

**PROJECT TITLE:**

PERMANENT CLOSURE AND REZONING OF PORTION A OF ERF R/901 OMULUNGA, EXTENSION 2, FROM PUBLIC OPEN SPACE TO BUSINESS, OTJOZONDJUPA REGION.

**TITLE OF THE REPORT:**

RENEWAL: ENVIRONMENTAL IMPACT ASSESSMENT AND ENVIRONMENTAL MANAGEMENT PLAN FOR THE PERMANENT CLOSURE AND REZONING OF PORTION A OF ERF R/901 OMULUNGA, EXTENSION 2, FROM PUBLIC OPEN SPACE TO BUSINESS, OTJOZONDJUPA REGION.

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**FINAL ENVIRONMENTAL MANAGEMENT PLAN**

**September 2017**

**Prepared by**

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## **1. INTRODUCTION**

Ritta Khiba Planning was appointed to apply for a clearance certificate for the proposed rezoning of Portion A of Erf R/901 Omulunga, Extension 2, from public open space to business for the construction of a shopping complex in the near future.

The Environmental Management Plan with all its contents was submitted to the Ministry of Environment and Tourism (Environmental Commissioner). The Environmental Clearance was approved in 2019 but has expired while the Town Planning Processes were still ongoing. As a result, now with the Transfer of the newly created Portion A referred to as Erf 3471, Omulunga Extension 2 an Environmental Clearance Certificate is needed by the Registrar of Deeds. Once the renewal is approved and in terms of the EMA (Act of 2007), it places the owner of the land Erf 3471 Omulunga, under a legal obligation to adhere to the recommendations in the EMP. It is therefore important to note that once the renewal is approved it becomes a legally binding document and each party identified in the document is required to adhere to the conditions stipulated in it.

## **1.1 PROJECT DESCRIPTION**

The applicant (Grootfontein Municipality), who owns the land, has offered Ephraim Simson the erf for sale. They are currently in the process of transferring the erf in his name, and a renewal of the expired environmental clearance certificate is being sought in order to effect the transfer of the newly created Erf 3471, Omulunga Extension 2, zoned business for the future construction of a business complex by a prospective.

In order for the sale to take place, the proposed Remainder of Erf 901 Omulunga Extension 2 must be closed and rezoned in accordance with the Town Planning Ordinance (18 of 1954) at the time before the Urban and Rural Planning Act was enacted, according to the Local Authorities Act, Act 23 of 1992 Section 50 (3).

As shown on the attached plan, the public open space was partially closed. The closure of public open spaces is a listed activity under the Environmental Management Act 7 of 2007. Meaning the closure is conditional on receiving an Environmental Clearance Certificate. As a result, any land or erf up for redevelopment with a public open space reservation must not be closed without the approval of the Ministry of Environment and Tourism.

### **1.1.1 Location**

This erf is located in one of the oldest parts of Omulunga in Extension 2 and is also on the edge of the south eastern side of Omulunga Extension 2. The neighborhood is mostly residential, with a few businesses nearby on Erf 901 Omulunga. Since the extension's inception, the erf has been underutilized and underdeveloped, and it is now primarily used as a dumping ground by the community.

Despite the presence of other ancillary land uses in the area, the area is fully developed and there are no alternative erven for business purposes in the area, particularly in the older residential areas of the older established and built-up Omulunga. Council has no prime land for business purposes that is strategically located to serve the community, which is why the Remainder of Erf 901 Omulunga was identified. This erf has the potential to house a new shopping centre, which will improve the community's living conditions while also adding economic value to the owner and the Grootfontein Municipality by diversifying its revenue. Very little effort will be put into improving infrastructure because the area is fully serviced by

existing infrastructure capable of accommodating a shopping center as well as the anticipated growth.

Grootfontein Municipality intends to sell a portion of Erf 901 Omulunga totaling approximately 5746.95 m<sup>2</sup>. They have been inundated with business development applications, particularly in older areas of Omulunga where business erven are almost non-existent. However, it is important to note that this is the only public open space in Extension 2 Omulunga, and it would be preferable to subdivide and create a business erf rather than closing the entire open space to allow for recreation in the area, especially given that a shopping center requires space for those visiting the center as well as those employed when relaxation and leisure is required.

ERF NO.	SIZE	PROPOSED ZONING
<b>R/901 OMULUNGA</b>	<b>5746.95 m<sup>2</sup></b>	<b>Business</b>

**Table 1:** Proposed rezoning

Erf R/901 was reserved as a 'public open space' with the establishment of Omulunga Extension 2. The erf should be closed before its reservation is amended to accommodate any other zoning, in this case "business," according to the Local Authorities Act (Act 23 of 1992) and the Town Planning Scheme of Grootfontein Municipality.



**Figure 1:** Project Location

## 2. REGULATORY FRAMEWORK AND OTHER REQUIREMENTS

### 2.1 APPLICABLE AND REQUIRED LEGISLATION

The process was carried out in accordance with the relevant legislative framework, which is listed in Table 2 below, as required by Namibian legislation:

THEME	LEGISLATION INSTRUMENT	MANAGEMENT REQUIRMENTS	CONTACT PERSON
Environmental	Environmental Impact Assessment Regulations ,2012	The EIA consultants should adhere to the guidelines provided in these regulations	Ms. Saima Angula (MET)
Closure of part of R/901 Omulunga	Local Authorities Act, Act 23 of 1992	Grootfontein Municipality and Ministry of Urban and Rural Development must adhere to all the provisions of the ordinances in terms of the subdivision, closure and rezoning	Mr. Lungameni (GMC) Mr. Tobias Newaya (MURD)
Rezoning and of the newly created erf of the Remainder of 901 Omulunga	Town and Regional Planning Act No. 5 of 2018		Mr. Lungameni (GMC) Mr. Tobias Newaya (MURD)

**Table 2:** Legislative framework

## 3. PLANNING AND DESIGN PHASE

ASPECTS	MANAGEMENT REQUIREMENT
Town Planning	The Municipality of Grootfontein must ensure that Erf R/901 Extension 2, Omulunga is subdivided into Portion A and the Remainder to provide green space for the 'business centre'.

<p><b>Management and monitoring</b></p> <p><b>Architectural designs</b></p>	<p>The prospective buyer will enter into a management and maintenance agreement with the Grootfontein Municipality for Portion A of Remainder 901 Extension 2, Omulunga.</p> <p>The EMP's implementation and recommendations for development and design guidelines must be added as a specific condition to number a), the property purchase agreement, and the contractors' agreement during construction.</p> <p>A social survey should be conducted to determine what the people's needs are in terms of the remaining public open space and its development.</p> <p>The architect must incorporate sustainable architecture as part of the development and/or in accordance with the building guidelines outlined in the Grootfontein Municipality's Town Planning Scheme.</p> <p>The Grootfontein Municipality should develop the remaining public open space so that it can be used by the public, laborers, as well as park benches, shade, and a play area for children.</p> <p>The colours, materials, and textures used in the public open space should complement the surrounding natural environment.</p>
<p><b>Natural environment</b></p>	<p>After the shopping complex is built, the natural environment of Erf 901 Omulunga, Extension 2 should be rehabilitated to allow for easy development to the level of a community park.</p>

**Table 2:** Management requirements for Planning and Design phase



#### 4. CONSTRUCTION AND DOCUMENT PREPARATION PHASE

ASPECTS	MANAGEMENT REQUIREMENTS
<b>Implementation of EMP</b>	Relevant sections of this EMP should be included in tender documents for development so that tenderers can plan for EMP implementation.
<b>Financial Provision</b>	Financial provision for the creation of a Waste Management Plan should be included as a cost item in the construction agreement documents.  The cost of developing a communication plan should be included as a cost item in construction tender documents.
<b>Recruitment</b>	Provisions designed to maximize the use of local labour should be included in contract documents.  A provision stating that all unskilled labour should be sourced from local communities should be included in construction agreement documents.  Provisions promoting gender equality in recruitment should be included in construction agreement documents.

**Table 3:** Construction and document preparation phase management requirements

#### 5. CONSTRUCTION MITIGATION DETAILS CONCLUSION

The table below provides a high-level overview of all major environmental management themes related to both generic and site-specific construction mitigation details. This table serves as a quick reference for the detailed mitigation details that follow below for the construction component of this EMP's implementation.

THEME	OBJECTIVE	MITIGATION DETAILS	
		GENERIC	SITE SPECIFIC
Waste management	Avoid and where not possible minimise all pollution associated with construction	Section A	n/a
Health and safety	Safeguard health and safety of labourers and general public	Section B	n/a
Dust and noise	Avoid and where not possible minimise dust and noise associated with construction	Section C	n/a
Environmental training and awareness	Awareness creation regarding the provisions of the EMP as well as importance of safeguarding environmental resources	Section D	n/a
Employment/ Recruitment	Minimise negative conflict through legal and fair recruitment practices	Section E	n/a
Stakeholder communication	Provide a platform for stakeholders to raise grievances and receive feedback and hence minimise negative conflict	Section F	n/a
Socio-economic and miscellaneous	Ensure due consideration is given to matters regarding the cultural and general wellbeing of the affected community and matters incidental thereto.	Section G	n/a

**Table 4:** Construction and mitigation measures

**SECTION A: WASTE MANAGEMENT**

ASPECTS	MITIGATION MEASURES
<b>Waste management plan</b>	The contractor should create a waste management plan that includes at a minimum the mitigation measures listed below.
<b>Hazardous waste</b>	<p>A drip tray should be provided for all heavy construction vehicles and equipment on the job site.</p> <p>Drip trays must accompany vehicles wherever they go.</p> <p>Drip trays should be cleaned on a daily basis, and any spills should be handled, stored, and disposed of as hazardous waste. To avoid oil leaks, all heavy construction vehicles should be serviced on a regular basis.</p> <p>Spilled concrete (wet or dry) should be treated as hazardous waste and disposed of in the appropriate hazardous waste containers by the end of each day.</p> <p>All hazardous substances (e.g., fuel) or chemicals must be stored in a specific location on an impermeable, bunded surface.</p>
<b>General waste</b>	<p>The construction site should always be kept clean.</p> <p>Every day, all domestic and general construction waste should be cleaned and contained.</p> <p>There may be no burying or burning of waste.</p> <p>Waste containers (bins) should be emptied on a regular basis and taken to the municipal waste disposal site.</p> <p>On-site, a sufficient number of separate waste containers (bins) for hazardous and domestic/general waste must be provided and clearly labelled.</p> <p>Construction workers should be educated on how to properly dispose of waste and not litter.</p> <p>After the project is completed, no waste may remain on the site.</p>

## SECTION B: HEALTH AND SAFETY

ASPECTS	MITIGATION MEASURES
<b>Road Safety</b>	<p>All vehicles used to transport materials to and from the construction site must be roadworthy.</p> <p>Drivers who transport materials must have a valid driver's license and follow all traffic laws.</p> <p>Loads on vehicles should be properly secured to prevent items from falling off.</p>
<b>Safety around excavated and work areas</b>	<p>Excavations should be kept open for as little time as possible.</p> <p>Excavate short lengths of trenches and box areas for services or foundations so that they are not left unattended for more than 24 hours.</p> <p>Use danger tape to demarcate the following areas: All excavation work; stockpiles of soil and other building materials; and temporary waste stockpiles.</p> <p>Additional warning signage should be placed in areas of movement and "no personnel" areas where workers are not active.</p> <p>All building materials and equipment must be stored only within clearly defined work areas.</p> <p>Only construction workers will be permitted in these areas.</p> <p>At the construction site, two fire extinguishers should be available.</p> <p>Comply with all of the mitigation measures outlined in <b>Section A</b> (Waste).</p>

<b>Ablution</b>	<p>Portable (transportable) toilets should be available:</p> <p>Separate ablutions for men and women should be available and clearly marked as such.</p> <p>Sewage waste must be removed on a regular basis and disposed of at the Gobabis sewage disposal site.</p> <p>Latex gloves and masks should be provided to workers responsible for cleaning the toilets.</p>
<b>Open fires</b>	<p>No open fires may be made anywhere on site.</p> <p>No wood may be collected within or near the project area.</p>
<b>General</b>	<p>If workers complain about dust, dust protection masks should be provided.</p> <p>Workers should have access to safe drinking water.</p> <p>Nobody should be allowed to smoke near the portable toilets (if toilets are chemical toilets – the chemicals are flammable).</p> <p>Employees should not be permitted to consume alcohol during working hours.</p> <p>No workers should be permitted on the job if they are under the influence of alcohol.</p>

## SECTION C: DUST AND NOISE

ASPECTS	MITIGATION MEASURES
<b>Noise</b>	<p>Noise levels during construction should be kept within urban area allowable limits.</p> <p>If construction involves the use of heavy equipment, power tools, and the movement of heavy vehicles, work hours should be limited to 08h00 to 17h00.</p>

## SECTION D: ENVIRONMENTAL TRAINING AND AWARENESS

ASPECTS	MITIGATION MEASURES
<b>Environmental awareness/training</b>	<p>All construction workers must receive environmental induction (training) that includes, at a minimum, the following:</p> <p>Explanation of the significance of adhering to the EMP.</p> <p>The potential environmental impacts of construction activities are discussed.</p> <p>Roles and responsibilities of employees, including emergency preparedness.</p> <p>Explanation of the mitigation measures required when specific work groups carry out their respective activities.</p>

## SECTION E: EMPLOYMENT/ RECRUITMENT

ASPECTS	MITIGATION MEASURES
<b>Legislation</b>	In the Contract, 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.).
<b>Recruitment</b>	<p>The Contractor should develop a formal recruitment process that includes, at a minimum, the following provisions:</p> <p>The local government (town council, for example) should help with the recruitment process.</p> <p>Recruitment should not take place on the job site.</p> <p>Contractors should prioritize hiring subcontractors and individual laborers from the project area first, and then look to surrounding towns.</p> <p>Explain clearly to all job seekers the terms and conditions of their respective employment contract (e.g., length of employment, etc.) - use interpreters as needed.</p>

## SECTION F: STAKEHOLDER COMMUNICATION

ASPECTS	MITIGATION MEASURES
<b>Communication plan only if necessary</b>	<p>How will stakeholders who require continuous communication throughout the construction period be identified and recorded, and who will manage and update these records?</p> <p>How will these stakeholders be consulted on a regular basis?</p> <p>Make provisions for grievance mechanisms, such as how complaints can/will be lodged/recorded and how feedback will be delivered, as well as additional steps of arbitration if feedback is deemed unsatisfactory.</p>

## SECTION G: SOCIO-ECONOMIC AND MISCELLANEOUS

ASPECTS	MITIGATION MEASURES
<b>Accommodation of workers</b>	No construction workers should be accommodated on the site.
<b>Archaeology</b>	<p>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:</p> <p>If operating machinery or equipment stop work;</p> <p>Demarcate the site with danger tape;</p> <p>Determine GPS position if possible;</p> <p>Report findings to foreman;</p> <p>Report findings, site location and actions taken to superintendent;</p> <p>Cease any works in immediate vicinity;</p> <p>Visit site and determine whether work can proceed without damage to findings;</p> <p>Determine and demarcate exclusion boundary;</p>

	<p>Site location and details to be added to the project's Geographic Information System (GIS) for field confirmation by archaeologist;</p> <p>Advise the National Heritage Council (NHC) and request written permission to remove findings from work area; and</p> <p>Recovery, packaging and labelling of findings for transfer to National Museum.</p> <p>Should human remains be found, the following actions will be required:</p> <p>Apply the chance find procedure as described above;</p> <p>Schedule a field inspection with an archaeologist to confirm that remains are human;</p> <p>Advise and liaise with the NHC and Police; and</p> <p>Remains will be recovered and removed either to the National Museum or the National Forensic Laboratory</p>
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## 6. OPERATION AND MAINTENANCE PHASE

ASPECTS	MITIGATION MEASURES
EMP Implementation	Refer to the construction mitigation measures of this EMP if any construction is to be carried out as part of maintenance works for the services infrastructure within the project area. <b>(Section 5)</b> .
<b>Sewage pipelines</b>	To detect and prevent water contamination, sewage pipelines and leaks should be maintained and monitored on a regular basis.

## 7. PUBLIC PARTICIPATION

The closure and rezoning of the remainder of Erf 901 with the reservation of public open space was advertised in two newspapers, and adjacent erf owners were served with notices to comment. The adjacent erf owners did not object to the newly created erf's closure and rezoning. Please find attached proof of the public participation process.



## **8. ANNEXURES**

- 8.1 Locality Plan
- 8.2 Council Resolution
- 8.3 MURD Approval
- 8.4 Expired Copy of ECC - Letter
- 8.5 CV or Practitioner
- 8.6 Adverts
- 8.7 Neighbours comments