





**PROJECT STATUS**

<b>Title</b>	Environmental Management Plan for the: Establishment of the Flexible Land Tenure Scheme in Ndama-South Informal Settlement in Rundu, Kavango-East Region.		
<b>Report Status</b>	Final		
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**ABBREVIATIONS**

AIDS	Acquired Immuno-Deficiency Syndrome
EA	Environmental Assessment
ECC	Environmental Clearance Certificate
ECO	Environmental Control Officer
EIA	Environmental Impact Assessment
EMA	Environmental Management Act
EMP	Environmental Management Plan
GG	Government Gazette
GIS	Geographic Information System
GN	Government Notice
GPS	Global Positioning System
HIV	Human Immuno-deficiency Virus
RTC	Rundu Town Council
LA	Local Authority
I&APs	Interested and Affected Parties
NHCN	National Heritage Council of Namibia
CR	Councillor's Representative
Reg.	Regulation
S	Section
SPC	Stubenrauch Planning Consultants
TB	Tuberculosis

## 1 INTRODUCTION

The Rundu Town Council hereinafter referred to as the proponent intends to undertake the following activities:

- **Establishment of the Flexible Land Tenure Scheme in Ndama-South Informal Settlement in Rundu, Kavango-East Region.**
- **Creation of block erven and streets within the Flexible Land Tenure Scheme Boundaries of Ndama-South Informal Settlement.**
- **Provision of associated bulk services.**

The above development triggers listed activities in terms of the Environmental Management Act (No. 7 of 2007) and Environmental Impact Assessment Regulations (Government Notice No. 30 of 2012) which may not be undertaken without an Environmental Clearance Certificate (ECC).

An Environmental Management Plan (EMP) is one of the most important outputs of the EIA process as it synthesises all of the proposed mitigation and monitoring actions, set to a timeline and with specific assigned responsibilities. This EMP details the mitigation and monitoring actions to be implemented during the following phases of these developments:

- Planning and Design – the period, prior to construction, during which preliminary legislative and administrative arrangements, necessary for the preparation of erven, are made and engineering designs are carried out. The preparation of construction tender documents forms part of this phase;
- Construction – the period during which the proponent, having dealt with the necessary legislative and administrative arrangements, appoints a contractor for the development of services infrastructure and construction of the proposed development as well as any other construction process(s) within the development areas;
- Operation and Maintenance – the period during which the proposed development will be fully functional and maintained.

The decommissioning of these developments is not envisaged however in the event that this should be considered some recommendations have been outlined in **Table 4-5**.

## 2 PROPOSED DEVELOPMENT

### 2.1 LOCALITY

The town of Rundu is located in central north-eastern part of Namibia as depicted in **Figure 2-1** below. It lies on the south bank of the Okavango River, which forms the border between Angola and Namibia.



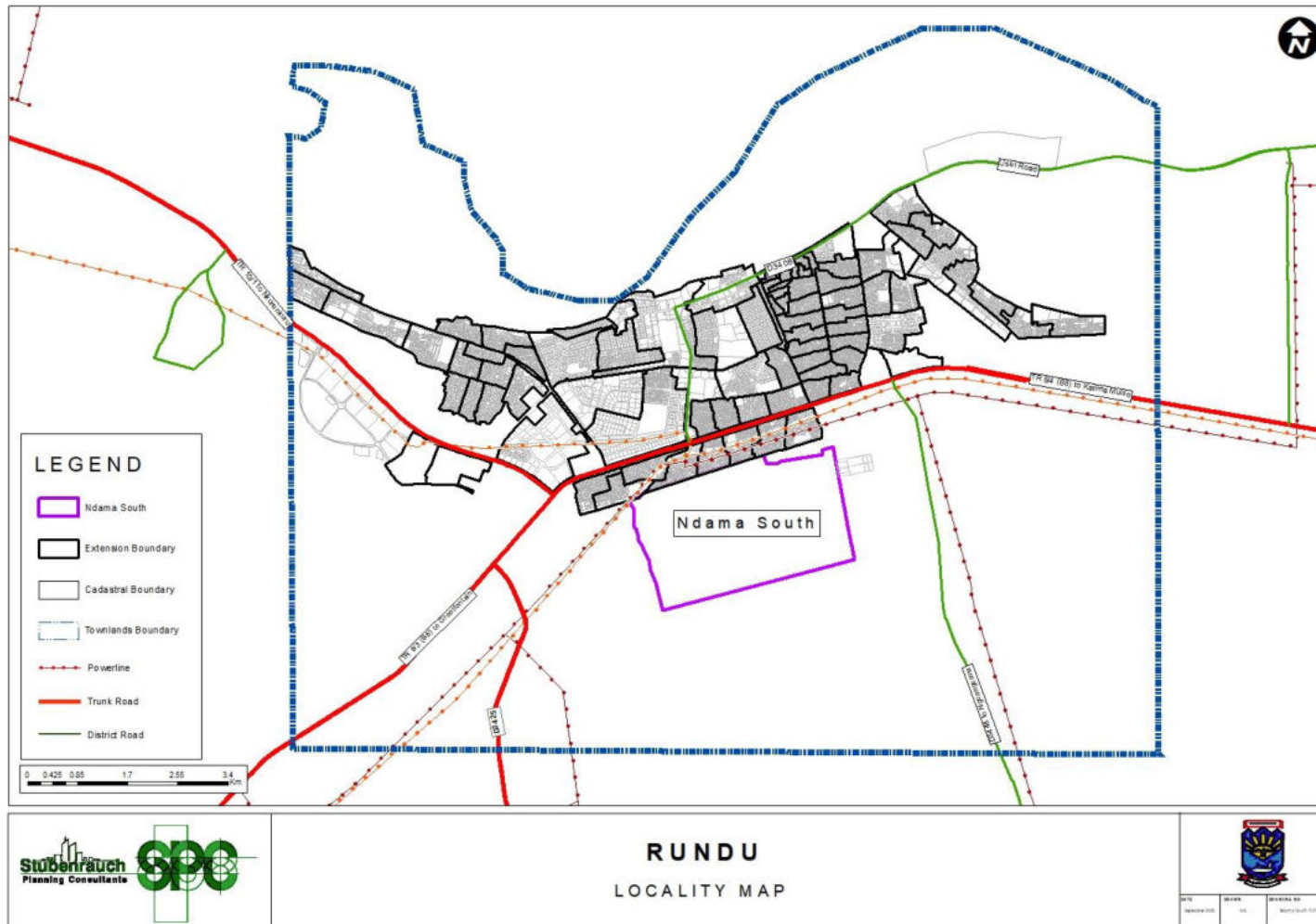


Figure 2-2: Combined Locality Map of Ndama-South Informal Settlement in Rundu

## 2.4 DEVELOPMENT DESCRIPTION

### 2.4.1 Project Background

Namibia experiences a daunting housing backlog, a situation that calls for accelerated housing development efforts. Namibia is classified as a lower to middle-income country. However, the most recent estimate of income distribution showed that Namibia still is one of the most skewed in the world (as per Gini-coefficient inequality measure) NHP 2009. A large proportion of the population therefore lives in poverty and lacks access to essential services. This is mainly caused by the influx of people to urban areas in search for jobs and better livelihoods. However, as people flock to urban areas, they mostly settle informally on any available piece of land as most of them cannot afford fully serviced urban land, consequently increasing the footprint of the urban informality. This has resulted in many urban dwellers occupying land without having obtained approval from the landowners and without having any form of tenure security, thereby exposing themselves to high chances of being evicted by the relevant authorities.

In terms of poverty and inequality, Namibia is characterized by extremely high, although slightly decreasing, income inequality. It is then noted that Namibia remains at the top of the list in terms of the GINI Index. Furthermore, 88% of households in Namibia have a monthly household income of less than N\$ 10,000, and even employees in Namibia's public service sector who are considered middle income, including nurses, teachers, police officers, and military personnel experience difficulties in accessing adequate housing (NHP 2022).

The town of Rundu is located in the central north-eastern part of Namibia as depicted in **Figure 1** below. It lies on the south bank of the Okavango River, which forms the border between Angola and Namibia. The Rundu town was founded by the South African government and served as an administrative Centre for the Kavango Region since 1963. Rundu is the main urban settlement in the Kavango East Region and the second largest town in Namibia by population. The town is recognized as a Town Council in terms of the Local Authorities Act, 1992 (Act No 23 of 1992).

Rundu, the capital of the Kavango-East Region with an estimated population of about **63 431** (Rundu Structure Plan 2013 - 2040) and an area measuring **164.1** kilometres, is experiencing a backlog in the provision of affordable housing. According to the report on the economic profile of Rundu compiled by First Capital Namibia in 2018, the backlog in the provision of affordable housing in Rundu is estimated at a total demand of around **12,460** houses. The report further highlighted that Rundu is the town with the highest number of shacks after Windhoek, whereby about **8150** families in Rundu live in informal settlements (August 2018). The mushrooming of informal settlements in Rundu results from the rapid in-migration of people in search of better opportunities and livelihoods.

Although Rundu is the administrative Centre of the Kavango-East, it is still largely serving the Kavango-West Region. The town is the main and only commercial Centre of both regions and the rapid influx of people from the rural areas to the town of Rundu results in

accelerated demand for social and municipal services which places the town administration under enormous pressure and financial strain.

The town of Rundu comprises of six (6) urban areas: Kasote and Sauyemwa in the west, Rundu and Kehemu in the central area, Kaisosi to the east and Ndama in the south with settlements and villages in the outskirts of the urban area. The six urban areas are all governed by the Rundu Town Council that consists of seven (7) politically elected and appointed Councilors and the Chief Executive Officer.

There are approximately **22,677** planned erven falling within **94** Township extensions in Rundu, while approximately 15,544 informal structures are erected on unplanned and un-serviced land within Kasosi (**2,790**), Kasote (**3,790**) and Ndama (**8,957**) (Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), 2021).

The geographical footprint which falls under the administration of the Rundu Town Council comprises of approximately **15,517.72ha** in extent, most of which is currently occupied by traditional homesteads and is being utilized for seasonal subsistence agricultural farming by the residing communities.

The Rundu Town Council generates their income from the rates and taxes which the Council charges on formalized and planned townships and registered erven. Within the informal areas no property rates and taxes are charged. Another source of income is from the land sales, land leases, water sales and Business Fitness charges. To ensure that there is adequate funding for service provision, the Rundu Town Council reserves additional funding from the line ministry.

The town of Rundu has grown into a multilingual and multicultural city, however dominated by the vaKavango people under the traditional administration of five kingdoms, namely, the Kwangali, Mbunza, Shambyu, Gciriku and Mbukushu Kingdoms.

#### **2.4.2 Project Description**

The Ministry of Agriculture, Water and Land Reform (MAWLR) is implementing the Flexible Land Tenure System (FLTS) in various Local Authorities around Namibia. The implementation is conducted in line with the provisions of the Flexible Land Tenure Act, 2012 (Act 4 of 2012) (FLTA) and its Regulations of May 2018. The objectives of the FLTA are:

- a) To create alternative forms of land title that are simpler and cheaper to administer than existing forms of land title.
- b) To provide security of title for persons who live in informal settlements or who are provided with low-income housing.
- c) To empower the persons concerned economically by means of these rights.

The Rundu Town Council in conjunction with the Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (GIZ), has commissioned an Environmental Impact Assessment (EIA) for the establishment of a Flexible Land Tenure Scheme in Rundu, Kavango-East



Region. An Environmental Impact Assessment (EIA) is being conducted in terms of EMA for the creation of block erven and streets as well as the provision of associated Municipal bulk services within the Flexible Land Tenure Scheme Boundaries of Ndama-South Informal Settlement. The aim is to address the housing deficit and tenure insecurities that the Rundu town currently faces. This initiative is supported by the Ministry of Urban and Rural Development (MURD) and the Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (GIZ) through their Inclusive and Sustainable Urban Development Project (ISUD) which aims to support the co-creation of functional and resilient neighbourhoods through the upgrading of informal settlements.

### **2.4.3 Flexible Land Tenure Process**

The Rundu Town Council has earmarked the Ndama-South Informal Settlement which is the largest and densely populated informal residential area in Rundu for the implementation of the FLTS in terms of the Flexible Land Tenure Act, 2012 (Act 4 of 2012). The Flexible Land Tenure Act (FLTA) was passed in 2012, and the Regulations were published in 2018. The FLTS was born from a need for a land delivery system that can make security of tenure affordable to those living in informal settlements around the country. Thus, the FLTS is intended to function largely in parallel to existing legislation with the surveying and registration of land administered through a Land Rights Office. The basis for all Flexible Land Tenure Schemes is the creation of a block erf, depicting the outside boundaries of a settlement. Within the block erf the system allows the creation of starter or land hold schemes.

The Flexible Land Tenure Act, 2012 (Act No.4 of 2012), creates new tenure system for land in urban areas by establishing two new forms of land title:

#### **a) Starter Title**

##### Starter title rights (STRS):

- More simple level of tenure security;
- Provides the holder with the right to occupy an undefined site within a block erf in perpetuity and to erect a dwelling at this location;
- Cannot be mortgaged and cannot be subjected to a right of way or servitudes.
- The title holder can transfer, bequeath or lease the right - subject to restrictions by the group's constitution or conditions imposed by the local authority;
- No person may hold more than one starter title right;
- No person may acquire a starter title right if he or she is the owner of any immovable property or a land hold title right in Namibia.

## **b) Land Hold Title**

### Land hold title rights (LHTS):

- Provides the owner with the right to occupy a defined and demarcated site (plot) within a block/erf in perpetuity;
- The holder of a land hold title right has all the rights to the plot concerned that an owner freehold rights have;
- The holder may perform all the juristic acts in respect of the plot concerned that an owner of freehold rights may perform in respect of his or her erf under Namibia's common law (freehold).
- The holder has undivided share in the common property;
- Land hold title right holders are allowed to transfer, to bequeath or to lease the right - subject to restrictions by the group's constitution or conditions imposed by the local authority.
- The land hold title right may also be used as a collateral for a mortgage or any other form of security for a debt;
- It can be subject to a right of way or servitudes relating to the provision of public services;
- The plots will be surveyed and demarcated on the ground by a land measurer of the Land Rights Office who has to establish a land hold plan to be filed as record in the respective Land Rights Office.

### **2.4.4 The Rundu Flexible Land Tenure Scheme**

Rundu Town Council, hereafter referred to as the proponent is of the intention to establish the Flexible Land Tenure Scheme for the following identified area:

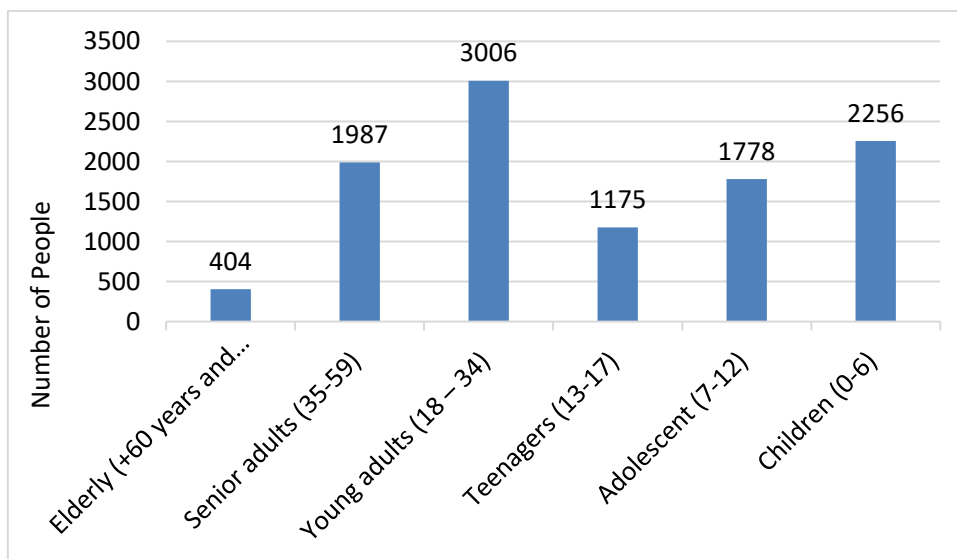
- Ndama-South Informal Settlement

### **Description of Identified Areas**

#### **2.4.4.1 Description of Ndama-South Informal Settlement**

- The area on which Ndama-South is located has been previously used for subsistence agricultural production and farming, mainly for household consumptions.
- The residents of Ndama-South do not have any form of ownership of the land they are currently residing on.
- The area is not yet surveyed, nor serviced and it is currently being formalized and registered.

- Has limited to no access to services and facilities that are necessary for the efficient functioning of a settlement.
- The size of the settlement is estimated to be approximately 299.94ha in extent, with a number of households estimated to be over 5000.
- Only 48.8% of the households in Ndama-South have access to toilet facilities which are self-built and not connected to the municipal sewer reticulation system. Many residents often resort to open defecation, risking the health and wellbeing of the residents as well as the natural and urban environment of Rundu.
- Not all the households within the Ndama-South settlement have access to individual water taps as only 36% of the household have their own taps. The ones who do not have own private taps either get water from other available water sources such as public taps, tanker trucks (when made available), the river or from the neighbors who have private water taps.
- The area does not have proper road infrastructure and movement networks.
- The population of Ndama-South is estimated to be approximately 10374, comprising of various age groups as depicted in **Figure 10** below.



**Figure 2-3:** Population of Ndama-South Informal Settlement.

**2.4.4.2 Infrastructure, amenities, and livelihood of the Ndama-South Informal Settlement**

The Ndama-South Informal Settlement does not have proper roads infrastructure and movement networks. The residents navigate their ways through the settlement via the narrow paths with deep sand that they have created within the settlement.

The lack of proper movement networks makes it impossible for service vehicles such as the fire trucks and ambulances to navigate efficiently through the settlements in a time of need

and it is also challenging for individuals with small vehicles to drive through the settlement due to the heavy deep sand.

The subject area has limited to no access to services and facilities that are necessary for the efficient functioning of a settlement.

According to the settlement analysis conducted by the Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (GIZ) in 2021/2022 in the subject area of Ndama-South Informal Settlement, exposed that most of the residents do not have adequate access to steady income generating opportunities as most of them are either self-employed, informally employed or unemployed. This issue poses a threat to the living standards of the residents as they are likely unable to afford the daily basic human needs.

It further exposed that most of the residents are self-employed and most of them earn an income between N\$500 – N\$1500 per month which is mostly spent on food.

#### **2.4.4.3 Layouts of the Proposed Development**

There are no specific details of the exact design and layout of the proposed development at present since the entire project is still in the design phase. The block layout plans to be designed for both settlements will have to make provision for all land uses that are necessary for the efficient functioning of a community.

The Ndama-South settlement area is challenged by the dense urban form where the informal structures are erected within close proximity to one another which not only poses a health and safety risk on the one hand while the current urban form prevents the development of proper access routes and the installation of municipal services on the other hand.

The Rundu Town Council will be required to appoint a professional Land Surveyor to conduct the surveying of the block erven as the surveying of the internal layout will be conducted by the land measurer who is employed by the Ministry of Agriculture, Water and Land Reform who are the custodian of the Flexible Land Tenure Scheme. The costs involved in the provision of engineering services within the scheme areas will be borne by the respective community members, subsidised by the Rundu as necessary. The servicing process will be under the technical guidance of the Rundu; and it will be conducted incrementally as the funds become available.

Should the size of the subject areas be modified and/or extended to a different area, it is recommended that a different EIA be done for the probable new location.

### 3 ROLES AND RESPONSIBILITIES

The proponent (Rundu Town Council) is ultimately responsible for the implementation of the EMP, from the planning and design phase to the decommissioning phase (if these developments are in future decommissioned) of these developments. The proponent will delegate this responsibility as the project progresses through its life cycle. The delegated responsibility for the effective implementation of this EMP will rest on the following key individuals:

- Proponents’ Representative;
- Environmental Control Officer; and
- Contractor (Construction and Operations and Maintenance).

#### 3.1 DEVELOPER’S REPRESENTATIVE

The Rundu Town Council should assign the responsibility of managing all aspects of these developments for all development phases (including all contracts for work outsourced) to a designated member of staff, referred to in this EMP as the Proponent’s representative (CR). The proponent may decide to assign this role to one person for the full duration of these developments, or may assign a different PR to each of the development phases – i.e. one for the planning and design phase, one for the construction phase and one for the operation and maintenance phase. The PR’s responsibilities are as follows:

**Table 3-1:** Responsibilities of PR

Responsibility	Project Phase
Making sure that the necessary approvals and permissions laid out in <b>Table 4-1</b> are obtained/adhered to.	<ul style="list-style-type: none"> <li>• Throughout the lifecycle of these developments</li> </ul>
Making sure that the relevant provisions detailed in <b>Table 4-2</b> are addressed during planning and design phase.	<ul style="list-style-type: none"> <li>• Planning and design phase</li> </ul>
Monitoring the implementation of the EMP monthly.	<ul style="list-style-type: none"> <li>• Construction</li> <li>• Operation and maintenance</li> </ul>
Suspending/evicting individuals and/or equipment not complying with the EMP	<ul style="list-style-type: none"> <li>• Construction</li> <li>• Operation and maintenance</li> </ul>
Issuing fines for contravening EMP provisions	<ul style="list-style-type: none"> <li>• Construction</li> <li>• Operation and maintenance</li> </ul>

### **3.2 ENVIRONMENTAL CONTROL OFFICER**

The CR should assign the responsibility of overseeing the implementation of the whole EMP on the ground during the construction and operation and maintenance phases to an independent external consultant, referred to in this EMP as the Environmental Control Officer (ECO). The CR /Rundu Town Council may decide to assign this role to one person for both phases, or may assign a different ECO for each phase. The ECO will have the following responsibilities during the construction and operation and maintenance phases of these developments:

- Management and facilitation of communication between the Rundu Town Council, CR, the contractors, and Interested and Affected Parties (I&APs) with regard to this EMP;
- Conducting site inspections (recommended minimum frequency is monthly) of all construction and/or infrastructure maintenance areas with respect to the implementation of this EMP (audit the implementation of the EMP);
- Assisting the Contractor in finding solutions with respect to matters pertaining to the implementation of this EMP;
- Advising the PR on the removal of person(s) and/or equipment not complying with the provisions of this EMP;
- Making recommendations to the PR with respect to the issuing of fines for contraventions of the EMP; and
- Undertaking an annual review and bi-annual audit of the EMP and recommending additions and/or changes to this document.

### **3.3 CONTRACTOR**

Contractors appointed by the Rundu Town Council are automatically responsible for implementing all provisions contained within the relevant chapters of this EMP. Contractors will be responsible for the implementation of this EMP applicable to any work outsourced to subcontractors.

Table 4-3 applies to contractors appointed during the construction phase and **Table 4-4** to those appointed during the operation and maintenance phase. In order to ensure effective environmental management, the aforementioned chapters should be included in the applicable contracts for outsourced construction, operation and maintenance work.

The tables in the following chapter (**Chapter 4**) detail the management measures associated with the roles and responsibilities that have been laid out in this chapter.

## 4 MANAGEMENT ACTIONS

The aim of the management actions in this chapter of the EMP is to avoid potential impacts where possible. Where impacts cannot be avoided, measures are provided to reduce the significance of these impacts.

The following tables provide the management actions recommended to manage the potential impacts rated in the scoping-level EA conducted for these developments. These management actions have been organised temporally according to project phase:

- Applicable legislation (**Table 4-1**);
- Planning and design phase management actions (**Table 4-2**);
- Construction phase management actions (
- 
- 
- Table 4-3);
- Operation and maintenance phase management actions (**Table 4-4**); and
- Decommissioning phase management actions (**Table 4-5**).

The proponent should assess these **commitments** in detail and should acknowledge their commitment to the specific management actions detailed in the tables below.

### 4.1 ASSUMPTIONS AND LIMITATIONS

This EMP has been drafted with the acknowledgment of the following assumptions and limitations:

- This EMP has been drafted based on the scoping-level Environmental Assessment (EA) conducted for the proposed development in Rundu as outlined in **Section 4** of the Draft Environmental Scoping Report. SPC will not be held responsible for the potential consequences that may result from any alterations to the above-mentioned layout information.
- It is assumed that construction labourers will be sourced mostly from the Rundu townlands area and that migrant labourers (if applicable) will be housed in established accommodation facilities within Rundu.
- No detailed engineering designs have been carried out for the development of the associated services infrastructure (roads, potable water, storm water, sewerage and electrical reticulations).



## 4.2 APPLICABLE LEGISLATION

Legal provisions that have relevance to various aspects of these developments are listed in **Table 4-1** below.

**Table 4-1:** Legislation applicable to proposed development

LEGISLATION/POLICIES	RELEVANT PROVISIONS	RELEVANCE TO PROJECT
The Constitution of the Republic of Namibia as Amended	<p>Article 91 (c) provides for duty to guard against “the degradation and destruction of ecosystems and failure to protect the beauty and character of Namibia.”</p> <p>Article 95(l) deals with the “maintenance of ecosystems, essential ecological processes and biological diversity” and sustainable use of the country’s natural resources.</p>	Sustainable development should be at the forefront of this development.
Environmental Management Act No. 7 of 2007 (EMA)	<p>Section 2 outlines the objective of the Act and the means to achieve that.</p> <p>Section 3 details the principle of Environmental Management</p>	The development should be informed by the EMA.
EIA Regulations GN 28, 29, and 30 of EMA (2012)	<p>GN 29 Identifies and lists certain activities that cannot be undertaken without an environmental clearance certificate.</p> <p>GN 30 provides the regulations governing the environmental assessment (EA) process.</p>	<p>The following listed activity was triggered by the proposed development:</p> <p><b>Activity 5.1 (d) Land Use and Development</b></p> <p><b>Activity 5.2 Land Use and Development Activities</b></p> <p><b>Activity 10.1 (a) Infrastructure</b></p> <p><b>Activity 10.1 b) Infrastructure</b></p> <p><b>Activity 10.2 (a) Infrastructure</b></p>
Convention on Biological Diversity (1992)	Article 1 lists the conservation of biological diversity amongst the objectives of the convention.	The project should consider the impact it will have on the biodiversity of the area.
Draft Procedures and Guidelines for conducting EIAs and compiling EMPs (2008)	Part 1, Stage 8 of the guidelines states that if a proposal is likely to affect people, certain guidelines should be considered by the proponent in the scoping process.	The EA process should incorporate the aspects outlined in the guidelines.

LEGISLATION/POLICIES	RELEVANT PROVISIONS	RELEVANCE TO PROJECT
Namibia Vision 2030	Vision 2030 states that the solitude, silence and natural beauty that many areas in Namibia provide are becoming sought after commodities and must be regarded as valuable natural assets.	Care should be taken that the development does not lead to the degradation of the natural beauty of the area.
Water Act No. 54 of 1956	Section 23(1) deals with the prohibition of pollution of underground and surface water bodies.	The pollution of water resources should be avoided during construction and operation of the development.
The Ministry of Environment and Tourism (MET) Policy on HIV & AIDS	MET has recently developed a policy on HIV and AIDS. In addition, it has also initiated a programme aimed at mainstreaming HIV and gender issues into environmental impact assessments.	The proponent and its contractor must adhere to the guidelines provided to manage the aspects of HIV/AIDS. Experience with construction projects has shown that a significant risk is created when migrant construction workers interact with local communities.
Township and Division of Land Ordinance 11 of 1963	The Townships and Division of Land Ordinance regulates subdivisions of portions of land falling within a Local Authority area	In terms of Section 19 such applications are to be submitted to NAMPAB and Townships Board respectively.
Urban and Regional Planning Act 5 of 2018	The Act provides to consolidate the laws relating to urban and regional planning; to provide for a legal framework for spatial planning in Namibia; to provide for principles and standards of spatial planning; to establish the urban and regional planning board; to decentralise certain matters relating to spatial planning; to provide for the preparation, approval and review of the national spatial development framework, regional structure plans and urban structure plans; to provide for the preparation, approval, review and amendment of zoning schemes; to provide for the establishment of townships; to provide for the alteration of boundaries of approved townships, to provide for the disestablishment	The subdivision and consolidation of land is to be done in accordance with the act.

LEGISLATION/POLICIES	RELEVANT PROVISIONS	RELEVANCE TO PROJECT
	of approved townships; to provide for the change of name of approved townships; to provide for the subdivision and consolidation of land; to provide for the alteration, suspension and deletion of conditions relating to land; and to provide for incidental matters.	
Local Authorities Act No. 23 of 1992	The Local Authorities Act prescribes the manner in which a town or municipality should be managed by the Town or Municipal Council.	The development must comply with provisions of the Local Authorities Act.
Labour Act no. 11 of 2007	Chapter 2 details the fundamental rights and protections. Chapter 3 deals with the basic conditions of employment.	Given the employment opportunities presented by the development, compliance with the labour law is essential.
National Heritage Act No. 27 of 2004	The Act is aimed at protecting, conserving and registering places and objects of heritage significance.	All protected heritage resources (e.g. human remains etc.) discovered, need to be reported immediately to the National Heritage Council (NHC) and require a permit from the NHC before they may be relocated.
Roads Ordinance 17 of 1972	<ul style="list-style-type: none"> <li>• Section 3.1 deals with width of proclaimed roads and road reserve boundaries</li> <li>• Section 27.1 is concerned with the control of traffic on urban trunk and main roads</li> <li>• Section 36.1 regulates rails, tracks, bridges, wires, cables, subways or culverts across or under proclaimed roads</li> <li>• Section 37.1 deals with Infringements and obstructions on and interference with proclaimed roads.</li> </ul>	Adhere to all applicable provisions of the Roads Ordinance.
Public and Environmental Health Act of 2015	This Act (GG 5740) provides a framework for a structured uniform public and environmental health	Contractors and users of the proposed development are to

LEGISLATION/POLICIES	RELEVANT PROVISIONS	RELEVANCE TO PROJECT
	system in Namibia. 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. It repeals the Public Health Act 36 of 1919 (SA GG 979).	comply with these legal requirements.
Nature Conservation Ordinance no. 4 of 1975	Chapter 6 provides for legislation regarding the protection of indigenous plants	Indigenous and protected plants must be managed within the legal confines.
Water Quality Guidelines for Drinking Water and Wastewater Treatment	Details specific quantities in terms of water quality determinants, which wastewater should be treated to before being discharged into the environment	These guidelines are to be applied when dealing with water and waste treatment.
Environmental Assessment Policy of Namibia (1995)	The Policy seeks to ensure that the environmental consequences of development projects and policies are considered, understood and incorporated into the planning process, and that the term ENVIRONMENT is broadly interpreted to include biophysical, social, economic, cultural, historical and political components.	This EIA considers this term of Environment.
Water Resources Management Act No. 11 of 2013	Part 12 deals with the control and protection of groundwater  Part 13 deals with water pollution control	The pollution of water resources should be avoided during construction and operation of the development. Should water need to be abstracted, a water abstraction permit will be required from the Ministry of Water, Agriculture and Forestry.

LEGISLATION/POLICIES	RELEVANT PROVISIONS	RELEVANCE TO PROJECT
Forest Act 12 of 2001 and Forest Regulations of 2015	To provide for the establishment of a Forestry Council and the appointment of certain officials; to consolidate the laws relating to the management and use of forests and forest produce; to provide for the protection of the environment and the control and management of forest fires; to repeal the Preservation of Bees and Honey Proclamation, 1923 (Proclamation No. 1 of 1923), Preservation of Trees and Forests Ordinance, 1952 (Ordinance No. 37 of 1952) and the Forest Act, 1968 (Act No. 72 of 1968); and to deal with incidental matters.	Protected tree and plant species as per the Forest Act No 12 of 2001 and Forest Regulations of 2015 may not be removed without a permit from the Ministry of Agriculture, Water and Forestry.
Atmospheric Pollution Prevention Ordinance No 45 of 1965	Part II - control of noxious or offensive gases, Part III - atmospheric pollution by smoke, Part IV - dust control, and Part V - air pollution by fumes emitted by vehicles.	The development should consider the provisions outlined in the act. The proponent should apply for an Air Emissions permit from the Ministry of Health and Social Services (if needed).

LEGISLATION/POLICIES	RELEVANT PROVISIONS	RELEVANCE TO PROJECT
Hazardous Substance Ordinance 14 of 1974	To provide for the control of substances which may cause injury or ill-health to or death of human beings by reason of their toxic, corrosive, irritant, strongly sensitizing or flammable nature or the generation of pressure thereby in certain circumstances; to provide for the division of such substances into groups in relation to the degree of danger; to provide for the prohibition and control of the importation, manufacture, sale, use, operation, application, modification, disposal or dumping of such substances; and to provide for matters connected therewith.	The handling, usage and storage of hazardous substances on site should be carefully controlled according to this Ordinance.
Soil Conservation Act No 76 of 1969	Act to consolidate and amend the law relating to the combating and prevention of soil erosion, the conservation, improvement and manner of use of the soil and vegetation and the protection of the water sources	The proposed activity should ensure that soil erosion and soil pollution is avoided during construction and operation.
Flexible Land Tenure Act of 2012 (Act No. 4 of 2012)	provides that “the relevant authority may on its own motion, or on application by the owner of a piece of land or one or more persons who reside on a piece of land, consider the establishment of a starter title scheme or a land hold title scheme on that land”	The development must comply with provisions of the Flexible Land Tenure Act.
The Compensation Policy Guidelines for Communal Land (2009)	provide for compensation arrangements for communal landholders where land is incorporated into a townland jurisdiction or taken over for public sector purposes.	Rundu to consult the compensation list to avoid double compensations for homesteads within development boundaries.

#### **4.3 PLANNING AND DESIGN PHASE**

The CR should ensure that the management actions detailed below should be adhered to during the period before the proposed construction starts.

#### **4.4 CONSTRUCTION PHASE**

The management actions listed in **Table 4-3** apply during the construction phase. This table may be used as a guide when developing EMPs for other construction activities within these development areas.

#### **4.5 OPERATION AND MAINTENANCE PHASE**

The management actions included in **Table 4-4** below apply during the operation and maintenance phase of these developments.

#### **4.6 DECOMMISSIONING PHASE**

The decommissioning of these developments is not foreseen as the intended development is envisaged to be permanent. In the event that this infrastructure development is decommissioned the following management actions should apply.

**Table 4-2:** Planning and design management actions

Aspect	Management Actions
Visual Impacts	<ul style="list-style-type: none"> <li>• It is recommended that more ‘green’ technologies be implemented within the architectural designs and building materials of the development where possible in order to minimise the visual prominence of such a development within the more natural surrounding landscape.</li> <li>• Natural colours and building materials such as wood and stone should be incorporated as well as the use of indigenous vegetation in order to help beautify the development.</li> <li>• Visual pollutants can further be prevented through mitigations (i.e. keep existing trees, introduce tall indigenous trees; keep structures unpainted and minimising large advertising billboards).</li> <li>• Ensure proper and regular maintenance of the area.</li> <li>• No illegal dumping of waste should be allowed</li> </ul>
Traffic	<ul style="list-style-type: none"> <li>• Ensure that road junctions have good sightlines.</li> <li>• Provide formal road crossings at relevant areas.</li> <li>• Provide for speed reducing interventions such as speed bumps at relevant road sections.</li> </ul>
Existing Service Infrastructure	<ul style="list-style-type: none"> <li>• It is recommended that alternative and renewable sources of energy be explored and introduced into the proposed development to reduce dependency on the grid.</li> <li>• Solar geysers and panels should be considered to provide for general lighting and heating of water and buildings.</li> <li>• Water saving mechanisms should be considered for incorporation within the developments in order to further reduce water demands.</li> <li>• Re-use of treated wastewater should be considered wherever possible to reduce the consumption of potable water.</li> </ul>



**Table 4-3:** Construction phase management actions

Environmental Feature	Impact	Management Actions	Responsible Person
EMP training	Lack of EMP awareness and the implications thereof.	All construction workers are to undergo EMP training that should include as a minimum the following: <ul style="list-style-type: none"> <li>• Explanation of the importance of complying with the EMP.</li> <li>• Discussion of the potential environmental impacts of construction activities.</li> <li>• Employees’ roles and responsibilities, including emergency preparedness.</li> <li>• Explanation of the mitigation measures that must be implemented when particular work groups carry out their respective activities.</li> </ul>	Contractor
Conservation of vegetation	Loss of biodiversity	<ul style="list-style-type: none"> <li>• The layout and development design should incorporate existing trees<sup>1</sup>.</li> <li>• Trees protected under the Forestry Act 12 of 2001 should be protected within the development and may not be removed without a permit from the local Department of Forestry.</li> <li>• Only a limited width +/- 5 m on the side of roads may be partially cleared of vegetation.</li> <li>• Workers are prohibited from collecting wood or other plant products on or near work sites.</li> </ul>	Contractor

<sup>1</sup>a “tree” is defined as an indigenous woody perennial plant with a trunk diameter ≥150 mm.

Environmental Feature	Impact	Management Actions	Responsible Person
		<ul style="list-style-type: none"> <li>No alien species may be planted on or near work areas.</li> </ul>	
Lay-down areas and materials camp	Loss of biodiversity	<p>Suitable locations for the contractors lay-down areas and materials camp should be identified with the assistance of the PR and the following should be considered in selecting these sites:</p> <ul style="list-style-type: none"> <li>The areas designated for the services infrastructure should be used as far possible.</li> <li>Second option should be degraded land.</li> <li>Avoid sensitive areas (e.g. rivers/drainage lines).</li> </ul>	Contractor and CR
Hazardous waste	Contamination of surface and groundwater sources.	<ul style="list-style-type: none"> <li>All heavy construction vehicles and equipment on site should be provided with a drip tray.</li> <li>All heavy construction vehicles should be maintained regularly to prevent oil leakages.</li> <li>Maintenance and washing of construction vehicles should take place only at a designated workshop area.</li> </ul>	Contractor
Water, Sewage and grey water	Contamination of surface and groundwater sources and water wasting	<ul style="list-style-type: none"> <li>The wash water (grey water) collected from the cleaning of equipment on-site should not be left standing for long periods of time as this promotes parasite and bacterial proliferation.</li> <li>Grey water should be recycled:                             <ul style="list-style-type: none"> <li>Used for dust suppression;</li> </ul> </li> </ul>	Contractor

Environmental Feature	Impact	Management Actions	Responsible Person
		<ul style="list-style-type: none"> <li>○ Used to water a vegetable garden, or to support a small nursery;</li> <li>○ Used (reused) to clean equipment.</li> <li>● Grey water that is not recycled should be removed on a regular basis.</li> <li>● No dumping of waste products of any kind in or in close proximity to water bodies.</li> <li>● Heavy construction vehicles should be kept out of any water bodies and the movement of construction vehicles should be limited where possible to the existing roads and tracks.</li> <li>● Ensure that oil/ fuel spillages from construction vehicles and machinery are minimised and that where these occur, that they are immediately and appropriately dealt with.</li> <li>● Drip trays must be placed underneath construction vehicles when not in use to contain all oil that might be leaking from these vehicles.</li> <li>● Contaminated runoff from the construction sites should be prevented from entering the surface and ground water bodies.</li> <li>● All materials on the construction site should be properly stored.</li> <li>● Disposal of waste from the sites should be properly managed and taken to the designated landfill site in Rundu.</li> <li>● Construction workers should be given ablution facilities at the construction sites that are located at least 30 m away from any</li> </ul>	

Environmental Feature	Impact	Management Actions	Responsible Person
		<p>surface water and ground water resources and should be regularly serviced.</p> <ul style="list-style-type: none"> <li>Washing of personnel or any equipment should not be allowed on site. Should it be necessary to wash construction equipment these should be done at an area properly suited and prepared to receive and contain polluted waters.</li> </ul>	
General waste	Visual impact and soil contamination	<ul style="list-style-type: none"> <li>The construction site should be kept tidy at all times.</li> <li>All domestic and general construction waste produced on a daily basis should be cleaned and contained daily.</li> <li>No waste may be buried or burned.</li> <li>Waste containers (bins) should be emptied regularly and removed from site to a recognised (municipal) waste disposal site.</li> <li>All recyclable waste needs to be taken to the nearest recycling depot where practical.</li> <li>A sufficient number of separate bins for hazardous and domestic/general waste must be provided on site. These should be clearly marked as such.</li> <li>Construction labourers should be sensitised to dispose of waste in a responsible manner and not to litter.</li> <li>No waste may remain on site after the completion of the project.</li> </ul>	Contractor

Environmental Feature	Impact	Management Actions	Responsible Person
Topsoil	Loss of topsoil and associated opportunity costs	<ul style="list-style-type: none"> <li>• When excavations are carried out, topsoil<sup>2</sup> should be stockpiled in a demarcated area.</li> <li>• Stockpiled topsoil should be used to rehabilitate post-construction degraded areas and/or other nearby degraded areas if such an area is located a reasonable distance from the stockpile.</li> </ul>	Contractor
Rehabilitation	Visual impact	<ul style="list-style-type: none"> <li>• Upon completion of the construction phase consultations should be held with the local community/property owner(s) regarding the post-construction use of remaining excavated areas (if applicable).</li> <li>• In the event that no post-construction uses are requested, all excavated/degraded areas need to be rehabilitated as follows:               <ul style="list-style-type: none"> <li>○ Excavated areas may only be backfilled with clean or inert fill. No material of hazardous nature (e.g. sand removed with an oil spill) may be dumped as backfill.</li> <li>○ Rehabilitated excavated areas need to match the contours of the existing landscape.</li> <li>○ The rehabilitated area should not be higher (or lower) than nearby drainage channels. This ensures the efficiency of revegetation and reduces the chances of potential erosion.</li> <li>○ Topsoil is to be spread across excavated areas evenly.</li> </ul> </li> </ul>	Contractor, CR

<sup>2</sup> Topsoil is defined here as the top 150mm of surface material, which accounts for the seedbank.

Environmental Feature	Impact	Management Actions	Responsible Person
		<ul style="list-style-type: none"> <li>○ Deep ripping of areas to be rehabilitated is required, not just simple scarification, so as to enable rip lines to hold water after heavy rainfall.</li> <li>○ Ripping should be done along slopes, not up and down a slope, which could lead to enhanced erosion.</li> </ul>	
Road safety	Injury or loss of life	<ul style="list-style-type: none"> <li>● Demarcate roads to be used by construction vehicles clearly.</li> <li>● Off-road driving should not be allowed.</li> <li>● All vehicles that transport materials to and from the site must be roadworthy.</li> <li>● Drivers that transport materials should have a valid driver’s license and should adhere to all traffic rules.</li> <li>● Loads upon vehicles should be properly secured to avoid items falling off the vehicle.</li> </ul>	Contractor
Safety around work sites	Injury or loss of life	<ul style="list-style-type: none"> <li>● Excavations should be left open for the shortest time possible.</li> <li>● Excavate short lengths of trenches and box areas for services or foundations in a manner that will not leave the trench unattended for more than 24 hours.</li> <li>● Demarcate excavated areas and topsoil stockpiles with danger tape.</li> <li>● All building materials and equipment are to be stored only within set out and demarcated work areas.</li> </ul>	Contractor

Environmental Feature	Impact	Management Actions	Responsible Person
		<ul style="list-style-type: none"> <li>• Only road construction personnel will be allowed within these work areas.</li> <li>• Comply with all waste related management actions stated above in this table.</li> </ul>	
Ablutions	Non-compliance with Health and Safety Regulations	<ul style="list-style-type: none"> <li>• Separate toilets should be available for men and women and should clearly be indicated as such.</li> <li>• Portable toilets (i.e. easily transportable) should be available at every construction site:                             <ul style="list-style-type: none"> <li>○ 1 toilet for every 15 females.</li> <li>○ 1 toilet for every 30 males.</li> <li>○ Sewage needs to be removed on a regular basis to an approved (municipal) sewage disposal site in Rundu.</li> <li>○ Alternatively, sewage may be pumped into sealable containers and stored until it can be removed.</li> <li>○ Workers responsible for cleaning the toilets should be provided with environmentally friendly detergents, latex gloves and masks.</li> </ul> </li> </ul>	Contractor
Open fires	Injury or loss of life	<ul style="list-style-type: none"> <li>• No open fires may be made anywhere on site.</li> </ul>	Contractor
General health and safety	Injury or loss of life	<ul style="list-style-type: none"> <li>• A fully stocked first aid kit should permanently be available on-site as well as an adequately trained member of staff capable of administering first aid.</li> </ul>	Contractor

Environmental Feature	Impact	Management Actions	Responsible Person
		<ul style="list-style-type: none"> <li>• All workers should have access to and wear the relevant personal protective equipment (PPE).</li> <li>• Sufficient potable water reserves should be available to workers at all times.</li> <li>• No person should be allowed to smoke close to fuel storage facilities or portable toilets (if toilets are chemical toilets – the chemicals are flammable).</li> <li>• No workers should be allowed to drink alcohol during work hours.</li> <li>• No workers should be allowed on site if under the influence of alcohol.</li> <li>• Building rubble and domestic waste should be stored in skips.</li> <li>• Condoms should be accessible/ available to all construction workers.</li> <li>• Access to Antiretroviral medication should be facilitated.</li> </ul>	
Dust	Nuisance and health impacts	<ul style="list-style-type: none"> <li>• A watering truck should be used on gravel roads with the heaviest vehicle movement especially during dry and windy conditions. However, due consideration should be given to water restrictions during times of drought.</li> <li>• The use of waterless dust suppression means (e.g. lignosulphonate products such as Dustex) should be considered.</li> <li>• Cover any stockpiles with plastic to minimise windblown dust.</li> </ul>	Contractor



Environmental Feature	Impact	Management Actions	Responsible Person
		<ul style="list-style-type: none"> <li>Dust protection masks should be provided to workers if they complain about dust.</li> </ul>	
Noise	Nuisance impacts	Work hours should be restricted to between 08h00 and 17h00 where construction involving the use of heavy equipment, power tools and the movement of heavy vehicles is less than 500 m from residential areas. If an exception to this provision is required, all residents within the 500 m radius should be given 1 week’s written notice.	Contractor
Recruitment of labourers	Negative conflict regarding recruitment	The Contractor should adhere to the following provisions as a minimum: <ul style="list-style-type: none"> <li>Adhere to the legal provisions in the Labour Act for the recruitment of labour (target percentages for gender balance, optimal use of local labour and SME’s, etc.).</li> <li>Recruitment should not take place at construction sites.</li> <li>Ensure that all sub-contractors are aware of recommended recruitment procedures and discourage any recruitment of labour outside these agreed upon procedures.</li> <li>Contractors should give preference in terms of recruitment of sub-contractors and individual labourers to those who are qualified and from the Rundu project area and only then look to surrounding towns.</li> </ul>	Contractor

Environmental Feature	Impact	Management Actions	Responsible Person
		<ul style="list-style-type: none"> <li>Clearly explain to all jobseekers the terms and conditions of their respective employment contracts (e.g. period of employment etc.) – make use of interpreters where necessary.</li> </ul>	
Communication plan	Negative conflict with I&APs	<p>The Contractor or proponent should draft a Communication Plan, which should outline as a minimum the following:</p> <ul style="list-style-type: none"> <li>How Interested and Affected Parties (I&amp;APs), who require ongoing communication for the duration of the construction period, will be identified and recorded and who will manage and update these records.</li> <li>How these I&amp;APs will be consulted on an ongoing basis.</li> <li>Make provision for grievance mechanisms – i.e. how concerns can be lodged/ recorded and how feedback will be delivered as well as further steps of arbitration in the event that feedback is deemed unsatisfactory.</li> </ul>	Contractor, Proponent
General communication	Negative conflict with I&APs	<ul style="list-style-type: none"> <li>The CR must appoint an ECO to liaise between the Contractor, I&amp;APs, Developer.</li> <li>The Contractor shall at every monthly site meeting report on the status of the implementation of all provisions of the EMP.</li> <li>The Contractor should implement the EMP awareness training as stipulated above in this table.</li> </ul>	Contractor, ECO, CR

Environmental Feature	Impact	Management Actions	Responsible Person
		<ul style="list-style-type: none"> <li>• The Contractor must list I&amp;APs of the project and their contact details with whom ongoing communication would be required for the duration of the contract. This list, together with the Communication Plan must be agreed upon and given to the PR before construction commences.</li> <li>• The Communication Plan, once agreed upon by the Developer, shall be legally binding.</li> <li>• All communication with I&amp;APs must take place through the ECO.</li> <li>• A copy of the EMP must be available at the site office and should be accessible to all I&amp;APs.</li> <li>• Key representatives from the above-mentioned list need to be invited to attend monthly site meetings to raise any concerns and issues regarding project progress.</li> <li>• The Contractor should liaise with the Developer regarding all issues related to community consultation and negotiation before construction commences.</li> <li>• A procedure should be put in place to ensure that concerns raised have been followed-up and addressed.</li> <li>• All people on the I&amp;APs list should be informed about the availability of the complaints register and associated grievance mechanisms in writing by the CR prior to the commencement of construction activities.</li> </ul>	

Environmental Feature	Impact	Management Actions	Responsible Person
Archaeology	Loss of heritage resources	<ul style="list-style-type: none"> <li>• Should a heritage site or archaeological site be uncovered or discovered during the construction phase of the project, a “chance find” procedure should be applied in the order they appear below:                             <ul style="list-style-type: none"> <li>○ If operating machinery or equipment, stop work;</li> <li>○ Demarcate the site with danger tape;</li> <li>○ Determine GPS position if possible;</li> <li>○ Report findings to the construction foreman;</li> <li>○ Report findings, site location and actions taken to superintendent;</li> <li>○ Cease any works in immediate vicinity;</li> <li>○ Visit site and determine whether work can proceed without damage to findings;</li> <li>○ Determine and demarcate exclusion boundary;</li> <li>○ Site location and details to be added to the project’s Geographic Information System (GIS) for field confirmation by archaeologist;</li> <li>○ Inspect site and confirm addition to project GIS;</li> <li>○ Advise the National Heritage Council of Namibia (NHCN) and request written permission to remove findings from work area; and</li> </ul> </li> </ul>	Contractor

Environmental Feature	Impact	Management Actions	Responsible Person
		<ul style="list-style-type: none"> <li>○ Recovery, packaging and labelling of findings for transfer to National Museum.</li> <li>● Should human remains be found, the following actions will be required:                             <ul style="list-style-type: none"> <li>○ Apply the chance find procedure as described above;</li> <li>○ Schedule a field inspection with an archaeologist to confirm that remains are human;</li> <li>○ Advise and liaise with the NHCN and Police; and</li> <li>○ Remains will be recovered and removed either to the National Museum or the National Forensic Laboratory.</li> </ul> </li> </ul>	

**Table 4-4: Operation and maintenance management actions**

Environmental Feature	Impact	Management Actions	Person Responsible
EMP training	Lack of EMP awareness and the implications thereof	All contractors appointed for maintenance work on the development must ensure that all personnel are aware of necessary health, safety and environmental considerations applicable to their respective work.	Contractor
Water	Surface and groundwater contamination	<ul style="list-style-type: none"> <li>● Ensure that all properties are connected to a professionally designed and constructed water and wastewater infrastructure.</li> <li>● A no-go buffer area of at least 15 m should be allocated to any water bodies in the area.</li> </ul>	Proponent, Contractor,

Environmental Feature	Impact	Management Actions	Person Responsible
		<ul style="list-style-type: none"> <li>• No dumping of waste products of any kind in or in close proximity to any surface water bodies.</li> <li>• Contaminated runoff from the various operational activities should be prevented from entering any surface or ground water bodies.</li> <li>• Ensure that surface water accumulating on-site are channeled and captured through a proper storm water management system to be treated in an appropriate manner before disposal into the environment.</li> <li>• Disposal of waste from the various activities should be properly managed.</li> <li>• Where the blocks are along the main stormwater channels, then the Block layout plan should make provision for urban agriculture on the blocks that are along the main stormwater channels (iishana). This will help ensure food sustainability for the residents and also promote economic sustainability through the sale of the surplus. The agriculture blocks will be under the administration of the Rundu and will be leased out to individuals or groups thereof to help generate revenues for the Rundu.</li> </ul>	

Environmental Feature	Impact	Management Actions	Person Responsible
Aesthetics	Visual impacts	<p>The proponent should consult with a view to incorporate the relevant local/national/international development guidelines which addresses the following:</p> <ul style="list-style-type: none"> <li>• The incorporation of indigenous vegetation into street development.</li> <li>• To mark the area with appropriate road warning signs (e.g. the road curves to the left/right)</li> </ul>	Proponent
Waste	Pollution	<ul style="list-style-type: none"> <li>• Solid waste generated by operational activities on site should be collected and disposed of at an approved landfill site within Rundu.</li> <li>• Hazardous and Domestic waste should be collected and disposed of separately.</li> <li>• Hazardous waste should be disposed of at a facility that is able to receive and appropriately treat such waste if required.</li> </ul>	Proponent
Noise	Noise nuisance impact	<p>The proponent should consult with the view to incorporate the relevant local/national/international guidelines to manage the generation of noise in the development area.</p>	Proponent
Energy efficiency	Waste of scarce resources	<p>The proponent should consult, with the view to incorporate the relevant local/national/international development guidelines which addresses the following (where possible):</p>	Proponent

Environmental Feature	Impact	Management Actions	Person Responsible
		<ul style="list-style-type: none"> <li>The use of solar geysers and solar panels for the general lighting and heating of water for buildings.</li> <li>Use of designs and building materials, which reduce dependency on artificial heating and cooling.</li> </ul> <p>The incorporation of water saving initiatives within the development’s design and plans in order to reduce water demands.</p>	
Stormwater	Stormwater management	Management systems for stormwater needs to be implemented for effective stormwater runoff.	Proponent

**Table 4-5: Decommissioning phase management actions**

Environmental Feature	Management Actions
Deconstruction activity	Many of the mitigation measures prescribed for construction activity for these developments (above) would be applicable to some of the decommissioning activities. These should be adhered to where applicable.
Rehabilitation	In the event that decommissioning is deemed necessary, excavations need to be rehabilitated according to the management actions laid out in <b>Table 4-3</b> above.



## **5 CONCLUSION**

The management actions included in this report aim to assist in the avoidance, management and/or mitigation of potential impacts on the environment that may result from the proposed activities.

Should the measures recommended in this EMP be implemented and monitored, SPC is confident that the risks identified in the FESR can be reduced to acceptable levels.