

*The Gateway
to Endless
Opportunities*

City of Windhoek



DRAFT REVIEW:

POLICY ON PUBLIC CONSULTATION FOR PROPOSED DEVELOPMENT

FEBRUARY 2026



TABLE OF CONTENTS

DOCUMENT CONTROL.....	3
1. DEFINITIONS.....	4
2. POLICY STATEMENT	5
3. POLICY OBJECTIVES	5
4. RESPONSIBILITY AND COSTS FOR NOTIFICATION OR CONSULTATION.....	5
5. REQUIREMENTS FOR NOTIFICATION OR CONSULTATION.....	6
(1) Summary of Consultation Methods Per Application	6
(2) Neighbours Consultation:.....	6
(a) Description of Neighbours.....	6
(b) Neighbouring Property under the Ownership of Council.....	7
(c) Council as an Applicant	7
(d) Methods of Consultation	7
(3) Neighbourhood Consultation:.....	9
(a) Description of Neighbourhood Consultation	9
(b) Method of Consultation.....	9
(c) Evidence of Consultation:	10
(4) Consultation of Other Affected Parties	10
(a) Description of Other Affected Parties.....	10
(b) Methods of Consultations	11
(c) Evidence of Consultation:	11
6. RESTRICTION ON THE CONSULTATION PERIOD FOR ALL APPLICATIONS	12
7. OTHER CONSULTATION METHODS OR REQUIREMENTS	12
8. CONTENT OF THE NOTICE.....	13
9. CALCULATION OF DAYS.....	13
10. FAILURE TO UNDERTAKE THE CONSULTATION	14
11. LEGISLATIVE FRAMEWORK.....	14
12. MONITORING AND REVIEW PROCEDURE OF POLICY	14

DOCUMENT CONTROL

Description	Date	Revision No.	Council Resolution
Initial adoption of the Policy	2018-11-28	0	348/11/2018
Alignment of the Policy with the Urban and Regional Planning Act	**/**/****	1	**/**/****

DRAFT

1. DEFINITIONS

“**Act**” means the Urban and Regional Planning Act, Act No. 5 of 2018.

“**City of Windhoek**” means the City of Windhoek, a municipality established in terms of the Local Authorities Act, Act No. 23 of 1992, or any structure or employee of the City acting in terms of delegated Municipal Council of Windhoek.

“**Council**” means the Municipal Council of Windhoek established in terms of the Local Authorities Act, Act No. 23 of 1992; and includes any committee or official carrying out any duty or function, or exercising any power in terms of an applicable By-law.

“**Developer**” means the person, including an organ of state, which may or may not be the owner of the land, applying for permission for the development or change in the use of land.

“**Development**” means the construction of buildings on land or the change of use of land, including establishment of townships, the subdivision or consolidation of land or any deviation from the land use or uses authorised in terms of a condition of approval, a zoning scheme or the Act

“**On Site Notice**” means a notice to be posted on the erf which is the subject of the Planning Application and which shall be in accordance with set specifications that are listed in Annexure C.

Notification has the same meaning as **Consultation** and means notification of applications made under the Urban and Regional Planning Act (Act No. 5 of 2018), Local Authorities Act (Act Np. 23 of 1992) and the Windhoek Zoning.

“**Owner**” in relation to any building or land includes:

- (a) the registered owner (a person registered as the owner of the land in the deeds registry as defined in Section 1 of the Deeds Registries Act, 1937 (Act No. 47 of 1937));
- (b) the lessee under a lease registered under any law;
- (c) the person administering the estate of any person referred to in the above-mentioned subsections (a) or (b) whether it is in the capacity of executor, administrator, curator guardian or any other capacity;
- (d) any person receiving payment from any occupant or other person, or would have received such payment if such building or land was leased, whether for his own account or as an agent for somebody entitled to it or having an interest therein; and
- (e) a duly authorised agent.

“**Planning Application**” means any application submitted to the Council for permission to develop land or change the use of land, including the establishment of townships, the alteration

of the boundaries of an approved township, the disestablishment of an approved township or a portion thereof, the subdivision or consolidation of land, the alteration, suspension or deletion of conditions relating to land, any deviation from the land use or uses authorised in terms of a condition of approval, a zoning scheme, or the Act; consent uses and general consents under the Windhoek Zoning Scheme; the permanent closure of public places as per the Local Authorities Act, 1992 (Act No. 23 of 1992); and any other applications requiring Council approval under applicable land use or planning laws. For the purposes of this Policy, "develop" has the meaning ascribed to it in the Urban and Regional Planning Act, namely the construction of buildings on land.

"Public Place" means land reserved for Street and Public Open Space purposes.

"Zoning Scheme" means the Windhoek Zoning Scheme as adopted by the Council and approved by the Minister of Urban and Rural Development in terms of the Urban and Regional Planning Act (Act No. 5 of 2018), and as amended from time to time.

2. POLICY STATEMENT

- (1) To enhance public engagement in urban and regional planning and development submissions that will be considered by Council through an approach that is consistent and cost effective while at the same time achieving the goal of consulting affected parties.

3. POLICY OBJECTIVES

- (1) To establish standards and procedures for an applicant's public notification and consultation responsibilities in respect of urban and regional planning applications.
- (2) To ensure transparent and consistent application of standards for the benefit of affected residents, the development community and the City.
- (3) To ensure that those parties affected by an application made pursuant to this policy are given adequate notice and one or more meaningful opportunities to provide input, where appropriate.

4. RESPONSIBILITY AND COSTS FOR NOTIFICATION OR CONSULTATION

- (1) Unless explicitly indicated otherwise, all costs associated with the Notification and Consultation required under this policy are the sole responsibility of the applicant.

5. REQUIREMENTS FOR NOTIFICATION OR CONSULTATION

(1) Summary of Consultation Methods Per Application

All applications made pursuant to the Act and Scheme must be undertaken in accordance with all forms and stages of public notification or consultation identified below and in accordance with the specifications identified.

Application Type	Neighbours	Neighbourhood	Other Affected Parties		
	<i>Notification or Consultation Method</i>				
	Hand Delivery or E-mail or Registered Mail	On-Site	Council Notice Board	News-papers	Government Gazette
Rezoning	✓	✓	✓	✓	✓
Subdivisions	✓				
Consolidation	✓				
Township Establishment				✓	✓
Alteration of the Boundaries of an Approved Township					✓
Disestablishment of an Approved Township or Portion of an Approved Township					✓
Alteration, Suspension or Deletion of Conditions Relating to Land					✓
Consent Use for Resident Occupations	✓				
All Other Consents Uses in terms of the Scheme	✓	✓	✓	✓	
Owner's Consent	✓				
Multiple Storey on Residential (3+)	✓	✓			
Exceedance of Coverage	✓				
Exceedance of Outbuilding Size	✓				
Exceedance of Entertainment Area Size	✓				
Closure of Public Places	✓	✓	✓	✓	✓

(2) Neighbours Consultation:

(a) Description of Neighbours

The persons or bodies most likely to be affected by a development proposal will be the immediate neighbours of the property under consideration.

Immediate neighbours include owners of properties that:

- (i) share borders (including corners) or abutting the property under consideration,

- (ii) are separated by pan-handle accesses,
- (iii) are separated by small watercourses (i.e. any erf boundary within 30 meters across the watercourse),
- (iv) those directly opposite across the street, but provided that the road reserve is at most 30m wide and
- (v) share the circumferential (turn around) boundaries of cul-de-sacs or angular boundaries of hammerheads with the property where the proposed development is located, as illustrated by the following sketch:



(b) Neighbouring Property under the Ownership of Council

If a neighbouring property is owned by the Council, the applicant does not need to obtain neighbour's consent during the notification stage. The council's decision on the application will serve as its stance as a neighbour: if the application is approved, it means the Council has no objection as a neighbouring owner. However, if the application is not approved or not recommended for approval, it means the Council, as the owner of the neighbouring property, is objecting to the application.

(c) Council as an Applicant

When the Council is the applicant, the Council is required to consult all owners of neighbouring properties that are not under the ownership of the Council.

(d) Methods of Consultation

In order to ensure that the persons or bodies most likely to be affected by the proposed Development proposal (such as direct neighbours) have been given opportunity to consider and comment, the applicant is required to contact neighbours directly through the following Consultation Methods:

(i) *Hand Delivery*

The applicants may notify the neighbours about the application through hand delivery method. Here, the notice and documents can be delivered by hand at a particular nominated physical address, to a person who is over the age of 16 years and who resides or works on the neighbouring property.

The notice hand delivered shall indicate the date of delivery and the deadline for comments and objections.

(ii) *E-mail*

The notice and documents can be delivered through a nominated e-mail to a person or company or other entities, by successful electronic transmission of the relevant notice or document to that e-mail address.

(iii) *Registered Postal Mail*

The owners of direct neighbouring properties can also be consulted through registered postal mail.

(aa) Given the objective of the public participation process is to provide neighbours and the general public with a fair opportunity to provide inputs for consideration on the intended development proposal, before using the registered mail method, there must be an attempt to reach a neighbour for comments by either delivering the Notice by hand to the person (proof of receipt with completed Neighbour Form will be accepted as evidence); or delivering the notice to any physical / email address / telefax nominated by the person (proof of delivery or Neighbour Form will be accepted as evidence).

(bb) Notice by Registered Post will therefore only be accepted in circumstances where the neighbour could not be reached in person or where no physical, email address or telefax was nominated by the person. Proof of registered mail and completed Neighbour Form will be accepted as evidence.

(e) Period for Neighbours to Lodge Comments and/or Objections

- (i) All the owners of the neighbouring properties shall be given fourteen (14) business days from the date of receiving the consultation notice through hand delivery or e-mail as well as from the date of the NamPost receipt of the registered mail, to provide written support, comments or objections to the application.
- (ii) Council will proceed with the assessment and decision thereof of any application with or without comments (or objections) after the fourteen (14) business days period for support, comments or objections has lapsed and provided that the applicant has provided evidence of consultation in accordance with this Policy or the Urban and Regional Planning Act (Act No. 5 of 2018) as amended.

(f) Evidence of Consultation

The following applicable proof of consultation must be submitted by the applicant to Council:

(i) *Hand Delivery Method:*

A signed Neighbour Consent Form (Annexure **) by each defined property owner, or written proof that the notice was received and signed off by person who is over the age of 16 years and who resides or works on the neighbouring property.

(ii) *E-mail:*

Proof of the e-mail sent including a signed Neighbour Consent Form (Annexure **) will be required.

(iii) *Registered Postal Mail:*

Proof of the letters issued via registered postal mail including NamPost receipts and/or stamped sheet with barcodes will be required.

(3) Neighbourhood Consultation:

(a) Description of Neighbourhood Consultation

Neighbourhood consultation involve the residents and property owners in the immediate vicinity of the planned development for which a planning application is submitted, who are not immediate neighbours.

(b) Method of Consultation

The Neighbourhood consultations will be undertaken in accordance with the following Consultation Method:

(i) On-Site Notice:

The applicant must display an On-Site Notice, being, using the City's template on such parcel of land which is the subject of a planning application.

All On-Site Notices shall be displayed for a period of 14 days in the official language in a visible place on a property that is the subject of an application pursuant to this policy, so that they are clearly visible from the street. On-Sites Notices will be located in a manner which does not interfere with pedestrian or vehicular traffic or obstruct visibility from streets, lanes or driveways and must be installed in a safe, sturdy manner capable of adequately withstanding wind and weather. One On Site Notice is required for each road frontage provided that no more than three (3) signs are required for any one property.

The size of the notice or sign shall not be less than A3 Sheet Size (i.e. not less than 600 mm x 450 mm) and no letter size thereon shall be less than three centimetres. The notice shall contain the particulars referred to in Regulation 11. Such notice must specify the same deadline for comments as indicated in any published advertisement, which comments (if any) shall be submitted by the applicant together with the planning application.

All Onsite Notices shall remain in place until twenty-eight (28) calendar days after resolution by Council after which period it shall be promptly removed.

(c) Evidence of Consultation:

The applicant shall provide the City of Windhoek with evidence in the form of photographs that the Onsite Notice required by this Policy has been installed on the subject property before Council can finalise the assessment of the application and decision thereof. Such Notices may be inspected by a Council official.

(4) Consultation of Other Affected Parties

(a) Description of Other Affected Parties

Other affected parties include parties having an interest in the proposed development for which a planning application is being submitted, but who are not necessarily direct neighbours or residents of the neighbourhood e.g. the general public and property owners residing elsewhere. Consultation with Other Affected Parties for the applicable applications shall be undertaken in accordance with the following Consultation Method:

(b) Methods of Consultations

(i) *Newspapers*

With the exception of the closure of public places, a notice must be published once a week, for two consecutive weeks of the applicant's intention to make a planning application in two different newspapers circulating widely in the Local Authority Area, at least one of which shall be a newspaper in the official language (English).

For the closure of public places, a notice must be published once a week, in two different newspapers circulating widely in the Local Authority Area, at least one of which shall be a newspaper in the official language (English).

All the Newspaper Notices must include the logo of the City of Windhoek.

(ii) *Government Gazette*

Applicants for the applications for the rezoning of land; the establishment of a township; alteration of the boundaries of an approved township; the disestablishment of an approved township or a portion of an approved township; the alteration, suspension or deletion of conditions relating to land as well as closure of public places, are required to place one (1) notice in the Government Gazette.

(iii) *Local Authority or Council (Customer Care Centre) Notice Board*

A notice shall be displayed, for a period of fourteen (14) business days in the official language, on the public notice board of the local authority (i.e. on the City of Windhoek's Customer Care Centre notice board) or any other place provided for at the offices of the City of Windhoek.

The notice on the City's Customer Care Centre notice board shall be date stamped on the day it is posted by the relevant City official.

(c) Evidence of Consultation:

(i) *Newspapers:*

The applicant shall submit the full page of each original or photocopies of the newspaper publications where the notice appears; which shall clearly indicate the name of the publication, the page number and date of publication for each notice published.

(ii) *Government Gazette:*

The applicant shall submit the full page(s) of the Government Gazette where the notice appears; which clearly indicate the name of the publication (Government Gazette) date of publication, Government Gazette number as well as the number for the notice published.

(iii) *Local Authority (Customer Care Centre):*

The applicant must provide Council with evidence in the form of photographs of the public notice on the notice board in the City's Customer Care Centre.

6. RESTRICTION ON THE CONSULTATION PERIOD FOR ALL APPLICATIONS

With the exception of the applications for the relaxation of building lines, exceedance of coverage, exceedance of outbuilding size, exceedance of residential entertainment size, increase in height and resident occupation:

- (1) No notice for any intention of the application (for comments or objections) shall be send to the neighbours using any consultation methods, displayed on site, or any local authority notice board, and published in any newspaper or Government Gazette from 15 December of any year until 10 January of the following year (this period is inclusive of 10 December and 10 January).
- (2) The period for comments and/or objections for all applications and all consultations shall also not fall between the period 15 December of any year until 10 January of the following year (this period is also inclusive of 10 December and 10 January).
- (3) The time period for all consultations, irrespective of consultation method (Government Gazette, newspaper adverts, neighbour notices, City of Windhoek's Customer Care Centre notice board or on-site notices), shall not span a period of more than 90 days in total.

7. OTHER CONSULTATION METHODS OR REQUIREMENTS

- (a) In addition to the minimum requirements of this policy, applicants are encouraged wherever possible to use online or web-based tools to enhance public engagement strategies.
- (b) Furthermore, in addition to the consultation methods stipulated in the preceding clauses of the Policy, the local authority may determine other manners of giving notification of the relevant applications in terms of Regulation 12(c) of the Regulations relating to Urban and Regional Planning: Urban and Regional Planning Act, 2018.

8. CONTENT OF THE NOTICE

- (1) All notices must provide detailed description of the proposal, including the specific changes proposed (i.e. indicate the type and purpose of the application);
- (2) The notice for rezoning to Hospitality or consents for accommodation establishments shall state the type of accommodation establishment and number of rooms intended;
- (3) All notices shall indicate the location of the proposal (i.e. identify the land concerned by specifying the erf, portion or farm number, township and extension number as well as applicable street address);
- (4) All notices shall indicate the name, postal address, telephone or cellular phone number, fax number and e-mail address (including project website, if any) of the applicant;
- (5) With the exception of the applications for the relaxation of building lines, exceedance of coverage, exceedance of the residential entertainment size, exceedance of outbuilding size and resident occupation, all notices shall state where the copy of the application, layout plans, diagrams and other documents required may be inspected;
- (6) The notice shall state that a person having objections or comments to the application,
 - (a) may lodge such objections and comments, together with the reasons for the objection, in writing with the Council, the Board or relevant functionary and with the applicant within 14 days:
 - (i) from the date of the last publication of the notice in the newspapers;
 - (ii) from the date of the publication in the Gazette;
 - (iii) from the date of receipt of the hand delivered notice;
 - (iv) from the date of sending the e-mail successfully;
 - (v) from the date of posting the notice through registered mail;
 - (vi) from the date of displaying the notice on-site; or
 - (vii) from the date of displaying the notice on the Council's notice board; and
 - (b) state the person to whom and the address to which objections and comments may be submitted.

9. CALCULATION OF DAYS

In accordance with Section 120 of the Act, the calculation of days does not include Saturdays, Sundays or Public Holidays and the period in question must be calculated as exclusive of the first day and inclusive of the last day.

10. FAILURE TO UNDERTAKE THE CONSULTATION

Failure to undertake Notification or Consultation in accordance with this policy may result in the postponement of initial consideration of the application and/or refusal by Council. All costs incurred by the City for public notification as a result of such postponement will be the responsibility of the applicant.

11. LEGISLATIVE FRAMEWORK

(1) The Policy is supported by the following legislation:

- (a) Urban and Regional Planning Act, Act 5 of 2018
- (b) Local Authorities Act, Act 23 of 1992
- (c) Windhoek Zoning Scheme as amended

(2) Fulfilling the requirements of the Policy does not relieve the owner or applicant of the responsibility to comply with applicable regulations and bylaws of the Municipal Council of Windhoek, and/or any requirements of any entity having jurisdiction over such land and or regulatory control in terms of any applicable legislation.

12. MONITORING AND REVIEW PROCEDURE OF POLICY

The policy is drafted within the current context of legal and related requirements for planning applications. As is the case with any policy, the *City* will have to test the policy on an ongoing basis so as to ensure that the objectives and principles that had initially been set as the common goal, are still relevant and are being achieved.