

UPDATED

ENVIRONMENTAL AND SOCIAL MANAGEMENT PLAN (ESMP) FOR THE REZONING OF PORTION A/4187, FROM “PUBLIC OPEN SPACE” TO “BUSINESS” AND CONSTRUCTION AND OPERATION OF A MULTI- TENANT COMMERCIAL PLAZA ON ERF A/4187, ONDANGWA, OSHANA REGION

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DOCUMENT DESCRIPTION

PROJECT NAME **REZONING OF PORTION A/4187 FROM “PUBLIC OPEN SPACE” TO “BUSINESS” AND CONSTRUCTION AND OPERATION OF A COMMERCIAL PLAZA, ONDANGWA.**

LOCATION: **Extension 18, Ondangwa, Oshana region**

DOCUMENT **ENVIRONMENTAL AND SOCIAL MANAGEMENT PLAN (ESMP)**

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LIST OF ACRONYMS

DEA	Directorate of Environmental Affairs
DWA	Directorate of Water Affairs
EAP	Environmental Assessment Policy
ECC	Environmental Clearance Certificate
EIA	Environmental Impact Assessment
EMA	Environmental Management Act
ESMP	Environmental and Social Management Plan
IAP	Interested and Affected Parties
MAWF	Ministry of Agriculture Water and Forestry
MEFT	Ministry of Environment, Forestry and Tourism
MoHSS	Ministry of Health and Social Services
MoLER	Ministry of Labor and Employee Relations
MWT	Ministry of Works and Transport
NAMPOL	Namibia Police
NamWater:	Namibia Water Corporation (Pty) Ltd
NORED	Northern Electricity Distributor (Pty). Ltd.
OTC	Ondangwa Town Council
POS	Public Open Space
RA	Roads Authority

1. INTRODUCTION AND BACKGROUND

1.1 Introduction

Trans-Kalahari logistic cc has proposed to establish a commercial and logistic plaza on a portion of Erf 4187, Ondangwa extension 18. The proposed development site was previously zoned as “Public Open Space” (POS). Hence, the proponent appointed Plantek Town and Regional Planners to apply for the subdivision of Erf 4185 into Portion A/4187 and 41857/Remainder and a subsequent Rezoning of Portion A/4187 from Public Open Space to “Business” for the construction and operation of a multi-tenant commercial plaza.

In terms of the Environmental Management Act (EMA, No. 07 of 2007) and its Regulations of April 2012, the Rezoning of a land zoned “Public Open Space” to any other land uses as well as the proposed construction and operation of the proposed plaza may not take place without an Environmental Impact Assessment carried and Environmental Clearance Certificate being obtained. Green Gain Consultants cc has been appointed as an independent Environmental Consultant to undertake the Environmental Impact Assessment (EIA) for the proposed project.

The ECC was granted on 24 October 2017 and expired in October 2020. Upon the granting of the ECC, only the Rezoning process has been completed. The Rezoning layout has since been approved by the Urban and Regional Planning Board and is hereto attached (Annexure A). However, the construction and operation of the envisaged multi-tenant commercial Plaza has not commenced due to the economic meltdown over the years.

The proponent has now found a potential investor who will invest on the construction and operation of the Plaza as initially planned, hence the application for the renewal of the ECC. The ESMP has been updated to reflect the current environmental setting on site.

1.2 Purpose of the ESMP

This ESMP has been updated to

The ESMP has the following objectives:

- To provide the proposed mitigations measures and actions to remedy the identified environmental issues.
- To provide guidelines for the management and monitoring of the identified environmental issues.
- Provide framework for monitoring of certain aspects so as to ensure effectiveness of the proposed mitigation measures
- To provide guidelines to the responsible persons to follow appropriate contingency plans in the case of various possible impacts.

2. PROJECT DESCRIPTION

The proposed activities entail the rezoning of the portion A/4185 from “Public Open Space” to “Business” and construct a multi-tenant commercial and logistic plaza.

2.1 Previous zoning

Erf 4187 was initially zoned Public Open Space as whole. Approval was granted for the subdivision of the site into two portions namely Erf A/4187 and Erf 4187/Remainder.

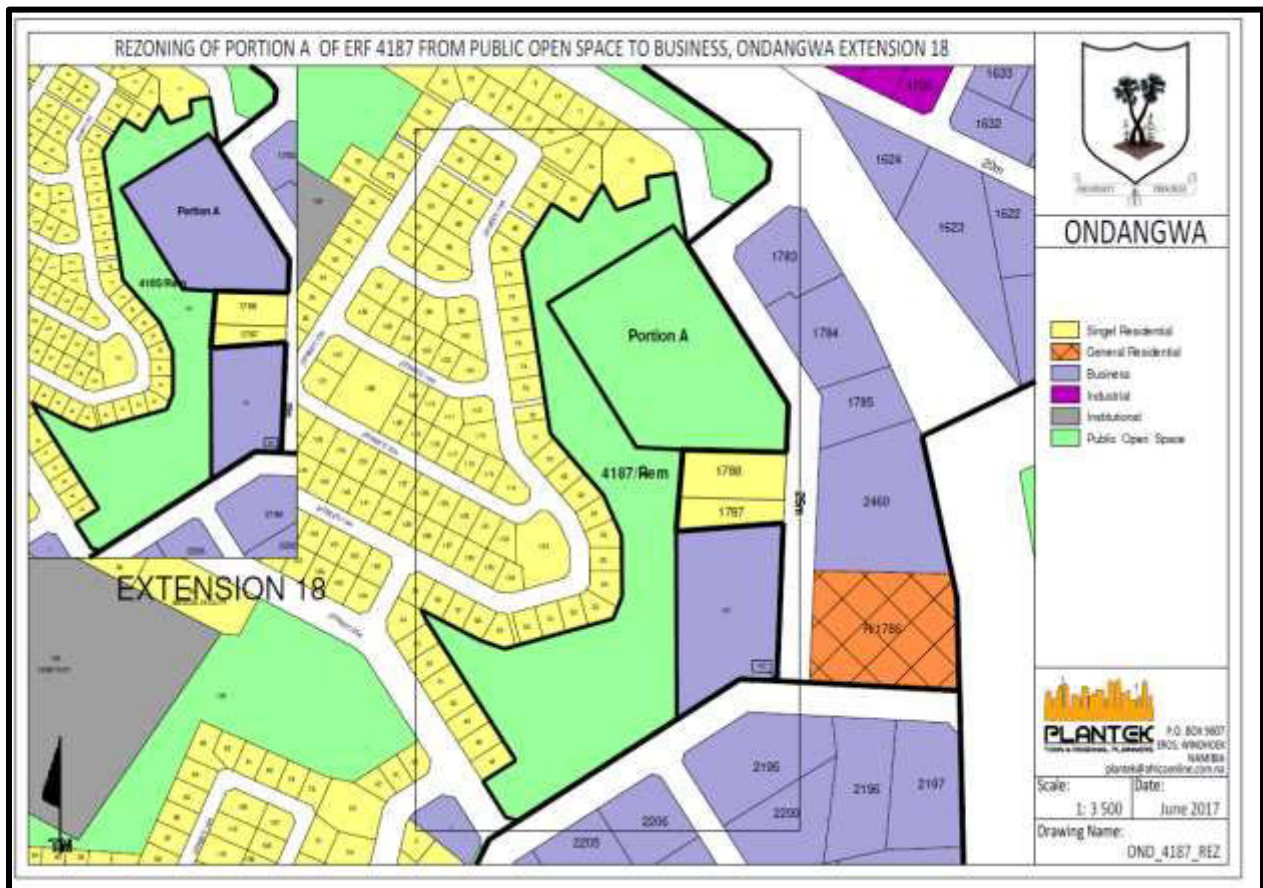


Figure 1: Subdivision

2.2 Rezoning

Subsequently, approval was also granted for the Rezoning of Erf A/4187 from Public Open Space to Business. In line with the Town Planning Ordinance, the newly rezoned Erf A/4187 was given a new Erf number as Erf 8096 for the purpose registration with the Deeds Registry.

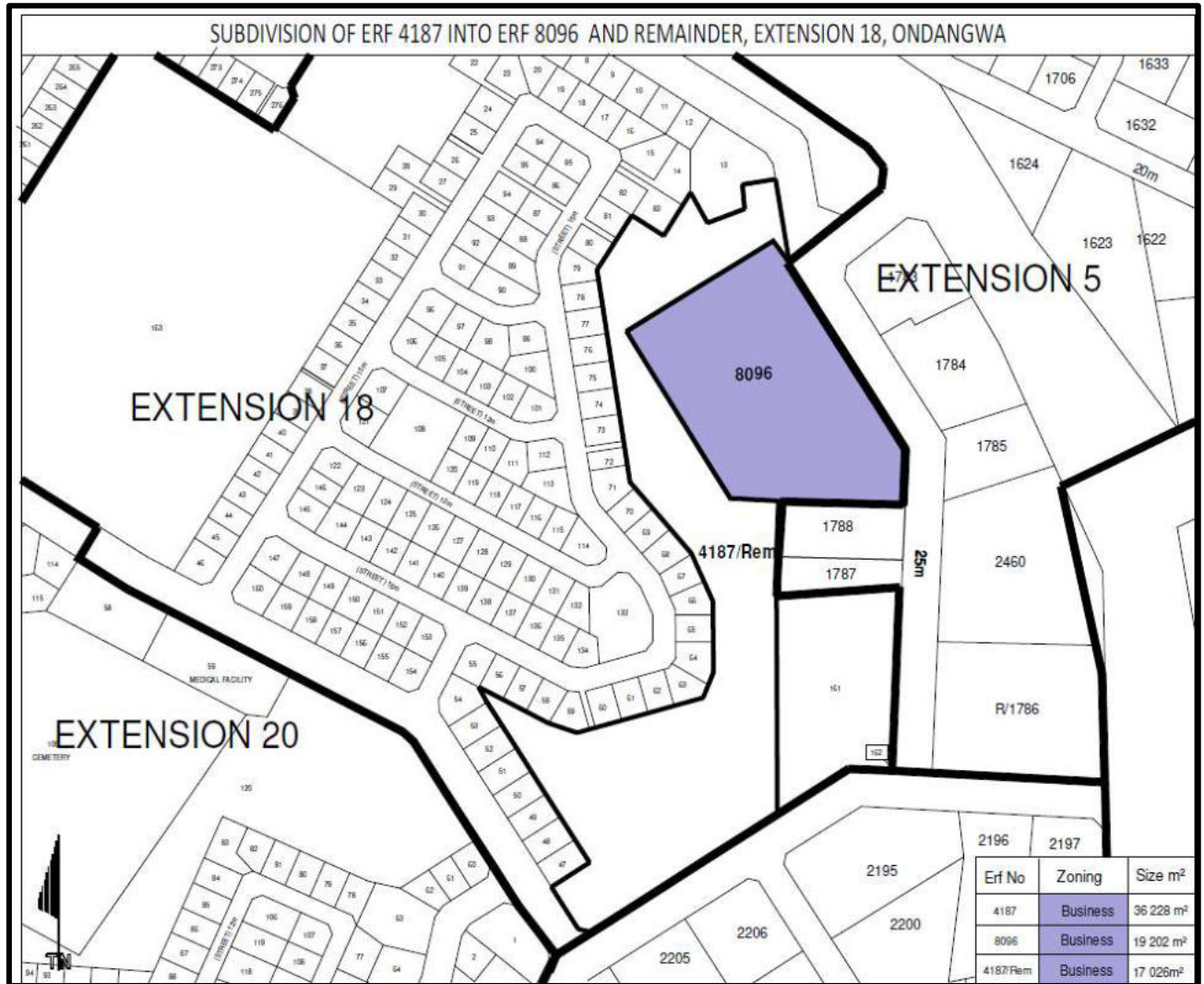


Figure 2: Proposed Rezoning

2.3 Proposed construction and operation of the Plaza

The idea is to develop a multi-tenant business park for logistics operations, commercial service businesses and 5 000 tones combined Cold storage facility as an anchor to stimulate the economy and job creation in the area.

The proposed development is a mixed-use business park consisting of a Cold storage facility, light industry and commercial amenities. The construction will be divided into two phases;

Phase1 entails the engineering designs of both the access road and the business park as a whole as well construction of cold storage and a commercial center. With a cold storage facility a sorting and packaging section will be integrated for the supplying of fish and other seafood products. A decision was taken to incorporate a Commercial Centre providing retail space on the ground level and office suites on the 1st to 3rd floors.



Figure 3: Proposed Plaza layout

Phase2; will include the construction of mega warehouses and Logistics hubs will complement the park as a whole.

This project can create up to 120 jobs during the construction phase and 100 jobs when fully operational. SME's will be catered for via exceptional and affordable rentals to setup their businesses in the multiple light industrial warehouses.



Figure 4: Overview of the proposed Plaza

3. RESPONSIBILITIES

It is the core responsibility of the proponent to ensure the successful implementation of this ESMP and any condition to be imposed by the competent authority (Ondangwa Town Council) and the Ministry of Environment and Tourism. The implementation of the ESMP also requires the involvement of various role players, each with specific responsibilities to ensure that the development is operated in an environmentally sensitive manner. Once approved by MET, the ESMP will be legally binding document and transgression is punishable by law as per the EMA requirements.

3.1 The Proponent

Responsibilities

- a). Implement the final ESMP after approval by DEA and ensure the project comply with the conditions therein.
- b). Provide for Environmental Training and awareness of the ESMP to all contractors, sub-contractors and employees
- c). Notify MET and EAP of any proposed changes to the proposed development
- d). appoint the responsible person to take the responsibility of the following;
 - Conduct monitoring and review of the on-site environmental management and implementation of the ESMP by the Contractor and sub-contractors.
 - To audit the implementation of the ESMP on a regular basis
 - Compile and submit an Environmental Reports (annually) to MEFT

3.2 Project Manager

The proponent should appoint a project manager who will oversee the implementation of the project from the planning & design and construction phases. The project manager will ensure that all contractor and sub-contractors are complying with the content of this ESMP. The project manager must ensure that are contractors, sub-contractors and all employees involved are aware of this ESMP by providing a brief training. The project manager will also keep record of incidences during and take corrective actions i.e. issuing of penalties in case of transgressions etc. during project implementation.

3.3 The Contractor and Sub-contractors

It is expected that various contractors and sub-contractors will be appointed at various stages and for various tasks during different phases of this project. All appointed contractors and sub-contractors involved in the project shall ensure to comply with the ESMP and its conditions, thus the proponent must ensure that a copy of the ESMP is given to all contractors involved. The contractor upon receiving this ESMP should ensure;

- To undertake their activities in an environmentally sensitive manner and within the context of this ESMP
- To undertake good housekeeping practices during duration of their activities
- To ensure that adequate environmental awareness training takes place in the language of their employees.

3.4 Authorities

The competent authority (OTC) through the respective departments, should provide supervisory and monitoring roles in order to ensure compliance to different regulations and this ESMP.

Government ministries and Regulator Institutions should provide necessary assistance in terms of monitoring, supervision, information, or expertise as case maybe which are required for the successful implementation of this ESMP. Moreover, the Pollution Control and Waste Management Bill requires a multitude of administering bodies. This bill identified various government ministries namely MAWF, MoHSS, MURD, MoLER, MET, MWT and MME, to oversee pollution control and waste management in the country. The identified ministries should continue with their respective duties in cooperation with the proponent and other relevant authorities whenever deemed necessary.

3.5 The Environmental Assessment Practitioner (EAP)

The EAP shall be responsible for the submission of Environmental Reports to the competent Authority (MET) and provide additional information on this study whenever required by any party (IAPs, Stakeholders, Authority or Proponent). And also be available to provide training on this ESMP on appointment by the proponent. Lastly the EAP should be available to make amendments or additions to this ESMP in accordance with the recommendations of the EIA study.

4. ENVIRONMENTAL MANAGEMENT REQUIREMENTS

The successful implementation of this ESMP is depends on various factors such as Training and awareness, a good record keeping, enforcements and monthly reporting.

4.1 Environmental awareness training

All employees, contractors and sub-contractors involved in any work at the project should be briefed on their obligation towards environmental protection and methodologies in terms of the ESMP prior to work commencing. The briefing should be done by the proponent prior to any work in the form of an onsite talk. Record of such trainings should be kept.

4.2 Record keeping

There should be an up to date filing system for the project whereby method statements, environmental incidents report, training records, audit reports and public complaints register are kept. It is advised that photographs of the site should be taken as a visual reference. These records should be kept for a minimum of **two (2) years**.

4.3 Enforcements: Non-compliance and penalties

This ESMP upon approval by the OTC and MET shall be considered a legally bidding. In cases of transgressions and non-compliance to the ESMP, the transgressor should be liable to a penalty fine. Transgressions should be recorded in a dedicated register, and be filed. The project manager shall issue the penalties in terms of the severity of the environmental damages.

Adherence to this ESMP during the operation of the project will ensure that the environmental impacts associated with the project will be mitigated to a greater extent thus promoting sustainable development. The commitment and co-operation of the identified responsible person(s) will ensure effective implementation of the ESMP.

4.4 Environmental Reports

The proponent shall, in the project completion report, indicate the environmental performance and matter of incidental. The EAP shall conduct regular monitor of project activities during all project phases and keep records.

5. LEGAL REQUIREMENTS

As part of implementation of this ESMP, the proponent must comply with the requirements of various national legislations as outlined in the EIA Report and also briefly presented here below.

Table 1: Applicable National Laws

LEGISLATION	PROVISION AND REQUIREMENTS
Constitution of the Republic of Namibia (1990)	<p>National objectives</p> <ul style="list-style-type: none"> -Guarding against overutilization of biological natural resources, - Limiting over-exploitation of non-renewable resources, - Ensuring ecosystem functionality, - Maintain biological diversity. <p>The proponent should strive to provide a development that is environmentally friendly, social acceptable and economic viable.</p>
Local Authorities Act, No. 23 of 1992 as amended	<p>Provide 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; and to provide for incidental matters.</p> <p>According to Section 94 of the Act, the collection and disposal of waste is the responsibility of local and regional authorities. The Act also gives power to the Local Authorities to establish by-laws. The proponent is duty bound to comply with any existing or new by-laws to implement by the Town Council.</p>
Pollution Control and Waste Management Bill, 2003	<p>This Bill serves to regulate and prevent the discharge of pollutants to air and water as well as providing for general waste management.</p> <p>The bill provide framework for a multitude administration on pollution control and waste management in the country. Each authority identified by the bill shall play its respective roles.</p>
Environmental Management Act, No.07 of 2007	<p>Ensuring that the significant effects of activities on the environment are considered carefully and in time. To promote the sustainable management of the environment and the use of natural resources by establishing principles for decision making on matters affecting the environment.</p> <p>The proponent shall inform the competent authority of any changes to the proposed facilities, to see if an EIA is required or not.</p>
Public Health and Environmental Act, 2015	<p>The objectives of the PHE Act are to;</p> <ul style="list-style-type: none"> • Promote public health and wellbeing • Prevent injuries, diseases and disabilities • Protect individuals and communities from public health risks • Encourage community participation in order to create a healthy environment • Provide for early detection of diseases and public health risks <p>Section 2 requires that a). “Every local authority must take necessary reasonably and applicably measures to maintain its local authority area at all times in a hygienic and clean condition” b). Prevent occurrence of a health nuisance, unhygienic condition, an offensive condition or any condition which could be harmful or dangerous to the health of a person within its local authority or the local authority area of another local authority”</p>

<p>Labour Act (No 11 of 2007)</p>	<p>To establish a comprehensive labour law for all employers and employees; to entrench fundamental labour rights and protections. Regulate basic terms and conditions of employment; ensure the health, safety and welfare of employees; to protect employees from unfair labour practices; to regulate the registration of trade unions and employers' organisations; to regulate collective labour relations; to provide or the systematic prevention and resolution of labour disputes;</p> <p>Any employment provided whether by the proponent or by contractor at this site i.e. Security Services must be in accordance with the Labour Act.</p>
<p>Employment Service Act, 8 of 2011</p>	<p>To provide for the establishment of the National Employment Service; to impose reporting and other obligations on certain employers and institutions; to provide for the licensure and regulation of private employment agencies; and to deal with matters incidental thereto.</p> <p>Any employment provided whether by the proponent or by contractor at this site must be in accordance with the Labour Act.</p>
<p>Water Resources Management Act 2004</p>	<p>This Act provides provision for the control, conservation and use of water for domestic, agricultural, urban and industrial purposes. In addition the Act clearly gives provision that pertain with license or permit that required abstracting and using water as well as for discharge of effluent.</p> <p>The effluent of human waste under this framework is the main focus; the use of mobile toilets during construction phase should be properly positioned while placement of permanent ablution facilities should be far from watercourse to avoid pollution.</p>
<p>National Heritage Act 27 of 2004</p>	<p>The Act provide for the protection and conservation of places and objects of heritage significance and the registration of such places and objects; to establish a National Heritage Council; to establish a National Heritage Register; and to provide for incidental matters.</p> <p>Any material of cultural, heritage or archaeological importance shall be reported to the National Heritage Council (NHC) in accordance with this Act</p>
<p>National Forestry Act, No. 12 of 2001</p>	<p>This Forest Act 12 of 2001 requires that tree species and any vegetation within 100m from a watercourse may not be removed without a permit (S22 (1)).</p> <p>The Protected species (Jackal berry) observed at the site must be incorporated in the design and be part of the landscape and NOT chopped down.</p>
<p>Atmospheric Pollution Prevention Ordinance, no. 11 of 1976</p>	<p>To provide for the prevention of the pollution of the atmosphere, and for matters incidental thereto. The Ordinance deals with administrative appointments and their functions; the control of noxious or offensive gases; atmospheric pollution by smoke, dust control, motor vehicle emissions; and general provisions.</p> <p>According to the Ordinance, the Local Authority shall control and prevent atmospheric air pollution or emission of noxious or offensive gases by smoke.</p>
<p>Hazardous Substance Ordinance of 1974</p>	<p>This Ordinance provides for the control of toxic substance and thus also relevant for pollution control. It covers for the manufacturing, sale, use, disposal, dumping, importing and exporting of hazardous waste.</p> <p>No hazardous waste will be stored, used or handled at the site</p>

6. IMPLEMENTING THE ESMP: ROLES AND RESPONSIBILITIES

The proponent should play a pivotal role in implementing this ESMP. This section provide a manner in which the ESMP is to be implemented and also outlining responsibilities of all parties involved perform their respective roles.

Table 3: Management Plan: Planning and Design

Environmental Issue/Impacts	Mitigation Measures	Roles and Responsibilities	
		Implementation	Monitoring
Impact on Surface water and drainage	<ul style="list-style-type: none"> • Make provision for storm water channel • Storm Water Management Plan should be approved by 	Design contractor	Proponent
Visual intrusion	<ul style="list-style-type: none"> • Landscaping with indigenous plants and incorporate existing trees to enhance the view. • Building materials should be appealing to the surrounding 	Design Contractor	Project Manager, Town Council, MWT
Provision for Traffic management	<ul style="list-style-type: none"> • Consider the traffic safety of the tenants with respect to the existing roads • The access road should be connected to C46 not B1 RD as initially planned (as per RA, recommendations) 	Design Contractor	Project Manager, Town Council
Water and Energy demand Management	<ul style="list-style-type: none"> • Make provision for Rainwater harvesting through gutters and storage drums • Make provision for renewable energy (Solar) • Incorporate Green Building Codes as per the Green Building Council 	Design Contractor	Project Manager, Town Council

Table 4: Management Plan: Construction

Environmental Issue/Impacts	Mitigation Measures	Roles and Responsibilities	
		Implementation	Monitoring
1. Biophysical Impact on biodiversity (flora and fauna)	<ul style="list-style-type: none"> The protected Tree (Jackal Berry) must be reserved and incorporated in the design Small ground burrowing animals must be trapped, killed for any purpose of whatsoever. 	Building Contractor	Project Manager
Impact on groundwater	<ul style="list-style-type: none"> No direct discharge of pollution (waste water or solid waste) into the drainage line or watercourse With regards to temporary settlement at the site (if allowed), the project manager must ensure that contractors have proper sanitation measures on site and any spillage must be monitored and attended to. Storage of hazardous goods i.e. fuel should not be allowed, otherwise a separate EIA study should be conducted (If planned). 	Building Contractor	Project Manager, Town Council, MAWF
Impact on soil	<ul style="list-style-type: none"> Avoid too much compaction of soil by setting designated access roads for heavy vehicles. Minimize soil exposure time during construction Minimize the use of chemicals such as lubricants, solvents, and petroleum products 	Building Contractor	Project Manager, Town Council, MAWF
Waste generation	<ul style="list-style-type: none"> All waste generated must be contained and properly dumped at waste disposal site. The contractor's managers must create awareness among all Employees regarding waste disposal in order to avoid illegal dumping. 	Building Contractor	Project Manager, Town Council

<p>Management of Dust and atmospheric pollution</p>	<ul style="list-style-type: none"> • Avoid too much dust by sprinkle the construction site with water regularly. • Ensure proper maintenance of vehicles and equipment to minimize release of fumes and other pollutants in the air. • Mix material in an enclosed space • Cover material when transporting • Prohibit open burning in accordance with Air Pollution Control Ordinance 	<p>Building Contractor</p>	<p>Project Manager, Town Council, MET</p>
<p>2. Socio-economic Traffic Management</p>	<p>Include in bidding documents that the contractor should:</p> <ul style="list-style-type: none"> • Limit the use of vehicles to the site and avoid unnecessary trips • Set up a time schedule for transporting material with the purpose of avoiding traffic congestion • Avoid using busy roads especially during rush hours, i.e. early mornings (06:00-08:00AM) and late afternoon (05:00-06:00PM). • The contractors must ensure to use clear road signs at construction sites to minimize risks of accidents 	<p>Building Contractor</p>	<p>Project Manager, Town Council, MWT</p>
<p>Noise and Vibration Management</p>	<ul style="list-style-type: none"> • Abide by the time and noise limits specified in Noise Control Regulations • Provide Employees with Personal Protective Equipment (i.e. earmuffs) 	<p>Building Contractor</p>	<p>Project Manager, Town Council</p>
<p>Occupation health and Safety</p>	<ul style="list-style-type: none"> • Personal protective equipment like dust mask is must be provided to all Employees working in the likely dusty areas. • Proper signage in accordance at construction site • Provision of firefighting measures in accordance with Labor Act • Appoint Safety Officer in accordance with Labor Act • Provide fencing around the construction site during construction 	<p>Building Contractor</p>	<p>Project Manager Town Council, MoHSS</p>

Increase crime rate	<ul style="list-style-type: none"> • Ensure that all properties are well secured • Provide 24hrs security services at the site 	Project Manager	Proponent
HIV/AIDS	<ul style="list-style-type: none"> • Recruit as many local people as possible 	Project Manager	Town Council
Workers' sanitation	<ul style="list-style-type: none"> • One sanitary facility (1 toilet with shower, 1 washing basin, 1 urinal) per 25 workers • Sanitary facilities to be covered, easily accessible, ventilated, well lit, maintained, and sanitized • Ensure safe drinking water for Employees 	Building Contractor	Project Manager Town Council, MAWF
Increase Water Demand	<p>Include in bidding documents that the contractor should;</p> <ul style="list-style-type: none"> • Commit to minimizing the use of water during construction works • Recycle water for construction activities 	Building Contractor	Project Manager, Town Council, NamWater
Archaeological resources	<ul style="list-style-type: none"> • Should there be any suspected archaeological findings during construction, it must be reported to the NHC in accordance with National Heritage Act. 	Building Contractor	Project Manager, Town Council, NHC
Employment opportunities (+ve)	<ul style="list-style-type: none"> • Give priority to local people 	Project Manager	Proponent

Table 5: Proposed Mitigation Measures: Operation

Environmental Issue/Impacts	Mitigation Measures	Roles and Responsibilities	
		Implementation	Monitoring
Pollution of groundwater from contamination or leakages	<ul style="list-style-type: none"> No direct discharge of pollution (waste water or solid waste) into the watercourse Ensure that sanitary facilities are frequently cleaned and regularly monitored. Monitor sewer connection and ensure adherence to standards 	Proponent/Tenants	Town Council
Increase Water and Energy demand	<ul style="list-style-type: none"> Ensure supply of potable water in accordance Water Demand Plan Harvest rainwater for use in gardening and other activities Encourage use of renewable energy i.e. solar geysers Enforce energy and water conservation measures 	Proponent	Town Council
Security of tenants	<ul style="list-style-type: none"> Ensure to install burglar doors and window facilities to secure properties and provide security services. 	Proponent /Tenants	Town Council
Risk of fire	<ul style="list-style-type: none"> Ensure all properties are provided with fire extinguishers Install fire detection system 	Proponent/Tenants	Town Council
Traffic impacts	<ul style="list-style-type: none"> Ensure road signs at the intersections are maintained 	Proponent	Town Council
Waste generation	<ul style="list-style-type: none"> All waste generated must be contained and properly gathered and collect as per local authority laws Encourage waste segregation through a 3bin system (Tins, Paper, Plastics) Encourage recycle of waste 	Proponent/Tenants	Town Council
Employment opportunities, i.e. security services (+ve)	<ul style="list-style-type: none"> Give priority to local people 	Proponent	Town Council

