

**ENVIRONMENTAL CLEARANCE CERTIFICATE (ECC) RENEWAL REPORT /
UPDATED ENVIRONMENTAL MANAGEMENT PLAN (EMP) FOR THE:**

**PROPOSED OUJERE LIFESTYLE VILLAGE DEVELOPMENT AT VON BACH DAM,
OTJONDJUPA REGION-NAMIBIA**

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DOCUMENT INFORMATION

Title: Renewal of an Environmental Clearance Certificate (Ecc) for the proposed Oujere lifestyle village development at Von Bach Dam, Otjondjupa region-Namibia

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EXECUTIVE SUMMARY

Tungeni African Investment (Pty) Ltd (Tungeni) intends to continue with the operational activities of maintaining and running the tourism and recreational facilities at Von Bach on behalf of NWR. NWR entered into this agreement with Tungeni African Investment in 2008 which is incorporated in their company Act 61 of 1973 as per section 35.

The key features of infrastructure and development which will be upgraded are:

- A signature golf course
- A lifestyle village
- Game viewing, horse riding and hiking facilities
- A high-end tourism with 20 bungalows

According to the Environmental Management Act No 7 of 2007 and its 2012 Environmental Impact Assessment (EIA) Regulations, construction activities are one of the listed activities that may not be undertaken without an Environmental Clearance Certificate (ECC). Subsequently, prior to the construction and operational activities of the lifestyle village, Tungeni African Investment had an Environmental Impact Assessment (EIA) conducted for their project in 2009, and the ECC was obtained in March 2010. Therefore, since the validity of ECCs in Namibia is only three years and should be renewed. The lack of sufficient understanding of the ECC issuance and its validity by the Proponent may have caused its overdue renewal. They contacted Mr. Tendai E. Kasinganeti, an independent Environmental Assessment Practitioner (Environmental Consultant), to help them with the application for their ECC Renewal in order to make sure that their project activities continue to be compliant with the national environmental legislation, which also includes having a valid environmental clearance as a project Proponent.

It is for this reason that this document was put together as an addendum to the ECC renewal application to make it possible for the project activities to be compliant. The updated ECC has been requested and also given to MEFT, the body responsible for reviewing and approving applications. The Environmental Commissioner will evaluate a new ECC for the project after receiving an updated Environmental Management Plan (EMP) / ECC Renewal Report, which has also been date-stamped and placed on the ECC online system (Portal) of the Ministry of Environment, Forestry and Tourism (MEFT).

The Potential Adverse Impacts identified in 2009

The potential (key) negative impacts that were identified assessed and for which the current management measures were recommended in 2009 are as follows.

Construction (the current phase for which the potential impacts are assumed to be occurring and EMP is currently implemented):

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- **Positive impacts:** socio-Economic impact (job creations to the few people) as well as local, regional, and national economic development through tourism.
- **Negative impact:** impact on biodiversity and ecosystem, soil pollution, physical soil (land) disturbance resulting in erosion, dust and air Quality, health, safety and security, waste generation (general, sewage and wastewater), and archaeological impact, and risk of accidental fires.

The management measures were made for these impacts in 2009 and updated as deemed necessary in 2023.

The implementation of the EMP and compliance during the validity period of the expired environmental clearance certificate (ECC) and after the ECC's expiry is provided in this document. The evaluated and updated EMP compliance status has been carried out based on the 2009 project EMP/EIA. Since the ECC was obtained on 2010, the planned development did not take place.

RECOMMENDATIONS AND CONCLUSIONS

The Proposed Oujere lifestyle village site was observed to assess the implementation of the EMP on the project site for the purpose of the project's ECC renewal. The project is of medium-scale level and activities are well limited within the site boundaries only. As the result of the site observations, it was found that although not all potential (negative) impacts that were anticipated during the EIA study in 2010 have come to pass, the Proponent has been fully compliant with most of the EMP requirements as recommended within the current ongoing project phase (operations). The components of the EMP (management measures) that were recommended for the current project activities have been fully implemented and this has been observed with onsite biophysical and social environmental and within proximity of site.

The only non-compliance component observed is monitoring because there is no record of EMP compliance monitoring (audit)/Bi- or Annual Monitoring done for the site since the issuance of the expired ECC. However, this can be greatly improved on the way forward, with the assistance of the Environmental Consultant or project ECO/SHE Officer and the Proponent's full commitment and co-operation.

Recommendations

The Environmental Consultant is therefore confident that the potential negative impacts associated with the project activities can be mitigated by effectively implementing the recommended management action measures and with more effort and commitment put on implementation monitoring (Bi-Annual Monitoring and reporting). It is therefore, recommended that the development activities on site be granted a new Environmental Clearance Certificate, provided that:

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- All the management measures (mitigations) provided in the initial EMP/EIA Report should be implemented effectively when construction activity start.
- All required permits, licenses, approvals, and document renewals that may be required for the project activities in future are obtained as required (please refer to the Permitting and Licensing in Table 2 of this document).
- All the respective management (mitigation) measures provided in the initial project EMP drafted in 2009(also as presented for the current project (phase) activities under Table 3 of this document) should be effectively implemented and monitored as stipulated to achieve full EMP implementation compliance.
- Where required and emphasized, improvements should be made with full commitment and effectively put in place (again please refer to Table 3 of this document).
- The Proponent and all their project workers, contractors and or specialists comply with the legal requirements governing their project and its associated activities.
- All the necessary environmental and social (occupational health and safety) precautions provided are adhered to.
- To avoid very late renewal of the ECC, the Proponent' an ECO OR Environmental Consultant should effectively conduct Environmental (EMP) Compliance Bi-Annual Monitoring and most importantly, ensure timely renewal of the ECC. A Renewal application can be submitted at least 2 months before the expiry date of the valid ECC to allow time for the evaluation of the ECC Renewal report by the DEAF and approval by the Environmental Commissioner; and
- The next EMP Compliance check (Bi-Annual Monitoring) should be done in September 2023, which will see progress reporting on the current and activities. The monitoring exercise can be undertaken either by the project ECO/SHE Officer, or an independently appointed Environmental Assessment Practitioner (Environmental Consultant). An Environmental Audit/Compliance/Bi-Annual Report shall be compiled for every monitoring and submitted to the DEAF at the Ministry of Environment, Forestry and Tourism for archiving (via the ECC Online Portal under the valid ECC details). This would make the next ECC Renewal easier because of an in-between track record of monitoring progress prior to the expiry date of the valid ECC.

Conclusions

The Environmental Consultant acknowledges that the ECC has been expired. This was probably due to a lack of understanding on the first ECC's validity by the Proponent and committed to make sure that it will not happen again (the Consultant has also committed to assisting the Proponent to keep track of this and ensure timely submission of environmental bi-annual reports to the DEAF). The Environmental Consultant recommends that the expired ECC be renewed so that the Proponent can start with the project activities and ensure timely renewal before the end of the next 3 years counting from the new ECC date. The new ECC format also serves an advantage to the Proponent because it **clearly shows the ECC validity period (FROM issued date TO expiry date)**. Therefore, this will greatly assist the Proponent in keeping track of the expiry date and ensure timely renewal.

The site is generally well-kept and equipped with the necessary and required services infrastructure, well-maintained and adheres to the site and activity-specific environmental management requirements. Therefore, the Environmental Consultant is of the same hope that the Proponent TUNGENI AFRICA INVESTMENT will continue to maintain the same commitment towards environmental sustainability and ethics even if after the renewal of the ECC and most importantly ensuring its renewal on time, once again.

Therefore, it is crucial for the Proponent, their workers, contractors and or specialists to continue with the effective implementation of the recommended management measures to protect both the biophysical and social environment. The aim would be to promote sustainable and safe development while ensuring a smooth and harmonious existence and purpose of the project activities in the host environment.

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Appendix A: Expired Environmental Clearance Certificate (ECC)

LIST OF ABBREVIATIONS

ABBREVIATION	MEANING
AC	Alternating Current
DEAF	Department of Environmental Affairs and Forestry
EAP	Environmental Assessment Practitioner
ECB	Electricity Control Board of Namibia
ECC	Environmental Clearance Certificate
ECO	Environmental Control Officer
EHS	Environment, Health and Safety
EIA	Environmental Impact Assessment
EMA and EMP	Environmental Management Act and Environmental Management Plan
EPS / EPFIs	Equator Principles / Equator Principles Financial Institutions
ESSs	Environmental and Social Standards
GIIP	Good International Industry Practice
GN and GG	Government Notice and Government Gazette
HSE	Health, Safety and Environment
HPP	Harambee Prosperity Plan
IFC	International Finance Corporation
MEFT	Ministry of Environment, Forestry and Tourism
MIGA	Multilateral Investment Guarantee Agency of the World Bank Group
MME	Ministry of Mines and Energy
MWac	Megawatt Alternating Current
NDPs	National Development Plans
NHC	National Heritage Council of Namibia
PPA	Power Purchasing Agreement
PPE	Personal Protective Equipment
PV	Photovoltaic

ABBREVIATION	MEANING
UNCCD	United Nations Convention to Combat Desertification

1 INTRODUCTION

Tungeni African Investment (Pty) Ltd (Tungeni) intends to continue with the operational activities of maintaining and running the tourism and recreational facilities at Von Bach on behalf of NWR. NWR entered into this agreement with Tungeni African Investment in 2008, and this is incorporated in their company Act 61 of 1973 as per section 35. The Lifestyle village and Golf course development is situated at the Von Bach dam, about 40 km north of Windhoek. The development will consist of a signature golf course, lifestyle village, Game viewing, horse riding, hiking facilities and high end tourism with 20 bungalows.

With the aim of guiding the nation toward prosperity for the entire Namibian population, the government of the Republic of Namibia has implemented a number of policies, including the Namibia Vision 2030, National Development Plans (NDPs), and the new Harambee Prosperity Plan I (HPP) with the recently launched HPP II. One of Namibia's new development plans, the Namibia Vision 2030, which spans the years 2004 to 2030, aspires to propel the country into economic, industrial, and social flourish by integrating a variety of measures that will secure prosperity for all. Therefore this development plan aim to usher the country, especially the Von Bach community into a period of economic prosperity

1.1 Project Background and Location

The project area is located at the Von Bach Dam within the Von Bach National Game Park. This is near Okahandja, which is situated in the Otjzondjupa region in central Namibia. The point coordinates of the proposed Oujere lifestyle village is situated at coordinates: 22.01790°S 16.96490°E.

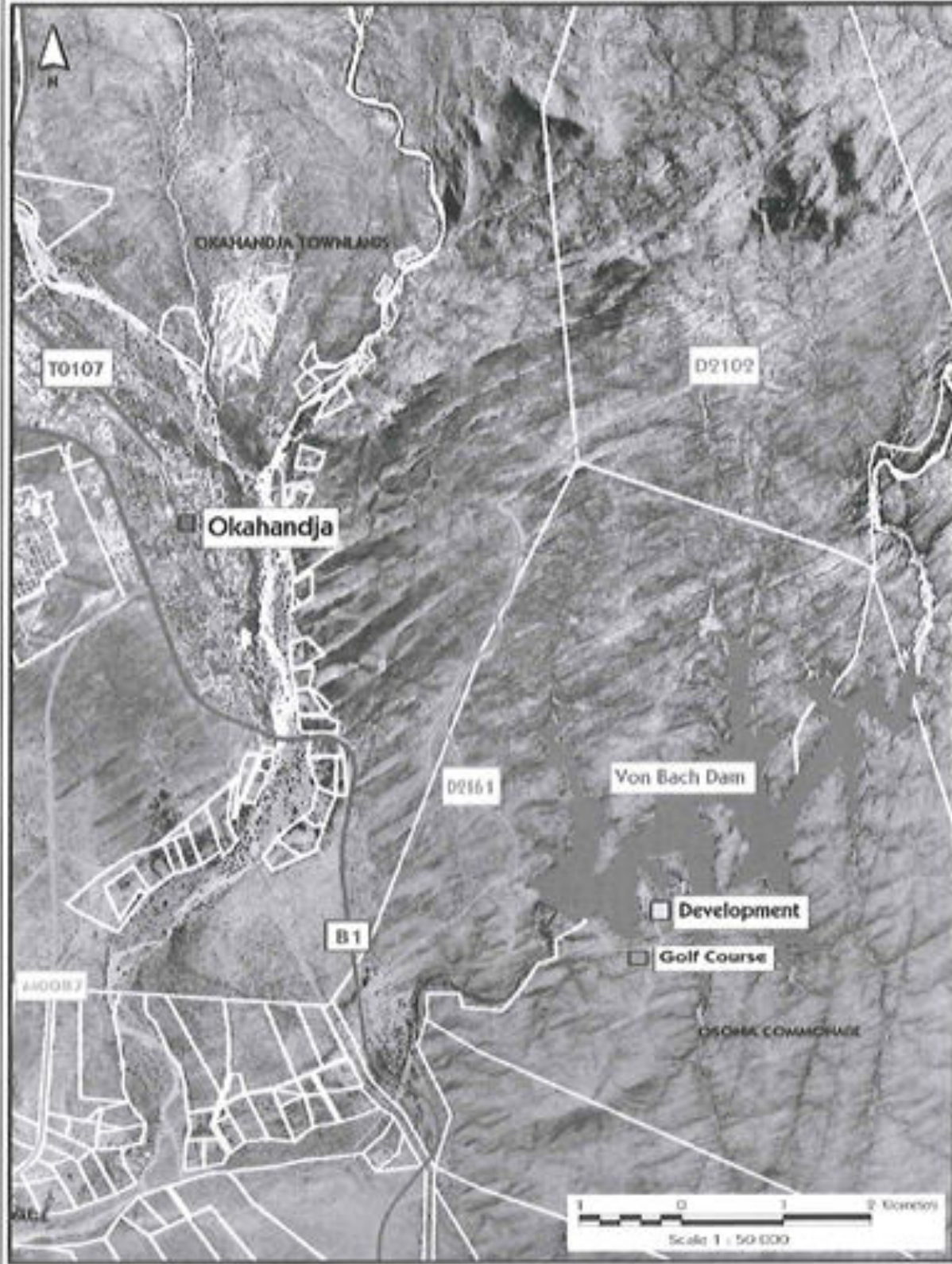


Figure 1: Regional view of Oujere lifestyle village development site

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The landscape is classified as being in the Khomas Hockland Plateau region which is the rolling hills in the west with many summit heights equivalent reflecting older land surface. The site is located with the catchment of the Swakop River, an ephemeral river draining in the westerly direction. Currently, the area is home to kudu, zebra, gemsbok, eland, springbok, baboon, hartebeest and ostrich. Birds such as African Fish Eagle can be observed, whilst anglers wrestle with Largemouth Bass in a dam that can hold 500 cubic litres of water.

The development project is one of the listed activities in the Environmental Impact Assessment (EIA) Regulations (2012) of the Environmental Management Act (EMA) No. 7 of 2007 that may not be undertaken without an Environmental Clearance Certificate (ECC) and that the ECC needs to be renewed every three years. The key features of infrastructure and development which will take place are

- A signature golf course
- A lifestyle village
- Game viewing, horse riding and hiking facilities
- A high end tourism with 20 bungalows

The existing but expired project ECC was issued on the 1st of March 2010 based on the available preceding EIA documentation compiled in July 2009. The 2010 ECC has expired and had not been renewed. The copy of the expired ECC is attached hereto as Appendix A.

Therefore, for the project to remain compliant with the environmental legislation and ensure sustainability, a new ECC should be applied for, submitted to the Competent Authority (Ministry of Fisheries and NAMWATER) and an ECC Renewal Report (updated Environmental Management Plan (EMP) Report) submitted to the Regulatory Authority (Department of Environmental Affairs and Forestry (DEAF) at the Ministry of Environment, Forestry and Tourism (MEFT)). The date stamped copy of the ECC Renewal application is attached hereto as **Appendix B**.

To ensure a continued compliance with the EMA and its 2012 EIA Regulations, Tungeni Africa Investment appointed Mr. Tendai E. Kasinganeti, Environmental Assessment Practitioner (the *Environmental Consultant*) to undertake the necessary tasks for the ECC Renewal. The main renewal application includes compilation of and submission of ECC Renewal Application, checklist of management and mitigation measures of impacts identified when the project EIA was initially conducted, and compilation of the Renewal Report (this document).

The Renewal Report would include information of what may have changed between the date of ECC issuance to date as well as the confirmation of actual implementation of the environmental management and mitigation measures recommended as part of the project EIA and EMP. The final ECC Renewal Report is then submitted to the environmental custodian/regulatory authority, which is MEFT for evaluation and ECC renewal consideration by the Environmental Commission.

1.2 The Purpose of this ECC Renewal Report

This report was created to provide the Ministry of Environment, Forestry and Tourism (MEFT) with information about what has occurred at the project site since the expired ECC was granted up to this point, allowing the expired ECC that was issued in February 2010 to be renewed. Additionally, it aims to provide updates on the site's actual work in progress, the management of the environment, and any detected potential negative consequences' mitigation actions. The Report also aims to highlight any potential new developments that may have occurred since the ECC was issued up until this point.

The Ministry of Fisheries, Ministry of Agriculture, Water and Land Reform and NAMWATER, the project's competent authority, should receive the application for a new ECC in order for the project to continue to be in compliance with environmental laws and to ensure sustainability. The Department of Environmental Affairs and Forestry (DEAF) of the Ministry of Environment, Forestry and Tourism (MEFT) receives the ECC Renewal Report (updated Environmental Management Plan (EMP)) for review and consideration of renewing the ECC.

The purpose of renewing an ECC is to make sure that project operations are carried out in a sustainable and environmentally responsible manner. This is accomplished by effectively implementing the environmental management and mitigation strategies suggested in the previous EIA/EMP documents to reduce the negative impacts indicated while optimizing the positive outcomes. Not just through the simple execution of these measures, but also through the biannual auditing of this implementation through compliance exercises with project activities on site throughout the project life cycle and the longevity of the ECCs.

It is for this reason that Tungeni Africa Investment intends to undertake the necessary tasks for their ECC Renewal by compiling an application and this Report and submitting the ECC Renewal application and Report to the competent and regulatory authority, respectively.

Based on the main EIA Report by Risk Based Solutions, the short description of the current operational site activities is presented under the next chapter.

2 DESCRIPTION OF CURRENT ACTIVITIES

The next subsections of this chapter provide a description of the project activities that Tungeni Africa Investment has carried out since the issuing of the expired ECC. The development activities are covered in this chapter. It is essential to know the planned construction activity was never conducted since the ECC was obtained on 2010; therefore current operational activities are the same when EIA was conducted. The site layout is shown in figure 1 of this Report. The main details of the site are shown in **Figure 5** below.

According to Tungeni Investment, the development entails to establish a lifestyle village of upscale property units and a signature gold course at Von Bach National park about 70 km north of Windhoek along the B1 high way towards northern and southern Namibia. The, Von Bach Dam Resort currently offers accommodation with an outdoor swimming pool, free private parking, a restaurant, bar, a shared lounge and a terrace.

The development activities did not commence after the issuance of the ECC in 2010. The brief description of project activities is presented below.

2.1 Current Operational and Maintenance Activities

The following activities are currently taking place at the Tungeni Von Bach dam:

- Water activities for water sports lovers such as water-skiing, yachting, windsurfing, angling and boating. NB: Tungeni Resort only hires out canoes and for other water activities, their esteemed visitors bring their own boats and equipment.
- Walking trails for visitors and Residents. This will give them the opportunity to explore the nature reserve on foot and interact with the wildlife that roams the area. There are hiking trails catering for everyone from the hardened hiker to the inexperienced (but enthusiastic).
- Outdoor pool which gives a scenic view over Von Bach Dam
- Campsite area which has a braai grill, shaded seating and a hygienic ablution facilities.



Figure 2: walking trails



Figure 3: Camp site and ablution facilities



Figure 4: Restaurant area

2.1.1 Human Resources and Services Infrastructure

The following services infrastructure and structures are currently taking place.

- **Workers (staff) and accommodation:** Currently employs are hired on full time and part-time basis, with general workers who help with running the lodge. All the employees are accommodated onsite.
- **Water:** Water is primarily for domestic, clean/potable supplied by Okahandja Municipality.
- **Power supply:** There is converted Alternative Current (AC) electricity however there is a back feed from CENORED .



Figure 5: Electric box

- **Fuel:** Therefore, no fuel tanks on site. The vehicles are refuelled elsewhere offsite (at one of the nearest towns).
- **Sanitation:** The site consists of a sewer conveyer system which need an upgrade.
- **Operational solid (general) waste:** The waste generated is minimal. However, this waste is not sorted in different waste bins and it transported to Okahandja waste dumping site once the waste containers reach capacity.
- **Site accessibility (Road):** The primary access road that connects the project site to the surrounding areas and rest of the country is road D2102. No new roads have been created for the project even though the gravel access road is not suitable for the current traffic condition.

- **Rainwater/Stormwater management:** The development area is situated in the Von Botch catchment. The Von Bach Dam is located in the upper reaches of the Swakop River, with a catchment area of roughly 2 920 km². The Von Bach Dam's capacity is 48.6 Mm³, however, the dam's water surface area is much smaller, but it serves as a collecting reservoir for water supplied from the ENWC and the Omatako and Swakoppoort Dams. It is the main supplier of water to Windhoek, Okahandja and other supply points in the surrounding area. Therefore, caution should be taken to prevent pollution of any sort of the water table.



Figure 6: Sewer conveyer system

The following chapter presents the national and international legal requirements that are applicable and relevant to this assessment.

3 LEGAL FRAMEWORK: OPERATIONAL PERMITTING AND LICENSES

Activities for the project are carried out in a biophysical and social environment. Several of these actions, or possibly all of them, may have some minimal effects on certain environmental elements. So, it is important to take into account the laws and regulations controlling the project and its related operations.

The primary legal framework discussed in this document is that of Namibia for the pertinent project component covered by its purview. Detailed legal requirements that apply to the project are provided in the EIA Report, followed by a summary of those that call for permits and licenses for particular project activities. The chapter also provides an overview of the pertinent international laws that are taken into consideration.

3.1 Local and National Legislation (Acts, Polices, Regulations, etc.)

3.1.1 Environmental Management Act No. 7 of 2007

The Environmental Management Act No.7 of 2007 and its 2012 EIA Regulations aims to ensure that the potential impacts of the development on the environment are considered carefully and in good time; that all interested and affected parties have a chance to participate in the environmental assessments and that the findings of the environmental assessments are fully considered before any decisions are made about activities which might affect the environment.

The Act aims at promoting sustainable management of the environment and use of natural resources. The Environmental Management Act (EMA) is broad; it regulates land use development through environmental clearance certification and/or Environmental Impact Assessments.

3.1.2 Environmental Assessment Policy (1995)

Namibia Environmental assessment policy was endorsed by cabinet and published in 1995 (government of Namibia 1995). The policy provides a procedure for environmental assessment as indicated, which sets out to:

- Better inform decision makers and promote accountability
- Strive for a high degree of public participation and involvement by all sectors of the Namibian community in the environmental assessment process;
- Take into account the environmental costs and benefit of proposed policies, programmes and projects;
- Promote sustainable development in Namibia, and especially ensured that a reasonable attempt is made to minimize anticipated negative impacts and maximize the benefits of all development.

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For this Report, **Table 2** presents the information on the legal obligations (legislations, policies, and guidelines) in terms of legislation, **where permitting and/or licensing that may be required from different applicable regulatory authorities as a requirement to the ECC.**