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# ACCOMMODATION ESTABLISHMENTS POLICY



**ACCOMMODATION ESTABLISHMENTS POLICY**  
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## 1. DEFINITIONS

In this Policy, unless the context otherwise indicates:

**“ACCOMMODATION ESTABLISHMENT”** means a building designed and/or used for the business of providing accommodation (including or excluding meals) for a reward and includes backpackers hostels, bed and breakfast establishments, campsites, camping and caravan parks, guest houses, lodges (other than tented lodges), rest camps, self-catering, hotels, hotel pensions, guest farms, resorts, permanent tented camps and tented lodges, lodges, and all other establishments classified as “accommodation establishments” by the Accommodation Establishments and Tourism Ordinance 20 of 1973, Namibian Tourism Board Act, 2000 (Act No 21 of 2000) and licensed under the Liquor Act, 1998 (Act No 6 of 1998)

**AWNINGS** means roof like structures that are normally made of canvas or plastic materials and serve as shelters often over storefronts, window, doors, or decks.

**“BEDROOM”** or **ROOM** means a room with or without bathroom facilities and shall consist of at least a bed and intended to be used by a guest.

**“COUNCIL”** means the Municipal Council of Walvis Bay

**“DENSITY OR DENSITIES”** means the maximum number of dwelling houses and dwelling units that shall be erected on an Erf.

**“DESIGNATED OFFICER”** means the employee of the Council appointed by it to administer this Policy and includes any other employee authorised in law to act on behalf of the designated officer.

**“DWELLING HOUSE”** means a dwelling, with or without an outbuilding, which consists of a suite of interconnected mutually adjacent living and sleeping rooms with at least a kitchen, a bathroom and toilet facilities, and designed for occupation by a single family; and may include a subsidiary dwelling unit.

**“DWELLING UNIT”** means a self contained suite of rooms designed or used as a residence by a single family or for one or more single persons.

**“HEIGHT”** refers to a **“STOREY”**, which means, the number of floors, where the ground floor (or storey) is included, provided that the maximum height of a storey shall be 4 metres. Any storey exceeding 4 metres in height shall be regarded as a pro rata plurality of storeys.

**“MINISTER”** means the Minister of Regional and Local Government, Housing and Rural Development



**“OUTBUILDING”** means a detached building or rooms being separate from the dwelling house and used in connection with the dwelling house, which shall be restricted to a maximum of 100m<sup>2</sup> and designed to be used for one or more of the following activities:

- (a) parking places
- (b) caretaker’s room with or without a toilet and/or bathroom and shall be restricted to 20 m<sup>2</sup>
- (c) store room that shall be restricted to a maximum floor area of 15 m<sup>2</sup>
- (d) study room that shall be restricted to 20 m<sup>2</sup>
- (e) home based business that shall be restricted to a maximum of 20% of the floor area of the dwelling house and shall not exceed 80 m<sup>2</sup>; **except in the case of a Shebeen, where the maximum size will be 20% of the area of the Erf and shall not exceed 80m<sup>2</sup>**
- (f) home based general dealer that shall be restricted to 30m<sup>2</sup> or 20% of the floor area of the dwelling house, whichever is the lesser
- (g) an entertainment room that means a room designed for recreational purposes by households of the dwelling house but shall not exceed 50m<sup>2</sup>

**"OWNER"** includes:

- (a) the registered owner;
- (b) the lessee under a lease registered under any law;
- (c) the person administrating the estate of any person referred to in the abovementioned 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.

**“PLACE OF ASSEMBLY”** means a venue where people may gather for occasional events other than the specified use of the building, but does not include uses classified under **PLACE OF AMUSEMENT**.

**"PLACE OF AMUSEMENT"** means a building designed for use, or land which is used for any one or more of the following uses and uses incidental thereto: theatres, cinemas, concert halls, billiard saloons, sports grounds, skating rinks, dance halls, amusement machines and for the purpose of exhibitions of trade or industry or other recreational purposes.

**“POLICY”** means the Accommodation Establishment Policy

**RONDAVELS** means traditional African style houses with thatch roofs, and are usually round in shape and traditionally made with materials that can be obtained in raw form locally.

**“SCHEME”** means the Walvis Bay Town Planning Scheme.

**“SERVICE AREAS”** means communal areas used by guests, such as dining room, kitchen, bar, lounge, laundrette, etc.



**“SUBSIDIARY DWELLING UNIT”** means an attached or detached dwelling (excluding the garage) that consists of interconnected mutually adjacent living and sleeping rooms with at least a kitchen, a bathroom and toilet facilities and designed for occupation by a single family; and shall be restricted to 50% of the floor area of the existing dwelling house or 100 m<sup>2</sup>, whichever is the lesser.



## **2. BACKGROUND TO ACCOMMODATION**

. The provision of accommodation is a prominent issue, particularly taking into account the global growth in tourism. It therefore follows that the provision of accommodation, in general, is perceived as a national priority. The Council itself has also identified tourism as an important objective with the approval of the Tourism Strategy for Walvis Bay. The provision of accommodation forms an integral part of that Tourism Strategy.

The provision of accommodation for business people, particularly in Walvis Bay, is also an important priority. Contrary to the tourism demand for accommodation, which is seasonal, the demand for accommodation for business people occurs throughout the year.

Nationally and internationally the demand for accommodation is split between business and tourist trade in a 40:60 ratio. The pattern of demand for the business trade is during the week, consistently through the year. The business trade demands good quality accommodation with a broad range of facilities, including telephones, fax, room service, parking facilities and secretarial services.

On the other hand, the pattern of demand for the tourist market is seasonal with clearly defined peaks and therefore erratic. The tourist trade requires the full range of accommodation from good quality to basic rudimentary accommodation. In recent times, the trend has moved away from hotels to more informal kinds of accommodation such as boarding houses, timeshare, , camping and caravanning.

## **3. OBJECTIVE OF THE POLICY**

The primary objective of the policy is to identify the types of accommodation establishments and to provide the Council guidelines in considering applications for the establishment of accommodation establishments in Walvis Bay.

## **4. TYPES OF ACCOMMODATION ESTABLISHMENTS**

4.1 Each type of accommodation establishment through the range has its own characteristics and requirements, ranging from a sophisticated city center location (5-star luxury hotel) to a remote location (tented lodge). Each type can also be considered as being complementary, rather than competitive, serving a particular market segment from holidaymakers, businessmen to students.

4.2 Furthermore, accommodation, by its very nature, forms a very small part of the urban or rural structure, generally having limited impact on its environment. Accommodation establishments must also be seen primarily as a residential land use, the only significant difference being the intensity of the development.



#### 4.3 Accommodation Establishments are as follows:

(a) Youth Hostels or Backpackers

Youth Hostels consist of a dormitory or hostel or any other facility in which accommodation is provided primarily to backpackers.

(b) Bed and Breakfast

Bed and Breakfast establishments provide accommodation to guests (within a dwelling house where the owner or the operator lives or subsidiary dwelling unit if on Single Residential zoned Erven), have at least two, but not more than five, bedrooms available for the accommodation of guests, and provides at least breakfast to guests.

(c) Campsites

Campsites are located on a specially designated camping sites where tents, awnings or other temporary structures can be erected by the guests for dwelling or sleeping purposes; and the site shall consists of ablution and toilet facilities for use by guests.

(d) Camping and Caravan Parks

Camping and caravan parks are to be located on specially designated sites and consist of pitches for the parking of caravans as well as camping sites for the erection of tents, awnings or other temporary structures.

(e) Guest Houses

Guest houses provides accommodation and at least breakfast facilities to guests (within a dwelling house or subsidiary dwelling unit if on Single Residential zoned Erven), and consists of at least five bedrooms (but not more than 9 bedrooms) for accommodation by guests.

(f) Lodges

Lodges are located on the outskirts of the built up urban area or other area within a natural environment where recreation facilities are provided, and consist of at least five bedrooms for the accommodation of guests, subject to compliance with the Walvis Bay Town Planning Scheme and Structure Plan.

(g) Rest Camps

Rest camps offer accommodation to guests primarily in rooms, rondavels or other accommodation units, and may include camping sites or caravan pitches; and consist of at least four accommodation units.



(h) Self-Catering

Self-Catering establishments offer accommodation on self-catering basis in a dwelling unit or subsidiary dwelling unit, and consists of at least one bedroom with a kitchen and lounge area and bathroom facilities.

(i) Permanent Tented Camps and Tented Lodges

Permanent tented camps and tented lodges are those accommodations located on the outskirts of the built up urban area or other area within a natural environment; and offer accommodation in permanent tents or other structures with walls of canvas or wood, reeds, grass or other natural material, and may include, in combination therewith, accommodation facilities in the form of camping sites or caravan pitches; and comprises of at 4 accommodation units, subject to compliance with the Walvis Bay Town Planning Scheme and Structure Plan.

(j) Guest Farms

Guest farms should be situated located on the outskirts of the built up urban area or other areas and within a natural environment where the owner of the establishment or other person in control thereof lives, , subject to compliance with the Walvis Bay Town Planning Scheme and Structure Plan.

(k) Hotels

Hotels consist of at least 20 bedrooms for the accommodation of guests, all of which must be *en suite* bedrooms.

(l) Hotel Pensions

Hotel Pensions consists of at least 10, but not more than 20, bedrooms for accommodation of guests.

(m) Resort

Resort establishments provide at least lodging, food, drink, sports, entertainment and shopping facilities to the guests.

4.4 Accommodation establishments may include guest service areas, which are defined to consist of a dining area, bar, laundry facilities, telephone, reception, etc.





## **5. STATUTORY CONTROLS**

- 5.1 In assessing applications for accommodation establishments, the Council (or its designated officers acting under Delegated Authority) shall have regard to conditions imposed by this Policy as well as relevant provisions of the Walvis Bay Town Planning Scheme, Structure Plan, Residential Density Policy and other relevant regulations.
- 5.2 Council may refuse a development that does not comply with these controls, or may seek to modify a non-complying development by imposing conditions designed to make it comply.
- 5.3 Applicants should be aware of the restrictions that lack of sewerage and electrical services may place on any given site and should consult the Department of Water, Waste and Environmental Management as well as Erongo Regional Electricity Distributor (Erongo RED) respectively at the outset.
- 5.4 No person shall conduct a business, which involves the supply of accommodation as defined in this Policy, unless he/she is in possession of a valid registration certificate issued by the Council.
- 5.5 A person whose accommodation has been registered shall in the conduct of the business comply with all the provisions of these bylaws and with the limitations, restrictions, terms and conditions imposed upon the approval of the registration of the business.
- 5.6 Where there is an inconsistency between this Policy and the Walvis Bay Town Planning Scheme, the Walvis Bay Town Planning Scheme prevails to the extent of such inconsistency.

### **5.7 Location of Accommodation**

- (a) Accommodation establishments must be seen primarily as a residential land use, but having a greater intensity. Therefore it follows that accommodation establishments can be located in a residential area subject to appropriate conditions of control, because a residential area offers:
- (i) A quiet location and relaxed home environment;
  - (ii) The on-site provision of the personal touch, as being home from home; and
  - (iii) Tariffs below normal hotel rates.
- (b) Accommodation establishments can also be provided on other zoned Erven, subject to compliance with the Town Planning Scheme.
- (c) The location should provide good quality traffic access and if possible visible exposure. Accessibility to the Town Centre (or other business areas) and other community facilities is also an important locational criteria.



- (d) Any location within the Town Centre or in outlying business area is suitable for (but not limited to) Hotels and Hotel Pensions subject to compliance with the Town Planning Scheme provisions.
- (e) The types of accommodation establishments allowed with or without Council's consent are outlined by the following table:

ZONING	ACCOMMODATION ESTABLISHMENTS THAT MAY BE PERMITTED WITHOUT THE SPECIAL CONSENT OF THE COUNCIL	ACCOMMODATION ESTABLISHMENTS THAT MAY BE PERMITTED WITH THE SPECIAL CONSENT OF THE COUNCIL
Single Residential	- None	Bed and Breakfast, Guest Houses and Self-Catering Unit
General Residential 1	- None	Youth Hostels or Backpackers, Bed And Breakfast, Guest Houses, Self-Catering, Hotels, Hotel Pensions
General Residential 2	Youth Hostels or Backpackers, Bed and Breakfast, Guest Houses and Self-Catering	Campsites, Camping and Caravan Parks, Rest Camps, Hotels, Hotel Pensions
Business 1	All Accommodation Establishments, with the exceptions of Lodges, Campsites, Camping and Caravan Parks, Rest Camps	None
Local Business	Youth Hostels or Backpackers, Bed and Breakfast, Guest Houses, Self-Catering Establishments	Hotels, Hotel Pensions
Light Industrial	None	Rest Camps Only
Institutional	Youth Hostels or Backpackers	None
Undetermined	None	As determined by Council
Special	None	As determined by Council
Combined Land Use	None	Rest Camps Only
Aerodrome	Hotels and Hotel Pensions	As determined by Council

**5.8 Size of Site and Number of Rooms to be Provided**



- (a) Within reason, there is no need to restrict the site size for accommodation establishments, rather its intensity.
- (b) It is recommended that 1 room be provided for every 100m<sup>2</sup> area of an Erf. In this way, the required parking, service areas, open space, landscaping and so on can be accommodated on the site.

### **5.9 Parking**

- (a) The required parking for all accommodation establishments, with the exception of hotels, hotel pensions, guest farms and resorts, is 1 bay/room or suite.
- (b) The required parking for licensed hotels, hotel pensions, guest farms and resorts is 1 parking bay/room or suite and 10 parking bays/100m<sup>2</sup> floor area for service rooms.

### **5.10 Building Lines**

- (a) The normal building lines, as stipulated by the Town Planning Scheme must be maintained to limit any effects on adjacent properties.

### **5.11 Height**

- (a) The height of buildings should be restricted in order to limit any effects of overlooking, privacy and so on.
- (b) In terms of this Policy, height restrictions are regulated in terms of the number of storeys and in accordance with the Walvis Bay Town Planning Scheme. The maximum number of storeys is as follows:
  - (i) "Single Residential": a maximum of 2 storeys;
  - (ii) "General Residential 1": a maximum of 3 storeys; and
  - (iii) "General Residential 2": a maximum of 5 storeys
  - (iv) "Local Business" or "Business 1": No restriction, but subject to Council's approval.
  - (v) "Combined Land Use" Erf: No restriction, but subject to Council's approval.
  - (vi) "Institutional" Erf: No restriction, but subject to Council's approval.
  - (vii) All other zonings: As determined by Council.
- (c) The Council may consent to the increase in the number of storeys, if adequate proof is provided, as follows:
  - (i) An increase in the number of storeys can be permitted on Erven zoned as "Single Residential" up to a maximum of 3 storeys and the total height of the building from the street level shall not exceed 10 metres.

(ii) An increase in the number of 11 stores from 3 up to a

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maximum of 4 storeys on a “General Residential 1” Erven.

- (iii) The increase in the number of storeys on “General Residential 2” Erven will be determined by Council on ad hoc basis.

### **5.12 Quality and Nature of the Development**

- (a) By its very nature the development of accommodation establishments must be complementary to and compatible with the environment within which they are situated. This means that careful attention will need to be given to the positioning, height, coverage, massing of proposed buildings relative to adjacent properties.
- (b) It is therefore recommended that a comprehensive site development plan be prepared dealing with these issues for submission to and consideration by the Aesthetics Committee prior to development proceeding.
- (c) Any accommodation establishment will consist of residential rooms, suites, or units with limited services such as lounge, dining room and private bar. No public gatherings can be permitted to take place and no public restaurants, public bars and so on can be permitted to take place on “Single Residential” zoned erven.
- (d) An accommodation establishment conducted from a “Single Residential” erf is that it be privately owned, with the owner living on site. In this way the development will express an extension of the owners individual character. The character of an accommodation establishment is that of personalised service, lack of uniformity, tranquillity and ambience, reflecting a home environment.
- (e) Public gatherings, public restaurants, public bars and so on can only be permitted on other erven that are not zoned as “Single Residential” in terms of the Scheme.

### **5.13 Impact on the Neighbourhood**

- (a) The traffic generation of an accommodation establishment will not be such that it will increase significantly to the detriment of a residential environment. The road system can accommodate any additional traffic generated. Furthermore, deliveries will be via light delivery vehicles rather than large vehicles, a common occurrence in any residential area.
- (b) In the case of accommodation establishments conducted from “Single Residential” zoned erven, boundary walls on common boundaries with adjacent properties, and if required, along the street front to screen adjacent properties from any proposed development should be erected. In addition, normal building lines should be maintained as far as possible.

## **6. APPLICATIONS FOR CONSENT FOR 12 ACCOMMODATION ESTABLISHMENTS**



6.1 Any person who intends conducting a business involving the supply of accommodation on an Erf, Portion or Farm, whereby that type of Accommodation Establishment is a consent use, shall apply for registration of the business or proposed business to the Council in writing on the prescribed forms and such application shall be accompanied by the following:

- (a) A letter stating the intent and motivating the proposed accommodation establishment;
- (b) Consent application form, obtainable at the Town Planning Offices;
- (c) A site plan indicating the parking;
- (d) A layout plan of the building or buildings on the premises indicating rooms to be used for accommodation establishment; the location of cooking facilities, bathrooms, showers, toilets, laundry facilities, reception, etc;
- (e) Copy of Title Deeds: obtainable from either the bondholder or the Registrar of Deeds in Windhoek.
- (f) Proof that the notice has been published twice for two consecutive weeks in a newspaper circulating the Walvis Bay Municipal area.
- (g) Proof that the notice has been displayed on the site for a period of fourteen (14) days of the appearance of the advertisement in the Press.
- (h) An Affidavit form, obtainable from the Town Planning Section Offices, certifying display of the on-site notice.
- (i) Proof that adjacent owners have been notified by registered post or personally.
- (j) If the applicant is not the registered owner of the premises, the application shall be accompanied by a Special Power of Attorney or a letter of authorization from the registered owner; and
- (k) Copies of any objections or comments, if any.

and provided that the designated officer may require an applicant to submit such other plans, documents and information as deemed necessary for the purpose of considering any application or a particular application.

6.2 Consent Conditions for Accommodation Establishments on Single Residential, General Residential 1 Erven:

- (a) Access to and from the site shall be to the satisfaction of the General Manager: Roads and Building Control.
- (b) The area of the service areas<sub>13</sub> (kitchen/lounge/dining room/private



bar) shall not exceed the area of the rooms for accommodation purposes.

- (c) On-site parking shall be provided in the ratio of 1 bay per room for accommodation purposes.
- (d) No signs shall be erected without the consent of the General Manager: Roads and Building Control.
- (e) The service areas shall only be used by bona-fide residents and their guests and not to the general public (except for General Residential 1 Erven).
- (f) Meals may only be supplied to bona-fide residents and their guests and not to the general public (except for General Residential 1 Erven).
- (g) Only an on-site consumption of liquor license shall be permitted.
- (h) Neither buildings no grounds shall be used as an entertainment hall, amusement area or for any other similar use.
- (i) The scale and appearance of the buildings and grounds shall be residential in character.
- (j) The owner shall live on the site (in cases of Erven zoned as "Single Residential").
- (k) The Council requires the registration of Accommodation Establishment with the Namibia Tourism Board in terms of the Namibia Tourism Board Act, 2000 (Act No. 21 of 2000).
- (l) The approval is subject to the applicable laws and regulations of both the Government and the Municipality.
- (m) All rates and services charges for business be made applicable.
- (n) All costs with regard to the upgrade of electricity, water, sewerage and all other services be borne by the developer and/or owner
- (o) That should valid complaints be received or the imposed conditions not be complied with and after giving the owner 14 days written notice, consent may be withdrawn.

6.3 The consent for Accommodation Establishments lapses when the property is leased, transferred or alienated in whatever way. In the case of properties registered under "Close Corporations", the consent is applicable to the current member of the CC at the time of consent application. Should the CC be sold or transferred to a different member, consent shall lapse.

#### 6.4 Consent Conditions for Accommodation<sup>14</sup>

#### Establishments NOT located on Single

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Residential, and for Hotels and Hotel Pensions located on General Residential 1 and General Residential 2 Erven:

- (a) Access to and from the site shall be to the satisfaction of the General Manager: Roads and Building Control.
- (b) The area of the service areas (kitchen/lounge/dining room/private bar) shall not exceed the area of the rooms for accommodation purposes.
- (c) On-site parking shall be provided in the ratio of 1 bay per room for accommodation purposes and 10 bays per 100m<sup>2</sup> floor area of service rooms (for Hotels and Hotel Pensions)
- (d) On-site parking shall be provided in the ratio of 1 bay per room for accommodation purposes
- (e) No signs shall be erected without the consent of the General Manager: Roads and Building Control.
- (f) The service areas shall only be used by bona-fide residents and their guests and not to the general public (except for General Residential 1 Erven).
- (g) Meals may be supplied to bona-fide residents and their guests and to the general public.
- (h) Only an on-site consumption of liquor license shall be permitted.
- (i) Accommodation establishments may comprise a Place of Assembly, but neither buildings nor grounds shall be used as a Place of Amusement (an entertainment hall, amusement area or for any other similar use).
- (j) The Council requires the registration of such an establishment with the Ministry of Environment and Tourism in terms of the Namibia Tourism Board.
- (k) The approval is subject to the applicable laws and regulations of both the Government and the Municipality.
- (l) All rates and services charges for business be made applicable, if the accommodation establishment is not located on a "Local Business" or "Business 1" zoned Erf.
- (m) All costs with regard to the upgrade of electricity, water, sewerage and all other services be borne by the developer and/or owner
- (n) That should valid complaints be received or the imposed conditions not be complied with and after giving the owner 14 days written notice, consent may be withdrawn.

## **7. OPERATIONAL MATTERS**



7.1 Rates shall be displayed in rooms or service areas.

7.2 The Registration Certificate of Fitness shall be publicly displayed at all times in the office or reception area of the accommodation establishment or licensed hotel to which it relates.

7.3 The designated officer and other employee of the Council shall at all reasonable and appropriate times be entitled to enter upon the premises to determine whether this Policy is being complied with.

7.4 If the rights obtained by virtue of the grant by Council of a Consent for accommodation establishment or licensed hotel, are not exercised within 24 months of the grant of such Consent or, the rights having been exercised, the use permitted thereunder is interrupted for a continuous period of 18 months, the consent shall *ipso facto* lapse, unless any condition upon which such Consent was granted specifically provides otherwise in regard to the lapsing of such Consent.

## **8. FINANCIAL IMPLICATIONS**

By its very nature this policy does not introduce any direct financial implications for the Council. It simply serves as guidance document for implementation by property owners through the Council.

Accommodation establishments and licensed hotels generate an added load on the Council's service infrastructure and, in particular, as far traffic generation, water consumption and sewer services are concerned. Based on this, all rates and services charges for business shall be made applicable.

## **9. APPEALS**

Any person, who is aggrieved by a decision of the Council made under this Policy, has the right to appeal (within 28 days of the date of the notice conveying such a decision) to the Minister against the whole or any part of that decision.

