

**PLANNING CONCERNS ABOUT
THE PROVISIONS OF THE
ENVIRONMENTAL MANAGEMENT
ACT REGULATIONS:
EXPLORATORY DISCUSSIONS**

NAMIBIA INSTITUTE OF TOWN AND REGIONAL PLANNERS



INVOLVEMENT OF NITRP



- **WHO ARE WE?**
- **BACKGROUND AND PROBLEMS EXPERIENCED WITH PLANNING APPLICATIONS SINCE EMA REGULATIONS IMPLEMENTED**
- **LACK OF KNOWLEDGE: WHO IS RESPONSIBLE TO IMPLEMENT IT?**
- **OFFICIAL INSTRUCTIONS FROM MinRLGHRD TO NITRP TO EVALUATE EMA REGULATIONS AND SUBMIT PROPOSALS FOR AMENDMENT: 11 April 2013**

MAIN OBJECTIVES TO ACHIEVE OUR TASK



- 1. TO HAVE EXPLORATORY DISCUSSIONS ABOUT THE ACT AND ITS IMPACTS ON URBAN AND REGIONAL PLANNING PROCESSES**
- 2. TO IDENTIFY THE KEY PROBLEM AREAS**
- 3. TO EXPLORE POTENTIAL SOLUTIONS TO THESE PROBLEMS**

OVERVIEW OF THIS PRESENTATION



- 1. UNDERSTANDING THE EIA PROCESS**
- 2. HIGHLIGHT AND DISCUSS THE PROBLEMS WE ARE FACING**
- 3. EXPLORING SOLUTIONS**
- 4. MAPPING A WAY FORWARD**

THE PROCESS



TO FULLY UNDERSTAND THE EIA PROCESS, THE NITRP:

- **HELD EXPLORATORY DISCUSSIONS WITH EC;**
- **WORKSHOP WITH FELLOW TOWN PLANNERS**
- **DISCUSSIONS WITH ENVIRONMENTAL PRACTITIONERS**
- **EVALUATE THE EMA ACT AND REGULATIONS IN DETAIL**

THE KEY PROBLEMS IDENTIFIED



1. CONFUSION ON ACTUAL MEANING OF CERTAIN LISTED ACTIVITIES - **LACK OF DEFINITIONS;**
2. **DUPLICATION OF PROCESSES** OR APPLICATIONS WITHIN DIFFERENT **LEGISLATIVE FRAMEWORKS;**
3. IDENTIFY PROCESSES WHICH ARE IRRELEVANT OR HAVE NO ENVIRONMENTAL IMPACT – **REZONING;**
4. OMISSION OF IMPORTANT PLANNING PROCESSES WHICH SHOULD REQUIRE ENVIRONMENTAL CLEARANCE – **PROCLAMATION OF NEW SETTLEMENT AREAS AND TOWNSHIP ESTABLISHMENT**

THE KEY PROBLEMS IDENTIFIED



5. COMPATIBILITY ISSUES ONCE NEW **URBAN PLANNING BILL** IS PASSED BY CABINET – **MORE DUPLICATE PROCESSES AND INCOMPATIBILITY**
6. OMISSION OF **SCREENING** FROM THE REGULATIONS – **SHORTENS TIME WHEN ENVIRONMENTAL IMPACTS ARE IN FACT ZERO**
7. THREE YEAR TIME PERIOD OF CLEARANCE CERTIFICATES – **CONSTRUCTION OF PUBLIC ROADS?**

TOWN AND REGIONAL PLANNING PROCESSES SHOULD BE ABLE TO ADAPT TO CHANGES IN THE SOCIAL PHYSICAL AND NATURAL ENVIRONMENTS

IT IS IMPORTANT **NOT** TO TRY AND LIST EVERY POSSIBLE ACTIVITY WHICH REQUIRE ENVIRONMENTAL CLEARANCE BUT RATHER **CREATE IDEAL ENVIRONMENTAL CONDITIONS** WITHIN WHICH HAVING TO APPLY FOR ENVIRONMENTAL CLEARANCE **MULTIPLE TIMES WOULD NOT BE NECESSARY**

SOME HIGHLIGHTS OF EVALUATION:

1. TO LIST THE PROCESS OF PROCLAMATION OF NEW SETTLEMENTS AND TOWNSHIP ESTABLISHMENT:

- **New Urban Planning Bill make provision for Regional & Local Authorities to become Authorised Planning Authorities with approved Regional or Urban Structure Plans;**
- **Enable Regional and Local Authorities to also become Competent Authorities in terms of Section 30 (2) and (3)**

2. DELISTING AND AMENDMENTS TO THE LISTED ACTIVITIES:

- **Rezoning applications have zero environmental impacts** – the actual zoning of land and process for clearance does not regulate an activity which may occur on an erf. - Remove all Rezonings (except POS & Conservation area)
- **Rather focus on noxious industries** – which are consent uses and not rezoning – properly define noxious industries

2. DELISTING AND AMENDMENTS TO THE LISTED

ACTIVITIES: Continued....

“**noxious industry**” means a building or land upon which an offensive use or another use, which constitutes a nuisance, is carried on, without prejudice to the generality of the foregoing, such as:

chemical works, paint works, breweries and distilleries, sugar mills and sugar refineries, manure-, super-phosphate- or fertilizer works; or premises used for the storing or mixing of manure, super-phosphate or fertilizers or premises for the storing, drying, preserving or other treatment of bones, horns or hoofs, premises used for the or treatment of hides and skins, other than in a dry and inoffensive condition, abattoirs, glue factories, entrails scraping and tripe boiling works; soap or candle works, fat and dripping works and any other similar works where meat, bones, blood, offal or other animal organic matter is handled, wool scouring or wool washing works, rock lobster or

2. DELISTING AND AMENDMENT TO LISTED

ACTIVITIES: continued....

- **Closure of Public Open Spaces – Town Planners** create Public Open Spaces for various reasons. If a small portion of Public Open Space is closed with ZERO environmental impacts, allow for less than 500m²
- **Construction of Tourism & Hospitality Facilities –** Owner of Hilton Hotel must first obtain Env Clearance before starting with construction. -
Intended for Agricultural Land

2. DELISTING AND AMENDMENT TO LISTED

ACTIVITIES: continued....

- **Construction within water courses** - Too vague and restrictive to implement - **add 1:50 year flood line as minimum standard (International Best Practice)**
- **Construction within Catchment Areas** - All land within Namibia is located in some or other catchment area. Impossible to implement - **Remove entirely as 1:50 will address this.**

2. DELISTING AND AMENDMENT TO LISTED

ACTIVITIES: continued....

- **Construction of Infrastructure or related Structures** - Duplicate process and Env Clearance for Township Establishment should also cover it with an EMP for construction activities. – **Intended for outside Urban areas?**
- **Route Determination of roads or design of infrastructure** - Duplicate process with Township Establishment and intended for higher order public roads which

2. DELISTING AND AMENDMENT TO LISTED

ACTIVITIES: continued....

- cause major environmental impacts outside proclaimed Townlands- **Construction of partial dual carriage way between Okahandja and Karibib.** – Costly & time consuming if small public road is created through subdivision process – **clearly intended for major road construction outside urban area?**

3. ADDITION OF **SCREENING** PROCESS TO REGULATIONS AND ACT

- **Currently the EC must decide whether an activity requires an assessment.**
- **The omission of screening process from EMA Regulations automatically cause lengthy and expensive procedures for all cases even where there is unlikely to be any environmental impacts.**

4. ADDITION OF DEFINITIONS

- Proposals were made to add clear and proper definitions to the Regulations.
- **NITRP added a list of proposed definitions to the EMA Amendments.**

5. IDENTIFICATION OF COMPETENT AUTHORITIES

- **Hon Minister of MET can only declare a Competent Authority {Sec 30 (2)} by notice in Gov Gazette as per Sec 27(1).**
- **NITRP: Recommend to declare the Townships Board and Namibian Planning Advisory Board as Competent Authorities.**

MAPPING WAY FORWARD



**AMEND THE EMA REGULATIONS AND LISTED ACTIVITIES
AS SOON AS POSSIBLE**

**NITRP AVAIL OUR FULLEST COOPERATION AND
ASSISTANCE WHERE NEEDED. ALSO PROVIDE
DETAILED EVALUATION AND PROPOSALS FOR
AMENDMENTS TO ASSIST IN THIS PROCESS.**

THANK YOU!!