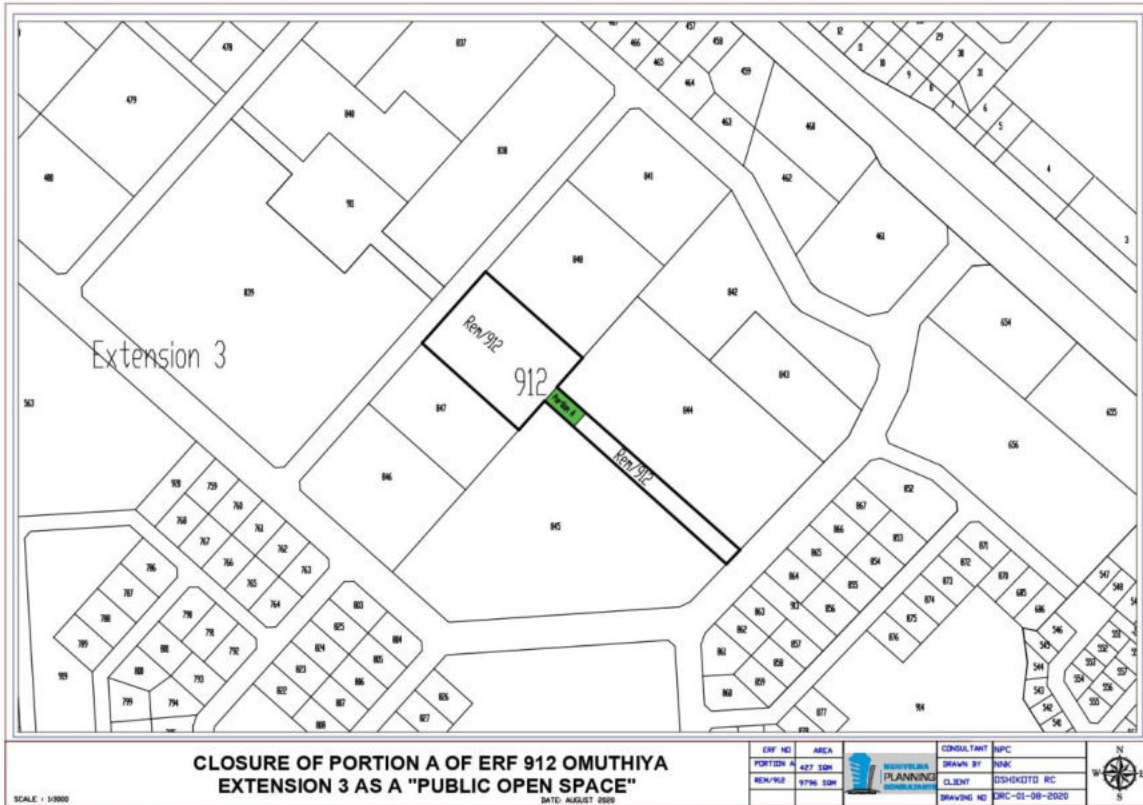


UPDATED ENVIRONMENTAL MANAGEMENT PLAN

FOR THE CLOSURE OF PORTION A OF ERF 912, OMUTHIYA EXTENSION 3 AS A
“PUBLIC OPEN SPACE” AND SUBSEQUENT REZONING TO “GOVERNMENT”.



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LIST OF ABBREVIATIONS

TERM	DEFINITION
ECO	Environmental Control Officer
RoD.	Record of Decision
EO	Environmental Officer
RE	Resident Engineer
ELO	Environmental Liaison Officer
PPE	Personal Protective Equipment
EMP	Environmental Management Plan
EIA	Environmental Impact Assessment
ECC	Environmental Clearance Certificate
ORC	Oshikoto Regional Council

Contents

1. INTRODUCTION AND BACKGROUND 4

2. PROJECT DESCRIPTION 5

3. SCOPE..... 6

4. POLICY AND OTHER RELEVANT LEGISLATIONS..... 7

5. MANAGEMENT PRINCIPLES 10

a) Environmental Issues to be managed 10

ii) Pre-Construction Phase.....10

ii) Construction and Operational Phases.....11

b) Consultation with Interested and Affected parties (IAPs)..... 11

6. ROLES AND RESPONSIBILITIES 11

Competent Authority..... 11

Oshikoto Regional Council (Applicant) 11

Oshikoto Regional Council (Project Manager) 12

Oshikoto Regional Council (Environmental Control Officer)..... 12

7. PHASES OF THE PROJECT 13

The Construction Phase..... 13

The Operational Phase 14

8. ENVIRONMENTAL MONITORING PLAN 18

List of tables

Table 1: Relevant legislation 10

List of figures

Figure 1: Locality Plan..... 5

1. INTRODUCTION AND BACKGROUND

The Oshikoto Regional Council has proposed the Closure of proposed Portion A of Erf 912, Omuthiya Extension 3 as a “Public Open Space”, rezoning of the proposed Portion A/912 from “Public Open Space” to Government and subsequent consolidation with Erf 845, Omuthiya Extension 3 located in the Omuthiya Town of Oshikoto Region in North Central Namibia. The closure of the public open space is necessary to formalize a government house that is constructed in the proposed Portion A. The Environmental Clearance Certificate was initially awarded for the closure on the 15/10/2020 and has expired on the 15/10/2023. Thus, this updated Environmental Management Plan is to seek for the renewal of the Environmental Clearance Certificate as approved.

Nghivelwa Planning Consultants, a Town and Regional Planning and Environmental Management Consultancy firm has been appointed to prepare an Updated Environmental Management Plan (EMP) for the proposed closure of Portion A of Erf 912, Omuthiya Extension 3 as a “Public Open Space” and subsequent rezoning and consolidation. The Environmental Management Plan has been conducted to meet the requirements of the Namibia’s Environmental Management Act (No. 7 of 2007).

Portion A of Erf 912, Omuthiya Extension 3 is owned by the Oshikoto Regional Council and currently measure 427m² in extent. It is situated on Erf 912, Omuthiya Extension 3 in Omuthiya Town of Oshikoto Region as shown in Figure 1 below. The proposed Portion A of Erf 912 is zoned for public open space purposes. However, there is a government house that is currently constructed on the property and the intention of this exercise is to formalize the existing property. The GPS coordinates of the location of the proposed project site are: Latitude: -18.365536°, Longitude: 16.582383°.

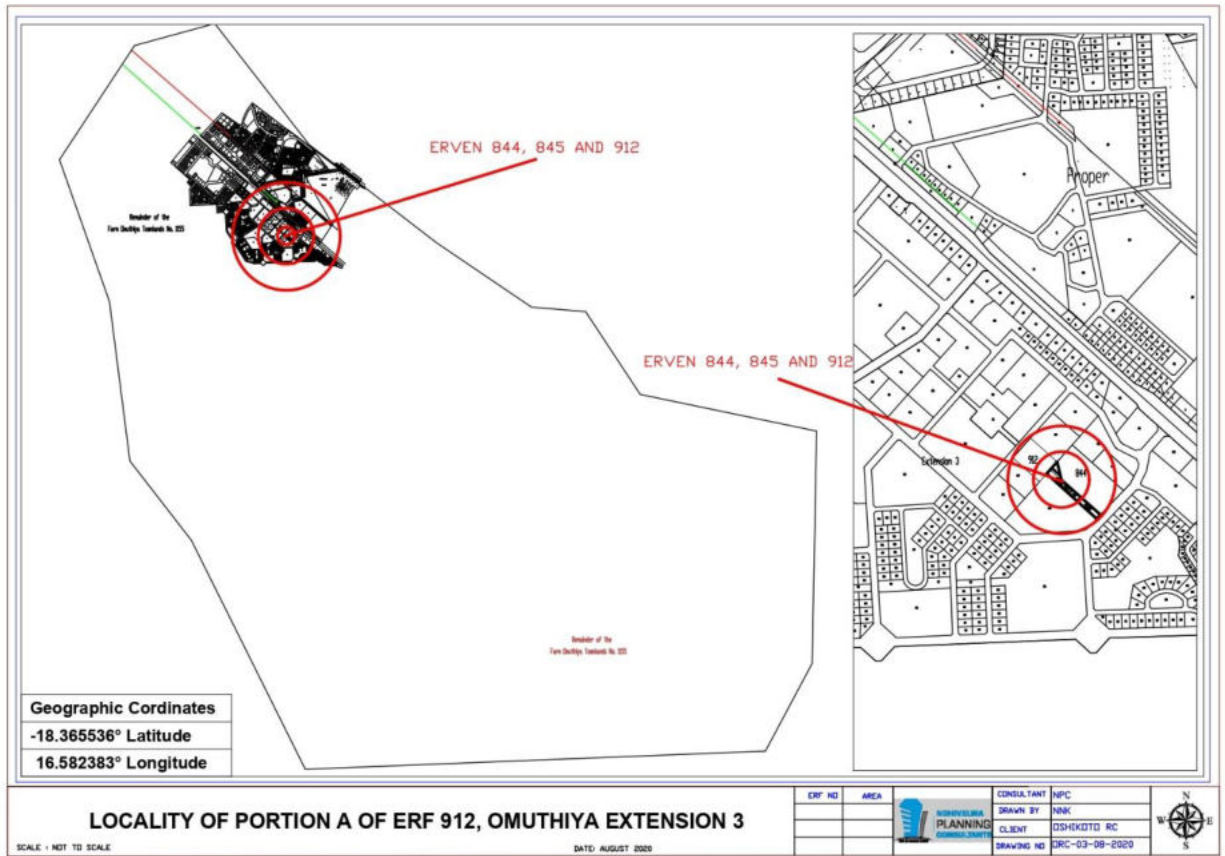


Figure 1: Locality Plan

The purpose of the updated EMP report is to proactively address potential problems before they occur. This will ensure that unnecessary damage to the environment during the construction phase is avoided. Moreover, mitigation measures will be implemented to minimize environmental degradation.

2. PROJECT DESCRIPTION

The proposed activity is for the closure of Portion A of Erf 912, Omuthiya Extension 3 as a “Public Open Space”, rezoning from “Public Open Space” to “Government” and subsequent consolidation with Erf 845, Omuthiya Extension 3. The activity involves the closing of a portion of a public open space to allow for the formalization of an existing government house that is constructed on the proposed Portion A of Erf 912, Omuthiya Extension 3.

Thus, the proposed activity will enable the Oshikoto Regional Council incorporate its property that is constructed and encroaching on the public open space into its own property. The rezoning and consolidation will allow the regional council to register the property in the name of the government

and enter the property into its asset registers. The proposed activity will also allow the Omuthiya Town Council to develop the public open space to benefit the citizens of the town.

The project does not involve the Constructions of Buildings and parking or the construction of the access road from the main street, nor the construction and installations of bulk services such as Sewer Water Reticulation since these services are already available and the buildings already constructed. The connection and installation of Electricity and Drinking water to the buildings is also already completed, and the maintenance of the storm water network is the responsibility of the town council.

The proponent will only be responsible for the maintenance of the site during operational phase such as Waste management from site, Noise Pollution control, light pollution to save energy, safety as well as technical maintenance of the afore-mentioned services.

Therefore, this project is merely a formalization of the existing infrastructure already constructed on a public open space.

3. SCOPE

The framework within which this Environmental Management Plan (EMP) is developed includes identifying various activities, their occurrence in the construction process and the likely impacts that are associated with those activities. It is therefore necessary to subcategorize the EMP report into Pre-Construction, Construction and Post-Construction activities.

The first category of the EMP report that deals with the pre-construction activities identifies the impacts and mitigation measures that will need to be employed before the proposed project commences.

The second category of the EMP report that deals with the construction activities and the mitigation measures that will need to be implemented to reduce the severity of the impacts the proposed development may have on the surrounding environment.

The third category of the EMP addresses the rehabilitation measures that will need to be implemented once the construction is completed, to ensure that the impact of the proposed rehabilitation on the environment is minimized. Furthermore, it will discuss activities that need to be undertaken to ensure that no environmental degradation does not occur as a result of the project.

However, since this project is for the formalization of existing buildings, this EMP report will only briefly detail the third category as the first two categories are irrelevant in this case.

The operational phase of the proposed project will involve;

- Waste disposal plan and waste management
- The Maintenance of the site/ development by the Omuthiya Town Council and the Developer.
- Maintenance of municipal services.

The Environmental Impact Assessment study report includes an impact assessment and their mitigation measures of the final phase of the proposed project following:

- The field investigations (site assessment),
- Identifying and involving all stakeholders in the Environmental Impact Assessment process by expressing their views and concerns on the proposed project;
- Identify all potential significant adverse environmental and social impacts of the project and recommend mitigation measures to be well described in the Environmental Monitoring Plan (EMP);
- Coordination with the proponent, regarding the requirements of law of Namibia’s Environmental Management Act (No. 7 of 2007) and other relevant policies and administrative framework.
- To define the Terms of Reference for the Environmental Impact Assessment study.
- A review of the policy, and relevant legislations.
- To provide overall assessment information of the social and biophysical environments of the affected areas by the proposed development.

This environmental management plan (EMP) aims to take a pro-active route by addressing potential problems before they occur. This should limit the corrective measures needed, although additional mitigating measures might be included if necessary.

4. POLICY AND OTHER RELEVANT LEGISLATIONS

The following legislation is used to guide the closure of public open spaces process in Namibia.

SUBJECT	INSTRUMENTS AND CONTENT	APPLICATION TO THE PROJECT
The Constitution of the Republic of Namibia	General human rights – eliminates discrimination of any kind The right to a safe and healthy environment Affords protection to biodiversity	Ensure these principles are enshrined in the documentation of the project

Environmental Management Act EMA (No 7 of 2007)	Requires that projects with significant environmental impact are subject to an environmental assessment process (Section 27). Details principles which are to guide all EAs.	Ensure that the closing of the public open space is carried out within the parameters of the Act.
Environmental Impact Assessment (EIA) Regulations GN 28-30 (GG 487)	Details requirements for public consultation within a given environmental assessment process (GN 30 S21). Details the requirements for what should be included in a Scoping Report (GN 30 S8) and an Assessment Report (GN 30 S15).	Ensure that the closing of the public open space aligns with the EIA regulations.
Forestry Act No 27 of 2004	Provision for the protection of various plant species	Some species that occur in the area are protected under the Forestry Act and a permit is therefore required to remove the species
Hazardous Substances Ordinance 14 of 1974:	Control of substances which may cause injury or ill-health or death of human beings because their toxic, corrosive, irritant, strongly sensitizing or flammable nature	The waste generated on site and at the campsite should be suitably categorised/classified and disposed of properly and in accordance with the Measures outlined in the Ordinance.
The Nature Conservation Ordinance (No. 4 of 1975)	Prohibits disturbance or destruction of protected birds without a permit. Requires a permit for picking (the definition of “picking” includes damage or destroy) protected plants without a permit	Protected plants will have to be identified during the planning phase of the project. In case there is an intention to remove protected species, then permits will be required.
Forestry Act 12 of 2001 Nature Conservation	Prohibits the removal of any vegetation within 100 m from a watercourse (Forestry Act S22(1)).	Even though the Directorate of Forestry has no jurisdiction within townlands, these provisions will be used as a

Ordinance 4 of 1975	Prohibits the removal of and transport of various protected plant species.	guideline for conservation of vegetation.
Convention on Biological Diversity, 1992	Protection of biodiversity of Namibia	Conservation-worthy species not to be removed if not absolutely necessary.
Water Resources Management Act 11 of 2013	The Act provides for the management, protection, development, use and conservation of water Resources; to provide for the regulation and monitoring of water services.	Obligation not to pollute surface water bodies
National Heritage Act 27 of 2004	Section 48(1) states that “A person may apply to the [National Heritage] Council [NHC] for a permit to carry out works or activities in relation to a protected place or protected object	Any heritage resources (e.g. human remains etc.) discovered during construction requires a permit from the National Heritage Council for relocation
Labour Act 11 of 2007	Details requirements regarding minimum wage and working conditions (S39-47).	Employment and work relations
Health and Safety Regulations GN 156/1997 (GG 1617	Details various requirements regarding health and safety of labourers.	Protection of human health, avoid township establishment at areas that can impact on human health.
Public Health Act 36 of 1919	Section 119 states that “no person shall cause a nuisance or shall suffer to exist on any land or premises owned or occupied by him or of which he is in charge any nuisance or other condition liable to be injurious or dangerous to health.”	Ensure that all contractors involved during the construction, operation and maintenance of the proposed project comply with the provisions of these legal instrument
Water Resources Management Act 11 of 2013	Prohibits the pollution of underground and surface water bodies (S23(1)). Liability of clean-up costs after closure/ abandonment of an activity (S23(2)).	The protection of ground and surface water resources should be a priority. The main threats will most likely be concrete and hydrocarbon spills during construction and hydrocarbon spills during operation and maintenance.

Urban and Regional Planning Act no 5 of 2018	Details the functions of the Urban and Regional Planning Board including their consideration when assessing an application for rezoning and consolidation (S3)	The proposed layout and land uses should be informed by environmental factors such as water supply, soil etc. as laid out in Section 3 of the act.
Local Authorities Act, 23 of 1992	Provides for the determination, for purposes of local government, of local authority councils; the establishment of such local authority councils; and to define the powers, duties and functions of local authority councils.	Section 50 of the Act lays out the procedure to be followed in an event of closing of public open spaces and streets in local authority areas.

Table 1: Relevant legislation

5. MANAGEMENT PRINCIPLES

These guideline principles will form the basis for environmental management on site. Should these principles require modification or additions during the project this should be done at the discretion of the responsible person, who will ensure that any modifications are communicated, explained to and discussed with all affected parties (i.e. the Oshikoto Regional Council, Omuthiya Town Council, Nghivelwa Planning Consultant, and any affected party who requests this information).

The environmental operational procedures and environmental issues are identified and managed, under different phases of the project. The different phases are:

- Operational Phase; and
- Decommissioning Phase

a) Environmental Issues to be managed

ii) Pre-Construction Phase

The Ministry of Environment and Tourism (MET) must be notified:

- Within 30 days, of change of ownership / developer.
- Of any change of address of the owner / developer.
- One month prior to commencement of construction activities.
- One month prior to commencement of operation.

The owner / developer must ensure to comply with the conditions described in the Record of Decision. If required by the Record of Decision, advertise the authorisation for one day for two

consecutive weeks in two local newspapers. Records of all environmental incidents must be maintained, and a copy of these records be made available to the Ministry of Environment and Tourism (MET) on request throughout project execution.

ii) Construction and Operational Phases

Unless otherwise indicated, the responsibilities of the construction contractor(s) and service providers will adhere to specified EMP actions for the construction phase. During the operational phase, the Oshikoto Regional Council will ensure that the following actions are implemented by establishing accountability and responsibility between the different role players.

b) Consultation with Interested and Affected parties (IAPs)

During these two phases the Construction and Operational Phases, it is of great value to establish an open communication channel between the developers (Oshikoto Regional Council), the contractors and IAPs such that any queries, complaints or suggestions can be dealt with quickly and by the appropriate person(s).

6. ROLES AND RESPONSIBILITIES

This section describes the roles and responsibilities of the key stakeholders involved in the development, implementation and review of the EMP.

Competent Authority

The Department of Environmental Affairs: Ministry of Environment and Tourism is responsible for the review of the EMP documents it is the competent authority.

Oshikoto Regional Council (Applicant)

The role of the applicant is as follows:

- Oshikoto Regional Council as the applicant, should hire suitably qualified person(s) and assign them with the responsibility to ensure implementation of the EMP, and should:
- Know the contents and implications of the EIA and monitor the implementation of EIA findings using the EMP.
- Revise the EMP as required and inform the relevant parties of the changes.
- The applicant should review reports regarding the implementation of the EMP and make payments to the Contractor if the EMP is being implemented in a satisfactory manner.

- Give warning and impose fines and penalties on the Contractor if the Contractor neglects to implement the EMP satisfactorily.
- Protect the environment and rehabilitate the environment as prescribed in the EIA.

Oshikoto Regional Council (Project Manager)

The Applicant will appoint the Project Manager. The role of the project manager will be:

- Liaising directly with the relevant authorities with respect to the preparation and implementation of the EMP and meeting the conditions documented in the environmental clearance certificate.
- Bear the overall responsibility for managing the project contractors and ensuring that the environmental management requirements are met.
- Inform the contractors of the EMP and Environmental clearance certificate obligations.
- Approve all decisions regarding environmental procedures and protocols that must be followed.
- Have the authority to stop any construction in contravention with the EMP and RoD.
- In consultation with the Environmental Control Officer (ECO) has the authority to issue fines for transgressions of basic conduct rules and/or contravention of the EMP.
- Maintain open and direct lines of communication between the proponent, Contractor and Interested and Affected Parties (I&APs) with regards to environmental matters.
- Attend regular site meetings and inspections where required.

Oshikoto Regional Council (Environmental Control Officer)

The closure of proposed Portion A of Erf 912, Omuthiya Extension 3 as a “Public Open Space” is being carried out to allow for the formalization of a government building that is already constructed on the public open space. Thus, there are no construction activities associated with this project. Therefore, an (ECO) who normally is appointed to oversee the environmental management aspect of the construction phase is not necessary for this project.

7. PHASES OF THE PROJECT

The Construction Phase

This project involves the formalization of an existing government house that is already constructed and connected to the Omutiyya bulk municipal services. No construction of any kind is expected to take place during the duration of the project.

The Operational Phase

By taking pro-active measures during the planning and construction phases, potential environmental impacts emanating during the operational phase will be minimised. This, in turn, will minimise the risk and reduce the monitoring effort, but it does not make monitoring obsolete.

Impacts	Description	Mitigation	Monitoring	Responsible Body
Storm water	Storm water usually runs off the area and flow into the water bodies without the need for treatment. This can pollute the water bodies like creeks, lakes and rivers and have adverse effects on their chemical as well as biological make up. Plans for storm water drainage and collection have been proposed to accommodate the storm water during the rainy season.	Storm water drains to be constructed along the streets in the development and be channelled through the natural water courses, excess storm water to be collected for consumption and recreational use. Storm water will be collected through network of storm drains from gardens, parking areas, paved and unpaved areas, and roadways. The storm water drainage system should have the capacity to prevent flooding of the site and surrounding areas.	Strict operational times. Regular inspection. By Engineer (Technical team) and ECO	Oshikoto Regional Council
Commercialization of the area	This project will contribute to the improvement of the services and infrastructure for the surrounding communities, as it will provide more social services within the area.	Residents to be provided with all the basic amenities and utilities required by the community for them to live a higher quality life style. Jobs emanating from the operation of the proposed development will be	Regular inspection by Engineer and ECO	Oshikoto Regional Council

		outsourced to small medium enterprises in the area.		
Improved aesthetic look of the area	The formalization of the existing house on the proposed site is essential to improve the aesthetics of the area as it enables the Omuthiya Town Council to develop the public open space as initially intended.	<p>Create awareness among the residents about energy conservation and other resources as well as to implement measures to prevent or minimize any adverse effects on the environment.</p> <p>The public open space should be vegetated to look greener and to minimize soil exposure to erosion.</p> <p>Ensure proper and regular maintenance of the area.</p> <p>No illegal dumping of waste should be allowed</p>	Regular visual inspection by EO	Oshikoto Regional Council / Omuthiya Town Council
Increased employment opportunities	The future development of the public open space will create employment for local people in the construction and landscaping industry.	<p>The principles of gender equality, maximizing local employment should be implemented in the provision of jobs.</p> <p>It is recommended to prioritize local people during the recruitment process.</p> <p>The increased investments from private businesses and public sector</p>	Monitored once off by the ELO	Appointed Contractor/ ELO or Oshikoto Regional Council

		<p>will see the increase of employment opportunities in the settlement and this will also increase the economy of the settlement.</p> <p>Jobs for maintenance of infrastructure and services will be created following the completion of the development. These jobs might be made available to existing labour thereby creating long term employment.</p> <p>Jobs for security personnel to patrol the township and the surrounding areas will also be created.</p> <p>Equity and transparency, should be considered when hiring and recruiting and that Public Participation i.e. Community Leaders or Community committees should also take part in the recruiting process.</p>		
Traffic	Potential impact due to increase in traffic because of the formalization of the government house.	Sidewalks for pedestrians should be provided along the property.	Regular inspection By Engineer and EO	Oshikoto Regional Council

		<p>Appropriate road signs and markings should be provided along the public open space.</p> <p>Signs should be provided at intersections particularly at higher order intersections.</p>		
Waste management	<p>The formalization of the government will not require additional waste collection from Omuthiya Town Council as the house is already part of the town council's waste collection.</p>	<p>The Omuthiya Town Council to continue to collect waste regularly and to be disposed of at an approved waste disposal site.</p> <p>Illegal dumping of waste in any form is prohibited.</p>	<p>Regular inspection By EO</p>	<p>Omuthiya Town Council</p>
Land use	<p>The proposed development will result in a change in land use from public open space to government.</p> <p>The formalization of the government house will however not have a negative impact as alternative land is offered for a public open space.</p>	<p>The land use in the area will slightly change to accommodate the government house.</p> <p>The formalized land uses will lead to increased investment from public and private sectors in the development of the public open space.</p> <p>The formalization of land uses will lead to increased employment opportunities.</p>	<p>Monitored by the Project Manager</p>	<p>Oshikoto Regional Council / Omuthiya Town Council</p>

8. ENVIRONMENTAL MONITORING PLAN

Environmental monitoring plan is part of the EMP performance assessment and will need to be compiled and submitted as determined by the Environmental Commissioner. The process of monitoring performances against the objectives and documenting all environmental activities is part of internal and external auditing. This will be coordinated by the Environmental Control Officer (ECO) / External Consultant / Suitable qualified in-house resource person. The table below outline the type of information that shall need to be recorded on a regular basis by the Environmental Control Officer (ECO) as part of the monitoring process of the activities and the effects.

Mitigation	Compliance	Follow-up action required	By whom	By When	Completed
Is there an Environmental awareness training programme?					
How many people have been given environmental awareness training?					
Is a copy of the EMP on site?					
How effective is the awareness training?					
Do people understand the contents of the EMP?					
If not, where are the weaknesses?					
Ask 3 people at random					

various questions about the EMP.					
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