-specific Environmental Management Actions**

THEME	OBJECTIVE	MITIGATION DETAIL	
		GENERIC	SITE-SPECIFIC
<b>ACCESS:</b>	Provide access for Portion 5 of the Remainder of Farm Divundu No. 1362 to the main access road.	<b>PLAN COMPONENT 1</b>	<b>YES</b>
<b>ECONOMIC DEVELOPMENT:</b>	Provide access to economic activities, skills training and employment in an area with high unemployment.	<b>PLAN COMPONENT 2</b>	<b>YES</b>
<b>DUST AND NOISE:</b>	Minimise any potential dust and noise impacts on the community and environment.	<b>PLAN COMPONENT 3</b>	<b>YES</b>
<b>HEALTH AND SAFETY:</b>	Focusing on the wellbeing of the lodge workers and guest when using the access road.	<b>PLAN COMPONENT 4</b>	<b>YES</b>
<b>STAKEHOLDER COMMUNICATION:</b>	Provide a platform for stakeholders to raise grievances and receive feedback and hence minimize negative conflict.	<b>PLAN COMPONENT 5</b>	<b>YES</b>



## 7 LEGISLATION

The following table provides the legislative framework against which the application should be assessed:

THEME	LEGISLATION	PROVISION	PROJECT IMPLICATIONS
	The Constitution of the Republic of Namibia First Amendment Act 34 of 1998	Article 95 (i) The state shall actively promote and maintain the welfare of the people by adopting, inter-alia, policies aimed at managing the ecosystems, essential ecological processes and biological diversity of Namibia and utilisation of living natural resources on a sustainable basis for the benefit of all.	The project should protect the ecological integrity of the area's ecosystems and social environment.
<b>Environmental</b>	Environmental Management Act 7 of 2007	<p>Section 27 requires that projects with significant environmental impacts are subject to an environmental assessment process.</p> <p>Section 2(b-c)) requires adequate public participation during the environmental assessment process for interested and affected parties to voice their opinions about a project.</p> <p>- Details principles which are to guide all EIAs</p> <p>Section 21 details the requirement for public consultation within a given environmental assessment process.</p> <p>Prescribes the procedures to be followed for authorisation of the project (i.e. Environmental clearance certificate).</p>	This Act and its regulations should inform and guide this EIA process to ensure that Environmental Clearance is obtained.
	EIA Regulations GN 57/2007 (GG 3812)	Section 10.2 route determinations of roads and design of associate physical infrastructure (a) public road whereby the Minister of Environment, Forestry and Tourism or in a manner prescribed by the Minister.	

<b>Forestry</b>	Forestry Act 12 of 2001	<p>Section 22(1) states that tree species and any vegetation within 100m of a Watercourse may not be removed without a permit.</p> <p>Provision for the protection of various plant species.</p>	<p>Plant species protected under Annexure A of the Regulations should be protected through planning the layout and construction of services.</p> <p>A Tree Management Plan should be compiled on the site to identify protected species before construction comments.</p>
	Forest Regulations GN 170/ 2015 (GG 5801)	<p>Section 13.2 states that no protected species should be removed unless special permission is granted. The plant or species declared protected species are listed in Annexure A of the Regulations.</p>	<p>Permits should be obtained from the Ministry of Environment, Forestry, and Tourism (Department of Forestry) to remove any protected species that are unable to be protected.</p>
<b>Health and Safety</b>	Labour Act 11 of 2007	<p>Chapter 2 details the fundamental rights and protections of employees</p> <p>Chapter 3 deals with the basic conditions of employment.</p>	<p>Employment opportunities presented by the development and compliance with labour law are essential.</p>
	Public and Environmental Health Act of 2015 (GG 5740)	<p>This Act provides a framework for Namibia's structured, uniform public and environmental health system. It covers notification, prevention and control of diseases and sexually transmitted infections; maternal, ante-natal and neo-natal care; water and food supplies; infant nutrition; waste management; health nuisances; public and environmental health planning and reporting.</p>	<p>Development contractors must comply with these legal requirements of the Act. by preventing activities that can impact the health and safety of the public and employees.</p>
<b>Atmospheric Pollution</b>	Atmospheric Pollution Prevention Ordinance No 45 of 1965	<p>Part II - control of noxious or offensive gases,</p> <p>Part III - atmospheric pollution by smoke,</p>	<p>The development should consider the provisions outlined in the Act. The proponent should apply for</p>

		<p>Part IV - dust control, and</p> <p>Part V - air pollution by fumes emitted by vehicles.</p>	<p>an Air Emissions permit from the Ministry of Health and Social Services (if needed).</p>
<b>Land Use</b>	The Urban and Regional Planning Act 7 of 2018	The Act regulates the establishment of townships, amendment of layout, subdivisions and consolidation, and land rezoning.	The proposed subdivision and layout should be approved by the Ministry of Urban and Rural Development in accordance with the Act.
<b>Services and Infrastructure</b>	Road Ordinance 17 of 1979	<p>Section 3(1) the width of proclaimed roads and roads receive boundaries.</p> <p>Section 27(1) the control of traffic during construction activities on the trunk and main roads.</p> <p>Section 37(1) infringement and obstructions on and interference with proclaimed roads.</p> <p>Section 38 distances from proclaimed roads at which fences are erected.</p>	The proponent should ensure that the construction of public roads and infrastructure through township development and the operational phase do not affect major nearby roads.
<b>Registration of a right-of-way servitude</b>	Deeds Registries Act, 1937	Registration of the servitude should be made in accordance with the Deeds Registries Act, 1937.	<p>The servitude should be surveyed, and a servitude diagram along with a description of the servitude should be compiled for the 10m right-of-way.</p> <p>The proposed servitude should be officially recorded on both the Certificate of Registered State Title for the Remainder of Farm Divundu Townlands No. 1362 and the Title deed specifically for Portion 5.</p>

## 8 MITIGATION DETAILS

Table 3 provides a scale overview of all the major environmental management themes pertaining to both generic and site-specific mitigation details. This table serves to act as a quick reference, for the detailed mitigation details that follow subsequently for each theme. This is done to simplify the implementation of the component of this EMP.

**Table 3: Generic And Management Actions For The Planning and Operational Phases**

THEME	OBJECTIVE	MITIGATION DETAIL		METHOD OF CONTROL	MONITORING ACTION	RESPONSIBILITY
		Potential Impact	Proposed Mitigation			
<b>PLAN COMPONENT 1</b> <b>ACCESS:</b>	The objective of the servitude is to provide access for Portion 5 of the Remainder of Farm Divundu No. 1362 to the main access road.	The positive impact of the servitude is that it will guarantee Portion 5 a legal right to access the main road via the 10m right-of-way servitude over the Remainder of Farm Divundu Townlands No. 1362.		Registration of the servitude should be made in accordance with the Deeds Registries Act, 1937.	The servitude should be surveyed, and a servitude diagram along with a description of the servitude should be compiled for the 10m right-of-way.  The proposed servitude should be officially recorded on both the Certificate of Registered State Title for the Remainder of Farm Divundu Townlands No. 1362 and the Title deed specifically for Portion 5  Additionally, permission from the Roads Authority to connect to the Main Road should be obtained.	Divava Property (Pty) Ltd., should jointly appoint a registered Town planner, Land Surveyor and a Conveyancer.  Furthermore, Urban Dynamics Africa (UDA), should obtain approval for road access from the Roads Authority and conduct a public consultation process to engage the community.

THEME	OBJECTIVE	MITIGATION DETAIL		METHOD OF CONTROL	MONITORING ACTION	RESPONSIBILITY
		Potential Impact	Proposed Mitigation			
<p><b>PLAN COMPONENT 2</b></p> <p><b>ECONOMIC DEVELOPMENT:</b></p>	<p>The objective is to provide access to economic activities, skills training and employment in an area with high unemployment.</p>	<p><b>Positive Economic Impact:</b> The project will have a positive impact on the economy of Divundu Village and the Kavango East Region.</p> <p><b>Training and Experience Opportunities:</b> The project will provide access to valuable training and experience opportunities for local individuals in the tourism sector.</p> <p>This will not only benefit the individuals by enhancing their skills but also contributes to the development of a skilled local workforce.</p>		<p>Adhere to the provisions of the Labour Act, as amended, in all labour-related matters.</p>		<p>The Manager of Divava Okavango Lodge and Spa.</p>
<p><b>Timeframe:</b> The economic development benefit: Long-term (the duration of the lodge's lifespan).</p> <p><b>Significance:</b> Significance impact ranges from low to high importance.</p>						

		<p><b>Job Creation:</b> The access to the lodge is expected to create job opportunities, which will have a positive effect on reducing unemployment levels, poverty, and crime.</p> <p>Gainful employment can significantly improve the quality of life for individuals and reduce social issues associated with unemployment and poverty.</p> <p>Overall, these positive impacts demonstrate the potential benefits of the project for the community and region, both economically and socially.</p>				
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THEME	OBJECTIVE	MITIGATION DETAIL		METHOD OF CONTROL	MONITORING ACTION	RESPONSIBILITY
		Potential Impact	Proposed Mitigation			
<b>PLAN COMPONENT 3</b>  <b>DUST AND NOISE:</b>	The objective is to minimise dust and noise.	<b>Air Quality:</b> Dust generated from the road can lead to poor air quality, causing respiratory issues and discomfort for residents.	Implement a Dust and Noise mitigations plan that should include:  <b>Speed Limit:</b> The access road should include a 50 km/h speed limit to limit the speed of vehicles.	Atmospheric Pollution Prevention Ordinance No 45 of 1965.  Part IV - dust control, and  Part V - air pollution by fumes emitted by vehicles.	Dust and Noise mitigations plan.	The Divundu Village Council, in collaboration with the owner of Portion 5, and other community stakeholders should oversee and implement measures to mitigate the dust and noise generated by traffic.
		<b>Noise Pollution:</b> Noise from vehicles using the road, especially heavy trucks, can disrupt the peace and quiet of the community, affecting residents' quality of life.	<b>Signage:</b> Appropriate signage should be placed to inform drivers of speed limits and potential hazerdice areas.			
		<b>Safety Hazards:</b> Reduced visibility due to dust can create safety hazards for pedestrians and drivers, increasing the risk of accidents.	<b>Vegetative Buffers:</b> Where needed, trees and shrubs should be maintained next to the road to absorb noise and dust.			
		<b>Timeframe:</b> The management of dust and nose: Long-term (Lifespan of the use of access).				
		<b>Responsibility:</b> The Divundu Village Council, in collaboration with the owner of Portion 5 and community during the operational phase.				
		<b>Significance:</b> The potential impacts ranges from high to low impact.	<b>Scheduled Deliveries:</b> Deliveries and construction activities should be scheduled during daytime hours to minimize noise.			

THEME	OBJECTIVE	MITIGATION DETAIL		METHOD OF CONTROL	MONITORING ACTION	RESPONSIBILITY
		Potential Impact	Proposed Mitigation			
<b>PLAN COMPONENT 4 SAFETY:</b>	Focusing on the wellbeing of the lodge workers and guest when using the access road.	Potential impact on the health, safety and wellbeing of workers and guest.	Incorporate the following measures into the lodge's safety plan to ensure comprehensive safety management:	Adhere to all applicable provisions of the Labour Act and the Health and Safety regulations.	The lodge manager should create a checklist encompassing all health and safety aspects outlined in this section. Additionally, an annual compliance assessment should be conducted.	The Divava Okavango Lodge and Spa manager.
			Implement measures from the Dust and Noise Mitigation Plan to minimize environmental impact and discomfort for nearby residents. This includes dust suppression techniques and noise reduction strategies.			
<div style="border: 1px dashed black; padding: 10px;"> <p><b>Timeframe:</b> The safety plan – Long term (Lifespan of the use of access).</p> <p><b>Responsibility:</b> The lodge manager is responsible for addressing future safety issues related to the access during the operational phase.</p> <p><b>Significance:</b> The impact ranges from high to low.</p> </div>			<p><b>Dust and Noise Management:</b></p> <p><b>Surface Maintenance:</b></p> <p>Regularly schedule road surface grading and maintenance to mitigate hazards, prevent accidents, and enhance the overall quality of the road.</p> <p><b>Safety Signage:</b></p> <p>Maintain and inspect safety signs</p>			



			<p>regularly to ensure they remain visible and effective in conveying essential safety information to road users. Any damaged or faded signs should be promptly replaced.</p> <p><b>Speed Limit:</b></p> <p>Enforce a strict 50 km/h speed limit on the access road to promote safe driving practices and compliance with the designated speed regulation.</p>			
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THEME	OBJECTIVE	MITIGATION DETAIL		METHOD OF CONTROL	MONITORING ACTION	RESPONSIBILITY
		Potential Impact	Proposed Mitigation			
<p><b>PLAN COMPONENT 5 PUBLIC CONSULTATION:</b></p>	<p>The objective is to provide a platform for stakeholders to actively participate in the planning phase.</p>	<p><b>Effective Communication:</b> Improved communication can lead to better understanding and alignment among project participants.</p> <p><b>Conflict Resolution:</b> By providing a platform to address grievances and conflicts, the project can reduce tensions and promote a more harmonious working environment.</p> <p><b>Stakeholder Engagement:</b> The project can foster greater engagement and participation among stakeholders, making them feel more invested in the project's success.</p>	<p>A platform needs to be created to inform the community on the intention of the proponent, as well as to invite them to provide feedback on the topic</p> <p>following approaches need to be followed:</p> <ul style="list-style-type: none"> <li>❖ Compiled a stakeholders list,</li> <li>❖ Place a notice of intension in two local newspapers following a two week period,</li> <li>❖ Place notices at the site and at the council office and</li> <li>❖ The neighbours need to be informed by formal letter.</li> </ul>	<p>Compliance with the Environmental Management Act No. 7 of 2007 and its 2012 Regulations, as well as the Urban and Regional Planning Act No. 5 of 2019, is vital. It ensures environmental protection, community engagement, sustainable planning, legal compliance, and responsible development.</p>	<p>Approval from the ministry of Urban and Regional Development.</p> <p>Environmental Clearance Certificates from the Ministry of Environment, Forestry, and Tourism (MEFT).</p>	<p>During planning phase - Urban Dynamics,</p> <p>During the operational phase Divundu Village Council and the owner of Portion 5.</p>
<p><b>Timeframe:</b></p> <p>The consolation plan (Lifespan of the use of access).</p> <p><b>Responsibility:</b></p> <p>Urban Dynamics is responsible during the planning phase.</p> <p>The Council and the owner are responsible for addressing future community grievances and conflicts.</p> <p><b>Significance:</b></p> <p>Impact ranges from low to high.</p>						

		<p><b>Risk Mitigation:</b> Addressing potential negative impacts and conflicts early can help mitigate risks and prevent larger disruptions.</p> <p><b>Positive Working Relationships:</b> Collaboration and active engagement can lead to the development of positive working relationships among project participants.</p>				
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