



DEVELOPMENT APPLICATIONS: PUBLIC
CONSULTATION POLICY

Department of Urban and Transport Planning

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Contents

| | |
|---|---|
| 1. Definitions | 3 |
| 2. Policy Statement..... | 3 |
| 3. Policy Objective | 3 |
| 4. Responsibility for Notification and Consultation | 4 |
| 5. Requirements for Notification and Consultation | 4 |
| 6. Notification and Consultation specifications..... | 5 |
| 7. Legislative Framework..... | 7 |
| 8. Implementation of Policy | 8 |
| 9. Monitoring and Review Procedure of Policy | 8 |
| 10. Reference Templates..... | 8 |

1. Definitions

“**Act**” means the Local Authorities Act, Act No. 23 of 1992;

“**City**” 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 authority;

“**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 to develop or change the use of land;

“**Development**” means the changing of land use or of cadastral boundaries in order to intensify the utilisation of land, or the simultaneous changing of both land use and cadastral boundaries in order to intensify the utilisation of the land;

“**Large Format Development Notice Sign**” 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;

“**Neighbours**” means owners of properties that share borders (including corners) or abutting the property under consideration, or are separated by pan-handle accesses or Small Watercourses (<30m at two closest points) and those directly opposite across the street.

“**Planning Application**” means any application to the City for permission to develop or change the use of land in terms of applicable land use or planning law;

“**Small Watercourses**” means any water course or public open space of which the width between the property boundaries separated by the phenomenon does not exceed 30m.

2. Policy Statement

Enhancing public engagement in 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 Objective

To establish standards and procedures for an applicant’s public notification and consultation responsibilities in respect of planning applications. This will ensure transparent and consistent application of standards for the benefit of affected residents, the development community and the City.

The ultimate objective is 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 for Notification and Consultation

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 and Consultation

All applications made pursuant to this policy must undertake all forms and stages of public notification and consultation identified below and in accordance with the specifications identified.

| Application Type | Neighbours | Neighbourhood | Other Affected Parties |
|-------------------------------------|--|---------------|------------------------|
| All Planning applications | ✓ | ✓ | ✓ |
| Multiple Storey on Residential (3+) | ✓ | | ✓ |
| Exceeding Coverage | ✓ | | ✓ |
| Transgression of Building Lines | ✓ | | |
| Other | As determined by SE:UTP upon consultation on the nature of the application | | |

a) 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 share borders (including corners) or abutting the property under consideration, or are separated by pan-handle accesses or small watercourses (any erf boundary within 30 meters across the watercourse) and those directly opposite across the street.

b) Neighbourhood:

Residents and property owners in the immediate vicinity of the planned development for which a planning application is submitted.

c) Other Affected Parties:

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.

Fulfilling the requirements of this policy does not relieve the owner or applicant of the responsibility to comply with applicable regulations and bylaws of the City of Windhoek, and/or any requirements of any body having jurisdiction over such land and or regulatory control in terms of any applicable legislation.

Failure to undertake the form(s) of Notification and Consultation in accordance with this policy may result in the postponement of initial consideration of the application by Council. Any and all costs incurred by the City for public notification as a result of such postponement will be the responsibility of the applicant.

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.

6. Notification and Consultation specifications

a) Neighbour Consultation

Consultation Method:

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. Neighbour consultation aims to promote, where possible, direct, face-to-face conversations between an applicant and their immediate neighbours, hence applicants are expected to explain to them the proposal and all relevant details, as well as to provide evidence to the City that this has been adequately done.

Consultation Content:

- *Location of the proposal;*
- *Detailed description of the proposal, including the specific changes proposed;*
- *Visual rendering and/or site plan of the proposal including parking provisions and other pertinent information;*
- *Contact information for the applicant or authorised agent;*
- *Contact information for the appropriate City Department;*
- *Clear presentation of and explanation of required feedback method.*

Evidence of Consultation:

A signed statement by each defined property owner, indicating support or not, in the prescribed format shall be presented to the Council together with each application.

In the event where a direct neighbour is unwilling to return a signed statement with or without any comments after consultation or cannot be contacted in person, an

official 21 days' Notice Letter for comments issued by the City, will be send by the applicant through registered mail to the relevant party of which proof shall be submitted together with such application. The City will finalise any application with or without comments after the above 21 days period for comments have lapsed.

b) Neighbourhood Consultation

Consultation Method:

Where required, an applicant must erect a Large Format Development Notice Sign using the City's template on such parcel of land which is the subject of a planning application, in accordance with the set specifications. The notice to be posted on the erf shall be of a size not less than 594 mm x 420 mm (ANSI A2 standard) and no letter size thereon shall be less than 5 mm in height.

All Large Format Development Notice Signs shall be placed on a property that is subject to an application pursuant to this policy so that these are clearly visible from the street. Large Format Development Notice Signs will be located in a manner which does not interfere with pedestrian or vehicular traffic or obstruct visibility of the sign from streets, lanes or driveways and must be installed in a safe, sturdy manner capable of adequately withstanding wind and weather. One Large Format Development Notice Sign is required for each road frontage provided that no more than three (3) signs are required for any one property.

Large Format Development Notice Signs will be posted timeously for a minimum period of thirty (30) calendar days prior to the submission of the application (same day as first day of publication in newspapers). Such notice must specify the same deadline for comments as indicated in any published advertisement, which comments (if any) obtained shall be submitted by the applicant together with the planning application. All Large Format Development Notice Signs shall remain in place until twenty eight (28) calendar days after resolution by Council after which period it shall be promptly removed.

Consultation Content:

- *Detailed description of the proposal, including the specific changes proposed;*
- *Visual rendering and/or site plan of the proposal with parking provisions and/or any pertinent details;*
- *Contact information for the applicant or authorised agent, including project website (if any);*
- *Contact information for the appropriate City Department;*
- *Clear presentation of the deadline and explanation of required feedback method.*

Evidence of Consultation:

The applicant must provide City staff with evidence in the form of photographs that the Large Format Development Notice Sign(s) required by this policy has been installed on the subject property before the application will be considered by the Council. Such Sign(s) may be inspected by a Council official if deemed necessary.

c) Consultation of Other Affected Parties

Consultation Method:

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).

The notice to be published shall be a standard legal notice as provided for in the various publications and shall not be considered valid if it appears in any publication between the period 10 December of any year until 10 January of the following year.

In addition a notice (minimum size ANSI A3) shall be posted, for a period of fourteen (14) days in the official language, setting out the particulars as below, on the public notice board in the City's Customer Care Centre (CCC). The notice on the City's Customer Care Centre notice board should be date stamped on the day it is posted by the relevant City official and shall have the same deadline for comments as indicated in any published advertisement.

Consultation Content:

- *Detailed description of the proposal, including the specific changes proposed;*
- *Visual rendering and/or site plan of the proposal with parking provisions and/or any other pertinent information; (CCC Notice only)*
- *Contact information for the applicant or authorised agent, including project website (if any);*
- *Contact information for the appropriate City Department;*
- *Clear presentation of the deadline and explanation of required feedback method.*

Evidence of Consultation:

The applicant must provide City Staff with evidence in the form of photographs of the public notice on the notice board in the City's Customer Care Centre. In addition original clippings or photocopies of newspaper publications shall be submitted clearly indicating the name of the publication and date of publication for each notice published.

7. Legislative Framework

This policy is created to help improve public consultation associated with the development application process. The Policy is supported by the following legislation:

The Local Authorities Act, Act 23 of 1992

Urban and Regional Planning Act, Act 5 of 2018

The Town Planning Ordinance 18 of 1954

The Windhoek Town Planning Scheme as amended

8. Implementation of Policy

When the policy has been formally approved by the Council, it will be published as a formal City Policy and be implemented as such.

9. 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. When the need arises the policy will be reviewed accordingly.

10. Reference Templates

- Standard Template: Neighbour Consultation Form (Town Planning Applications)
- Standard Template: Neighbour Consultation Form (3 Storey Dwelling Units and Coverage Applications)
- Standard Template: Building Line Relaxation
- Standard Template: Large Format Development Notice Sign
- Standard Template: Notice for Publication (Town Planning Applications)
- Standard Template: Notice for Publication (3 Storey Dwelling Units and Coverage Applications)