



# EFFECTIVENESS OF PLANNING LAW IN SUB-SAHARAN AFRICA

URBAN LEGAL CASE STUDIES | Volume 8



**UN****HABITAT**  
FOR A BETTER URBAN FUTURE

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IN SUB-SAHARAN AFRICA**

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**VOLUME 8**

2019

**UN**  **HABITAT**  
FOR A BETTER URBAN FUTURE

## **EFFECTIVENESS OF PLANNING LAW IN SUB-SAHARAN AFRICA**

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United Nations Human Settlements Programme (UN-Habitat)

P. O. Box 30030, 00100 Nairobi Kenya

Tel: 254-020-7623120 (Central Office)

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### **ACKNOWLEDGEMENTS:**

Principal author: Samuel Njuguna

Team leader: Anne Amin

Coordinator: Robert Lewis-Lettington

Contributors: Anne Amin, Katherine Cashman, Marie-Pia Tixier

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Kampala, Uganda. © Eduardo López Moreno

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## **EDITOR'S NOTE**

The research for the city of Beira was conducted in November 2018, barely four months prior to the devastating Cyclone Idai making landfall near Beira on 14th March 2019 and consequently destroying 90% of the city according to the International Federation of Red Cross and Red Crescent Societies.

# SUMMARY FINDINGS

## I. THE PLANNING LAW RESEARCH

Using the Global Sample of Cities (see Annex) as a statistically representative dataset, the Urban Legislation Unit of UN-Habitat has conducted an objective, evidence-based assessment on the application of physical planning laws. The Global Sample makes it possible for individual values to be assigned to cities after which the variations in these figures can be studied among the world regions, income groups, or population sizes.<sup>1</sup> The following comparative analysis considers the Sub-Saharan African regional sample, which consists of the following eighteen (18) cities:

Global Sample of Cities in Sub-Saharan Africa	
Angola	<b>Luanda</b>
Dem. Republic Congo	<b>Kinshasa   Lubumbashi</b>
Ethiopia	<b>Addis Ababa</b>
Ghana	<b>Accra</b>
Kenya	<b>Nakuru</b>
Mali	<b>Bamako</b>
Mozambique	<b>Beira</b>
Nigeria	<b>Gombe   Ibadan   Lagos   Oyo</b>
Rwanda	<b>Kigali</b>
South Africa	<b>Johannesberg   Port Elizabeth</b>
Tanzania	<b>Arusha</b>
Uganda	<b>Kampala</b>
Zambia	<b>Ndola</b>

Figure 1: The 18 cities in the Sub-Saharan Africa Regional Sample

<sup>1</sup> Shlomo Angel et al., Atlas of Urban Expansion Volume 1: Areas and Densities (Co-published by New York University, UN-Habitat and Lincoln Institute of Land Policy 2016) pages 12. <https://www.lincolnst.edu/sites/default/files/pubfiles/atlas-of-urban-expansion-2016-volume-1-full.pdf>

For the data collection process, the Legislation Unit developed a questionnaire, consisting of 17 questions, categorized under the following four thematic areas: 1) Urban Areas; 2) Urban Plans; 3) Land Administration; and 4) Institutional Framework. The questionnaires have been completed by a variety of UN-Habitat offices and partners but, in all cases, the Legislation Unit has guided and finalised their development. This has ensured the comparability of findings in all except the instances where data was not available.

The data gathered from this research will support an assessment of whether existing planning laws are being applied in urban areas. This is particularly relevant for UN-Habitat's work on urban law; to promote enabling legislation adequate to meet the challenges of rapid urbanization. By providing substantive knowledge on the state of planning law regionally and globally, it is hoped that the study will help city managers to rethink the sustainability of the urbanization model; and create systems that can result in equity, shared prosperity and environmental sustainability. These are the key principles reflected under international commitments such as the New Urban Agenda and the 17 Sustainable Development Goals (SDGs) – in particular SDG 11.

This study considers whether the law is being applied as written. This informs discussion of the effectiveness of legislative design, i.e. are laws being designed to be effective on the ground. There is no intention to consider the relative merits of the planning outcomes that the laws seek to achieve. That would be a question of planning policy rather than law. In colloquial terms, we are only asking, 'does the law do what it says on the packet'?

## II. THE FINDINGS

### A. URBAN AREAS

This section assesses whether the city has a mechanism to separate urban (built up or buildable) from non-urban land (i.e. agrarian, forested, environmentally-protected, etc.). It also describes the current density of people in the growth boundary or the closest equivalent to this, which is the current population density in the existing urbanized area. Finally, this section considers how long it would take to reach the UN-Habitat recommended minimum average population density of 15,000 people per km<sup>2</sup>.

## Growth Boundaries

An urban growth boundary is a growth management tool designed with the aim of limiting urban expansion but not necessarily with the intent of densifying the entire urbanized area. As such, it provides an indicator of whether the law reflects a policy of compactness, even if not as a direct proxy. In the Sub-Saharan African region, two types of growth boundaries are in use:

- a) An *explicit* boundary line that is set by either a spatial plan or regulatory instrument. Four cities<sup>2</sup> (22%) use this mechanism.
- b) An *implicit* boundary line that is established by the accumulated boundaries of land use zones in spatial plans. This is the prevalent type applied by ten cities<sup>3</sup> (56%).

A further four cities<sup>4</sup> (22%) have no form of growth boundary.

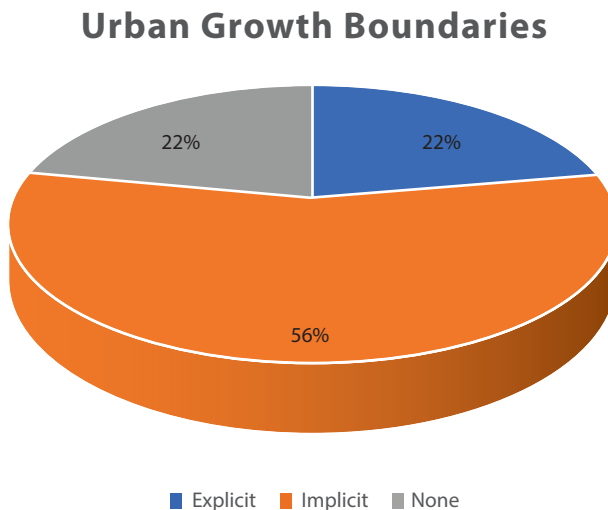


Figure 2: Types of urban growth boundaries.

<sup>2</sup> These include: Gombe, Johannesburg, Port Elizabeth and Kigali.

<sup>3</sup> Addis Ababa, Arusha, Beira, Kampala, Kinshasa, Lagos, Nakuru, Luanda, Bamako and Lubumbashi.

<sup>4</sup> These include: Accra, Ibadan, Ndola and Oyo.



In all the cities with implicit boundaries, current development extends beyond the areas legally available for urbanization. However, there are mixed results in cities using explicit growth boundaries. The two cities (out of four), where the explicit boundary appears to be effective, come from the same jurisdiction (South Africa). Of the two that do not appear to be effective, the Kigali master plan is relatively new. Therefore, there is no evidence regarding which of the two types of growth boundaries is more effective in achieving its objectives.

## Population Density

Population density is an important factor in understanding how cities function to promote sustainable urban extension. While functional compactness, linking density to other factors, is the more important concept for sustainability, simple density is an effective indicator. UN-Habitat proposes a minimum of 15,000 people per km<sup>2</sup> as a foundation for a sustainable neighbourhood in a compact city.<sup>5</sup> The density of a city determines how close to urban activities most people can be. Very high-density city centres mean that most destinations can be reached with a short walk or they can have highly effective public transport opportunities due to the concentration of people near stations.<sup>6</sup> A gross density range of between 15,000 to 45,000 people per km<sup>2</sup> is suggested as public transport sustainability benchmark.<sup>7</sup>

In the Sub-Saharan African sample, the average population density in the built-up area is 4,815 people per km<sup>2</sup>. The cities of Accra and Kinshasa are the outliers because the research was conducted in the urban core<sup>8</sup>, which means that they have surpassed the UN-Habitat target density of 15,000 people per km<sup>2</sup>. It would take the remaining 16 cities (89%), an average of 60 years to reach this density. Ndola will take the longest time, 182 years, while Kampala will reach the target density in 17 years.

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<sup>5</sup> UN-Habitat, 'A New Strategy of Sustainable Neighbourhood Planning: Five Principles.' Urban Planning Discussion Note 3. [https://unhabitat.org/wp-content/uploads/2014/05/5-Principles\\_web.pdf](https://unhabitat.org/wp-content/uploads/2014/05/5-Principles_web.pdf) pg. 4.

<sup>6</sup> UN-Habitat, *Planning Sustainable Cities: Global Report on Human Settlements* (UN-Habitat 2009) pg. 124.

<sup>7</sup> UN-Habitat, *Urban Patterns for a Green Economy: Leveraging Density* (UN-Habitat 2012) pg. 28.

<sup>8</sup> For instance, in Accra, our study could not cover the entire metropolitan area because during our site visit in 2018, the relevant planning authority (the Metropolitan Assembly) already had its jurisdictional powers limited to the urban core (16% of the metro area).

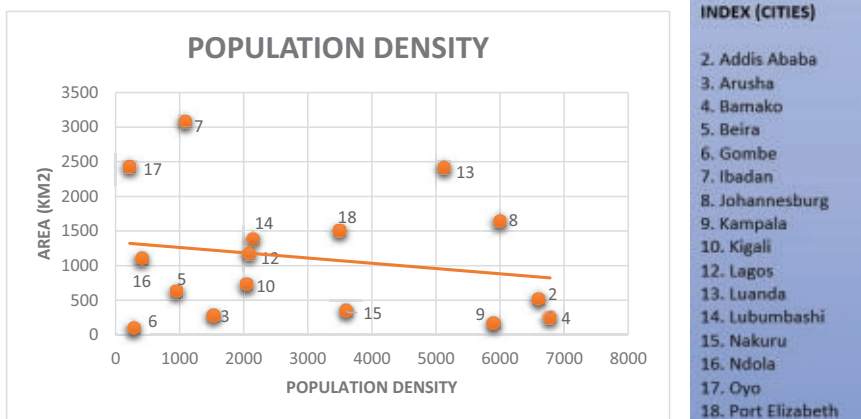


Figure 3: Correlation between population density (p/km2) and land area (km2).

If a typical citywide plan has a lifespan of 20 to 30 years, the regional mean average of 60 years to achieve a target density suggests a prevalent trend where growth boundaries are relatively expansive as compared to need. This encourages sprawl, increases the per capita cost of service provision and indicates that the objective of achieving compactness is not reflected in the planning process and its outcomes.

## 2. URBAN PLANS

This section seeks to analyse planning law requirements on the adoption of spatial planning instruments, the age range and average age of these plans and compliance with land-use zoning regulations. The analysis covers all the spatial plans that have been approved and are in-force for a given city. This includes the land-use plans covering a specific area of the city i.e. boroughs, divisions, communes etc. normally identified as detailed local plans.

### Spatial Instruments

Spatial plans create a path for urban growth that seeks to maximise the positive and minimise the negative effects of urbanization. They are not simply images of what is desired but also include a variety of regulatory tools for the management of the built environment. Their efficacy depends on the coordination of the planning system

hierarchy in place. This implies consistency of land-use planning policy objectives from the national to the local and neighbourhood scale, in a system that enables more detailed plans to remain in line with the upper level plans. Moreover, planning laws should not require more plans and tools than can be produced and effectively implemented with the capacity of the authority.

In Sub-Saharan Africa, the in-force planning laws have a mean average age of 14 years. They require between one and six different types of plans to be prepared at the city level, with a mean average of three. The general pattern (modal average) is the requirement to prepare two types of spatial instruments: a city-wide plan and detailed local plans.

In four (22%) cities<sup>9</sup>, where only one type of plan is legally required it exists in all four. In 13 of the remaining 14 cities (93%), where two or more type of plans are legally required, only Johannesburg has attained full implementation of the required plans.<sup>10</sup> The rate of full implementation for required plans for this region, therefore, stands at 28% (5 cities). Important parts of the planning system are non-functional in a significant majority of cities. Most cities in this region should evaluate the number of plans required by law against the number of planners available to prepare and maintain them to increase the potency of the planning system.

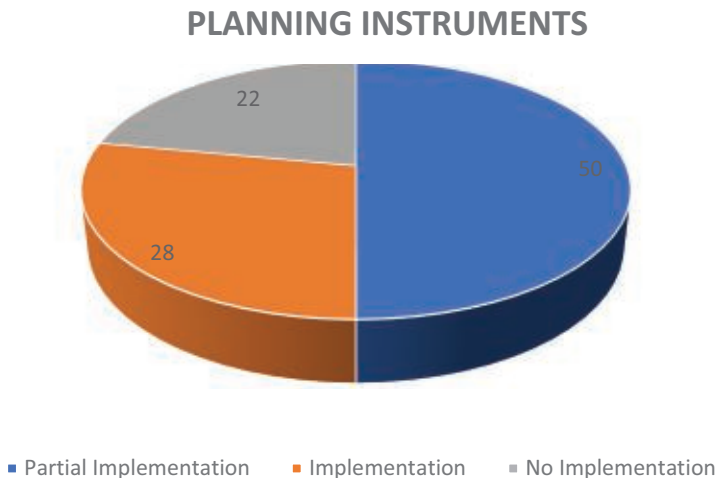


Figure 4: Implementation rate of legally required spatial instruments.

<sup>9</sup> Bamako, Kampala, Kinshasa and Lubumbashi.

<sup>10</sup> In this city, there are 84 plans currently operational, but the year of approval could not be ascertained in 21% (18) of the plans.

City-wide plans have an average age of 10 years while detailed local plans have an average age of 8 years.<sup>11</sup> This is well within rule of thumb estimates for the renewal of plans and suggests that there is a legal or policy impetus for cities to frequently update their planning frameworks.

### Compliance with Land-use zoning

To assess whether physical development on the ground complies with the zoning standards prescribed in the in-force spatial plans, physical spot checks were conducted in two sites, which are each about one block or equivalent. One site in, or in proximity to, a district predominantly commercial in character and the second site closer to the growth boundary or edge of the built-up area.

The spot check analysis in Sub-Saharan Africa indicates that land-use compliance is high (85%) in the urban commercial core (Central Business District) and low (38%) in the city peripheries. Recognizing that simple land use is a basic standard to assess compliance, it will be useful to expand the spot check analysis beyond land use and investigate other metrics such as volumes and setbacks.

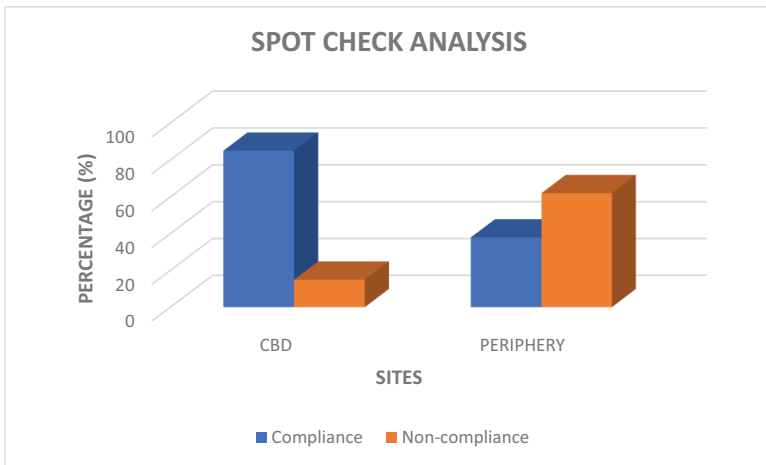


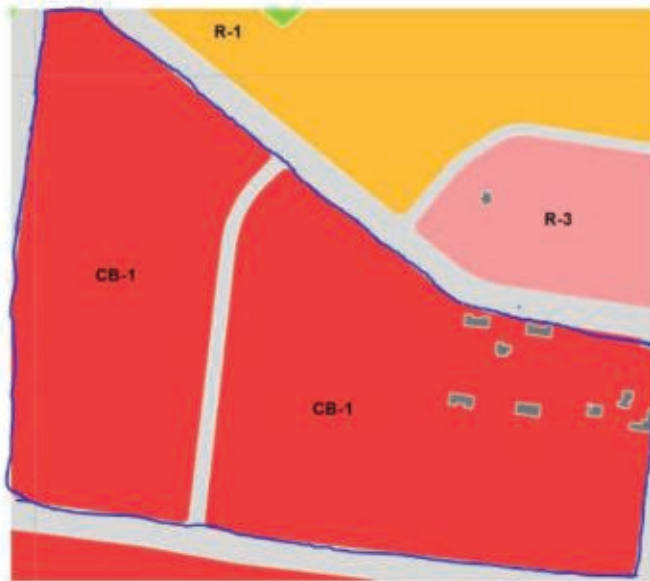
Figure 5: The compliance rate with land-use zoning between commercial areas (CBD) and sites in the city periphery.

<sup>11</sup> The in-force city-wide plans analyzed are 16 while the operational detailed local plans are 194.

A general summary of the findings for each site is provided below:

### Site One (Commercial/CBD)

In Addis Ababa, the spot check was conducted in the Central Business District, Menelik II Avenue off Zewditu Street which is earmarked as Commercial (CB-1) by the Land Use Code of the Structural Plan (2013-2023). Current development is compliant with the plan.



Sub Category	Code	Color	Prohibited Use	Basic/ Mandatory Regulation
Commerce	CB-1	Red	Large Scale Manufacturing and Storage With an area more than 500 m2	At least 30% of the permitted function should be residence (30 % of the FAR excluding parking space )
			Treatment Plant & Landfill Site	
			Cemetery , Religious Institutions	Social Service , Administration, Car Parking Building, Public Park ,Hotel, are not obliged to incorporate Residence
			Slaughter House	
			Stadium, prison, military establishment	Corporate Head quarter Dedicated for one institution(not for rental) are not obliged to incorporate Residence
Quarry and Mining				

Source: Addis Ababa City Government Plan Commission



The images show the presence of banks, cafes and offices which complies with the zoning requirement.  
Source: UN-Habitat

In contrast, in Lagos, the Iddo waterfront next to the Lagos Island CBD is intended by the Mainland Model City Plan (2012) to be redeveloped into a “*mixed-use commercial, retail and residential district with an iconic public waterfront*”. However, the spot check revealed that the waterfront is underdeveloped with the presence of low-rise buildings coupled with clusters of informal settlements.



Source: Lagos State Ministry of Physical Planning and Urban Development



The images show the site is underdeveloped which contradicts the plan.  
Source: UN-Habitat

### Site Two (Closer to the growth boundary or edge of the built-up area)

In Nakuru, the spot check was conducted in Umoja II which is demarcated as an agricultural area by the Nakuru Strategic Structural Plan (2000). However, permits particularly for the construction of medium density residential apartments contradict the plan.



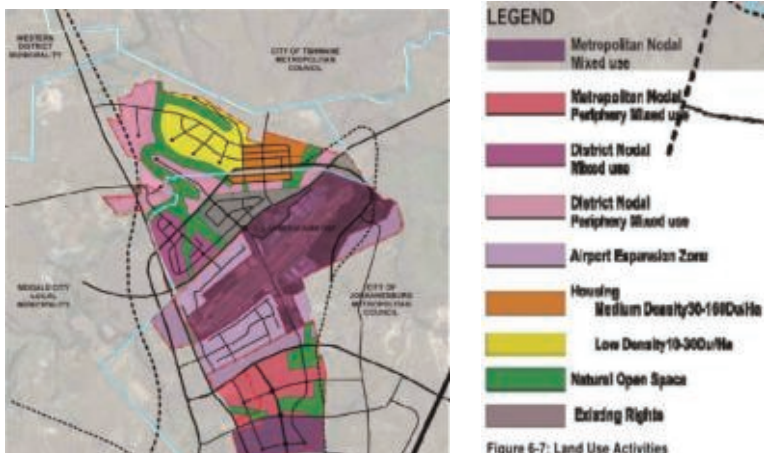
LEGEND	
1. PROTECTED AGRICULTURE (SMALL FARMS)	11. DUMPING GROUND (TO BE RELOCATED)
1A. PROTECTED AGRICULTURE (BIG FARMS)	12. INDUSTRY
2. HIGH VALUE INVESTMENT AREAS	13. LOW DENSITY SETTLEMENT
3. MIXED URBANITY	14. MEDIUM DENSITY SETTLEMENT
4. CENTRAL BUSINESS DISTRICT	15. HIGH DENSITY RESIDENTIAL
5. - 6. *INDISCERNIBLE	16. LIGHT INDUSTRY
7. STRATEGIC NODES	17. DAUL CARRIAGE WAY
8. PUBLIC GREEN SPACE	18. ELEVATED HIGHWAY
9. INSTITUTIONS	
10. TOURISM	

Source: Nakuru County Directorate of Lands and Physical Planning



Authorized construction of a residential apartment is contrary to the prescribed zoning.  
Source: UN-Habitat

On the other hand, in Johannesburg, the southern part of Cradle City, that is to be preserved as a wetland pursuant to the Cradle City Master Plan (2008), retains its natural state.



Source: Johannesburg Metropolitan Council





The images show the natural wetlands landscape which complies with the stipulated land use. Source: UN-Habitat

### 3. LAND MANAGEMENT

The aim of this section is to assess whether legal parameters to regulate parcelling and land subdivision exist, the volume and nature of plot subdivisions and the records of public acquisition of land. These are key baseline indicators of an active land management system.

#### Plot sizes and subdivisions

The size and permitted coverage area of plots, and to a large extent blocks that may be built upon has a significant impact on the accessibility of land and on street dynamics and service demands. These elements should be effectively regulated and actively managed to fairly balance burdens and benefits. UN-Habitat proposes that regulatory regimes should explicitly advocate for the creation of small serviced plots (20-100 m<sup>2</sup>) to generate compact building forms as opposed to excessively large plots (+850 m<sup>2</sup>) that make density difficult to achieve.<sup>12</sup>

In Sub-Saharan Africa, the mean average plot size for residential use is 591 m<sup>2</sup>. Addis Ababa has the smallest minimum plot size for residential use (75 m<sup>2</sup>) while Lubumbashi has the largest (1,600 m<sup>2</sup>). These findings indicate that smaller plots that would support densification and the generation of flexible street networks that favour walkability and biking are being constrained.

<sup>12</sup> UN-Habitat, *Fundamentals of Urbanization: Evidence Base for Policy Making* (UN-Habitat 2016), pp. 16.

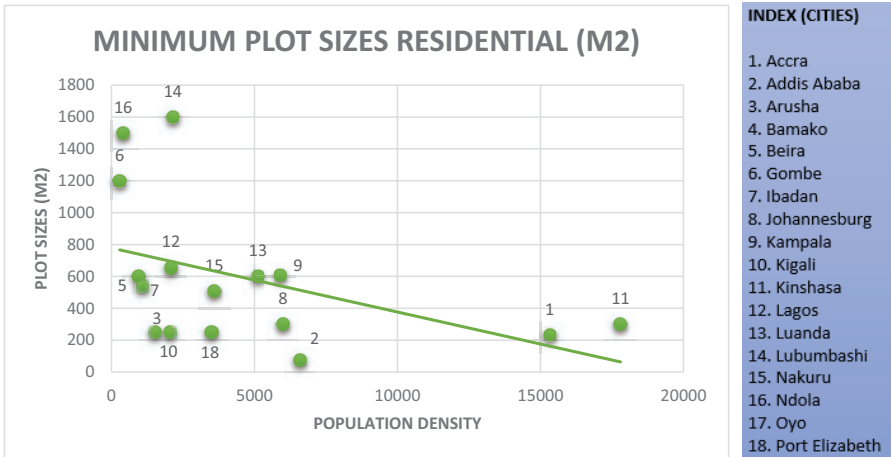


Figure 6: Plot sizes for residential use and population density.

Regarding plot subdivisions, data on the annual volumes is unavailable in five cities (28%). In the remaining 72%, Arusha, Bamako and Oyo recorded zero subdivisions, while Johannesburg recorded the highest number- 10, 936. Given the wide range of values, the median average, which is 40, best describes the tendency. It should be noted that due to challenges facing city officials in accessing and compiling formal records, the information may not have been reported correctly and extensively.

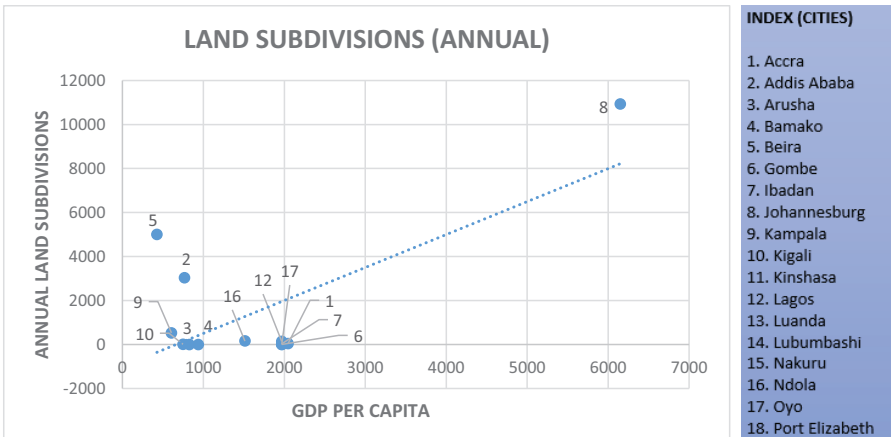


Figure 7: Land subdivisions and GDP per capita.

## Public Acquisition of Land

Public acquisition of land through expropriation is the most common way cities acquire land for streets, public spaces and infrastructure. This approach relies on the exercise of the eminent domain or compulsory purchase power of the national or sub-national government to acquire land from private owners for a purpose deemed to be in the public interest subject to a fair compensation. This can be a useful indicator of active land management by public agencies.

In Sub-Saharan Africa, from 2013–2018, no records of public acquisition of land could be found in eleven cities<sup>13</sup> (61%). The remaining seven cities (39%), averaged 1,008 acres of public acquisition of land. However, in three of these cities<sup>14</sup>, the numerical figure of the land area acquired could not be ascertained. This suggests that the process of land acquisition for public purposes is poorly recorded. This may create problems with accountability against planning and public service objectives.

## 4. INSTITUTIONAL FRAMEWORK

This section aims to assess the human and administrative capacity of planning institutions to respond to local needs and priorities. The other objective is to assess the process of enforcing and monitoring compliance with development planning.

### Management of Urban Planning and Development Control

The institutional procedural structures, which are mostly determined by law, are central to the delivery of the technical planning standards. The level at which spatial and administration functions are managed (national, regional or local) will affect the ability of citizens to adequately engage in decision-making as well as holding public institutions accountable.

In Sub-Saharan Africa, nine cities<sup>15</sup> (53%) manage planning at the municipal level while eight cities<sup>16</sup> (47%) do so at the regional level.

<sup>13</sup> Accra, Bamako, Beira, Gombe, Ibadan, Kinshasa, Lagos, Luanda, Nakuru, Oyo and Port Elizabeth.

<sup>14</sup> Johannesburg, Kigali and Lubumbashi.

<sup>15</sup> Accra, Addis Ababa, Arusha, Beira, Johannesburg, Port Elizabeth, Kampala, Kigali and Ndola.

<sup>16</sup> Gombe, Ibadan, Lagos, Oyo, Kinshasa, Lubumbashi, Nakuru and Luanda.

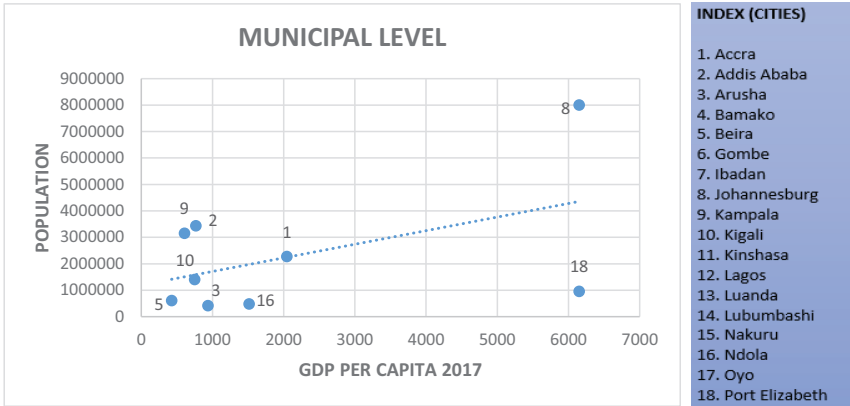


Figure 8: Municipal level planning and city population.

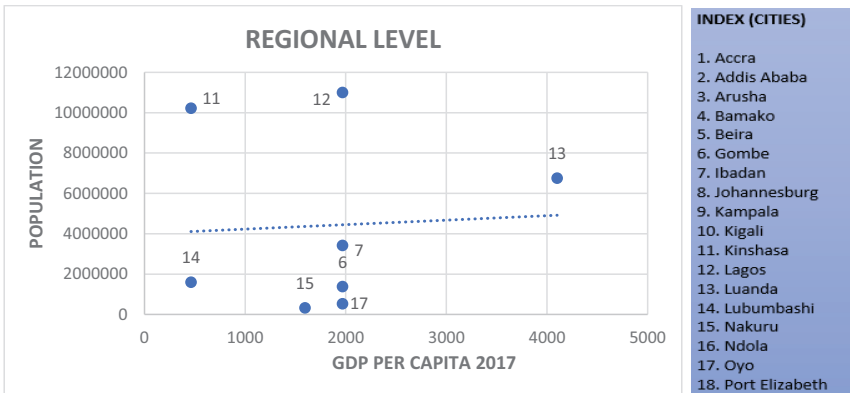


Figure 9: Regional level planning and city population.

### Staffing Capacity within Planning Institutions

For formal planning to be effective, existing human and administrative capacities within planning institutions must be adequate to effectively respond to local needs and priorities. Planning law requirements have a higher chance of success if met by realistic enforcement strategies within the capacity of those in charge of compliance.

In Sub-Saharan Africa, the median average of professional staff in planning institutions is 36. Lagos has the highest number of professional staff (613) while Bamako has the least (9).

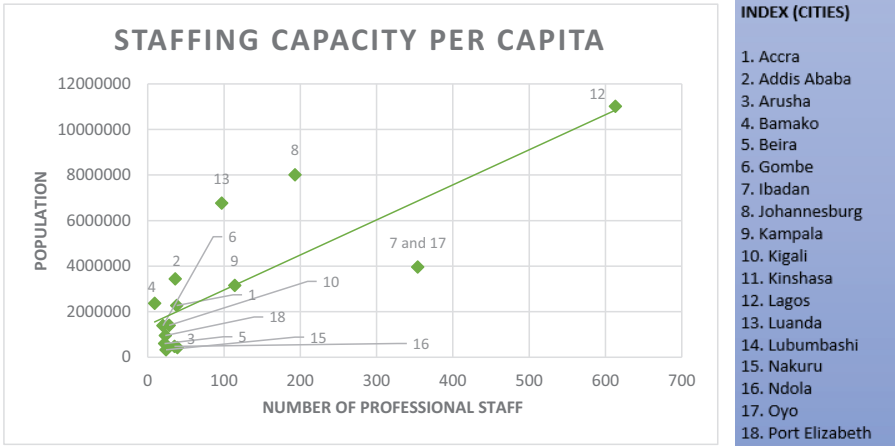


Figure 10: Existing professional staff and the city population.

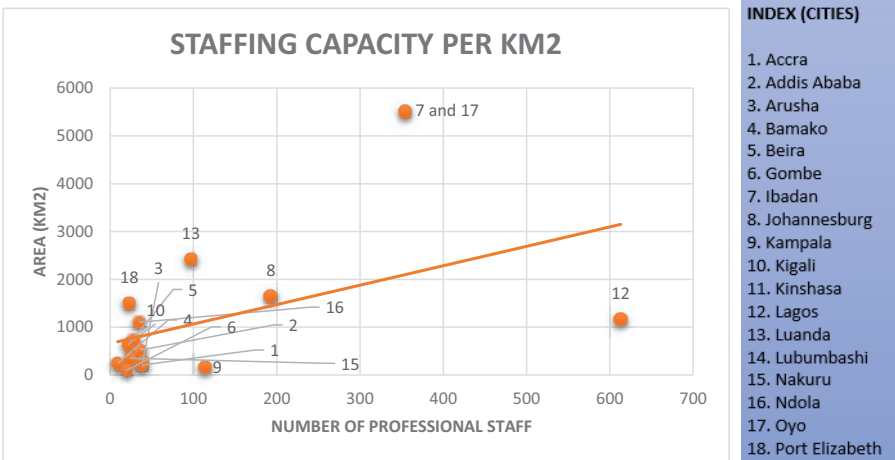


Figure 11: Existing professional staff and the city geographical area (km²).

To overcome staffing capacity constraints, cities should match their degree of autonomy and privileges to a set of performance indicators, which might include total expenditure, degree of self-sufficiency (i.e., proportion of own revenues to total), budget management performance (i.e., absence of deficits), and service delivery performance (i.e., client surveys). This would allow the legal and regulatory frameworks to adjust for changes in local capacity.<sup>17</sup> Additionally, the focus should be on managing developments that have significant environmental or social impact. Urban action planning is one approach recommended for increasing

<sup>17</sup> World Bank, 'Political Decentralization' <http://www1.worldbank.org/publicsector/decentralization/political.htm>

the capacity of understaffed planning entities. It can address a wide range of issues including: the protection of built heritage, small-area planning and initiating locally-based development programmes to improve the urban environment and economy.<sup>18</sup>

### Administrative Actions to Enforce Development Control

Whilst the adoption and communication of a law sets the framework for achieving a policy objective, effective implementation, compliance and enforcement are essential for meeting the objective. In the context of urban development, the imposition and enforcement of a land-use regulation is significant for optimum and sustainable use of land. Planning laws contain sanction provisions that mandate planning authorities to undertake various administrative actions to penalize development planning breaches such as unauthorized construction.

In Sub-Saharan Africa, records of administrative action to enforce development planning could be found in fifteen cities<sup>19</sup> (83%). With regards to sheer volume, prosecution is the most commonly applied enforcement action.<sup>20</sup> A total of 5,138 enforcement actions have been undertaken annually in the region with a mean average of 343 per city.

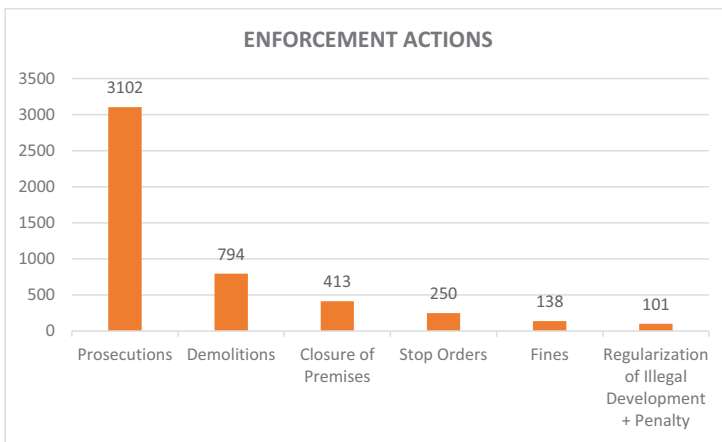


Figure 12: Types of enforcement actions.

<sup>18</sup> Avis, W. R. (2016), 'Urban Governance (Topic Guide)' GSDRC, University of Birmingham.

<sup>19</sup> The three cities where records could not be ascertained include: Luanda, Addis Ababa and Kinshasa.

<sup>20</sup> In two cities, Nakuru and Kigali, the total number of the enforcement action could not be disaggregated. 140 and 200 respectively.

### The Global Sample of 200 Cities

The Global Sample of Cities (Atlas of Urban Expansion) is a database of indicators for a representative sample of 200 cities worldwide.<sup>21</sup> The city selection is based on a representative sample of all global cities with populations of 100,000 or more in 2010. Cities were defined by their geographic extent (i.e. continuous built-up area) rather than municipal boundaries. Based on this definition, a universe of 4,231 cities was identified, drawing upon population data from the UN Population Division, the website <http://citypopulation.de/> and the Chinese Academy of Social Sciences.<sup>22</sup>

From the total universe of cities, 200 were selected with a stratified sampling technique designed so that results would be generalizable to the entire universe of cities. The sample drew a random selection of cities from eight world regions in proportion to the urban population in each region. These regions are as follows:

- East Asia and the Pacific;
- Europe and Japan;
- Land-Rich Developed Countries;
- Latin America and the Caribbean;
- South and Central Asia;
- Southeast Asia;
- Sub-Saharan Africa; and
- Western Asia and North Africa.

The sample also drew at random an approximately equal number of cities from four size categories, (each size category contains approximately 25% of the global urban population):

- 100,000 - 427,000;
- 427,001 - 1,570,000;
- 1,570,001 - 5,715,000; and
- 5,715,001 and above.

<sup>21</sup> For more information, please visit: <http://www.atlasofurbanexpansion.org/>

<sup>22</sup> Shlomo Angel et al., Atlas of Urban Expansion Volume 1: Areas and Densities (Co-published by New York University, UN-Habitat and Lincoln Institute of Land Policy 2016) pages 12-13. <https://www.lincolinst.edu/sites/default/files/pubfiles/atlas-of-urban-expansion-2016-volume-1-full.pdf>

Lastly, cities were randomly selected from three country groups in proportion to the urban population in each group:

- Countries with 1 - 9 cities;
- Countries with 10 - 19 cities; and
- Countries with 20 or more cities.





# 01 ACCRA, GHANA



Source: © <https://theculturetrip.com/africa/ghana/articles/accra-the-new-cultural-hotspot/>

## A. URBAN AREAS

The city of Accra, which shares the same boundary as the Accra Metropolitan District, is the regional capital of the Greater Accra Region as well as the national capital of Ghana. The Accra Metropolis covers an area of 1,292.5 km<sup>2</sup> and is sandwiched to the north by Ga West Municipal, the west by Ga South Municipal, the south by the Gulf of Guinea, and the east by La Dade-Kotopon Municipal.

The metropolis has 11 municipalities including the Accra Metropolitan Assembly (AMA). This study is limited to the area under the jurisdiction of AMA which covers 16% of the metro area (206.8 km<sup>2</sup>). There is no urban growth boundary to separate buildable vis-à-vis non-buildable areas as the locality is 100% urban. The average population density within the AMA area is 15,329 persons per km<sup>2</sup>.

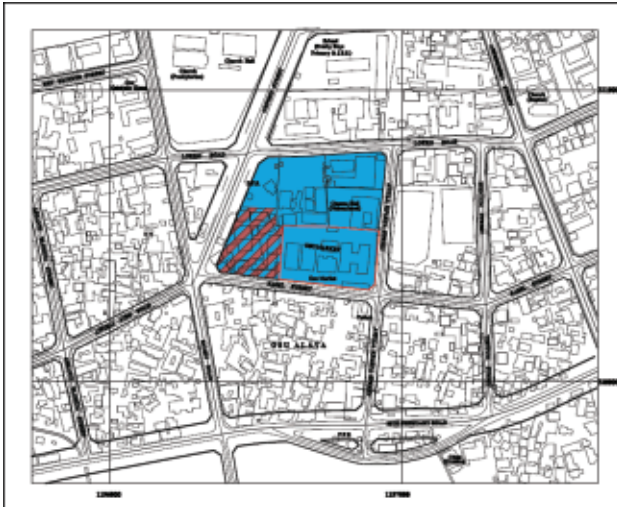
## B. URBAN PLANS

According to the Land Use and Spatial Planning Act (No. 925) of 2016, each administrative region should have a regional spatial development framework whereas each district is required to have a district spatial framework.<sup>23</sup> This Act also calls for two levels of plans at the district level namely; structure and local plans.<sup>24</sup>

100% of the area available for urbanization in the AMA area is covered by 77 sector land use planning schemes approved in accordance with the repealed Town and Country Planning Act (No. 84) of 1945. The oldest plan currently in force is 50 years old<sup>25</sup>, while the most recently approved plans are just 2 years old.<sup>26</sup> These plans have an average age of 40 years.

Physical spot checks were made of two sites which are each about one block or equivalent; one in, or in proximity to, a district predominantly commercial in character and the second closer to the edge of the built-up area. The following is a summary of key findings:

### Site 1: OSU DISTRICT



Source: © Accra Metropolitan Assembly

<sup>23</sup> See Sections 46 (1) and (2).

<sup>24</sup> The structure plan is a plan prepared for each district, part of a district or multiple districts whereas the local plan is a plan for each part of a district where physical development is taking place or proposed to take place.

<sup>25</sup> The Accra Central Planning Scheme of 1968.

<sup>26</sup> These planning schemes were approved in 2016 and they include (8): a) Kanda; b) Ring Road North Industrial Area; c) Ring Road South Industrial Area; d) Ambassador Hotel Area; e) Ridge Residential Area; f) East Legon Residential; g) East Legon Ambassadorial Enclave; and g) Airport & Roman Ridge Area.

This site is located east of the Central Business District and it is planned as a residential area under the Osu Town Planning Scheme.<sup>27</sup> However, most of these settlements have been redeveloped for commercial uses (restaurants and malls). The Osu market still retains its commercial element.



The images above show the redevelopment of the area into commercial uses with the presence of restaurant and malls. Source: ©UN-Habitat



The image above is Osu market which retains its commercial element. Source: ©UN-Habitat

<sup>27</sup> This is an extract of the planning scheme. Also, the year the plan was approved could not be properly ascertained. Planning officials believe it was adopted in the 1980s.

## Site 2: CHEMU LAGOON



Source: © Accra Metropolitan Assembly

This area is earmarked as a natural reserve/ecological buffer zone to minimize the risk of coastal flooding. However, the site has been encroached upon by irregular residential developments.



The images above show the encroachment of the Lagoon by irregular residential developments. Source: ©UN-Habitat

## C. LAND ADMINISTRATION

The size of land subdivisions that are legal and can be approved depends on the land uses.<sup>28</sup> 40 land subdivisions have been approved in the past 12 months. There is no record of acquisition of land for public purposes by the AMA within the municipality, either voluntary or compulsory, in the last five years.

## D. INSTITUTIONAL FRAMEWORK

Planning and development control is managed at the municipal level by the Accra Metropolitan Assembly (AMA).<sup>29</sup> Within AMA, the Physical Planning Department is responsible for spatial planning and mandated to enforce development control. However, in practice, this latter function is carried out by the Building Inspectorate within the Works Department. There is also a Development Planning Coordination Unit responsible for harmonizing all spatial and economic planning within AMA. Currently, the Physical Planning Department has 16 professional staff<sup>30</sup> while the Works Department has 22 professional staff.<sup>31</sup> The Works Department has carried out 111 administrative actions<sup>32</sup> to enforce development within the past 12 months.

In terms of the legislative framework, the AMA relies on the following national laws:

- The Constitution of the Republic of Ghana of 1992;
- The Local Governance (No. 936) of 2016;
- The Land Use and Spatial Planning Act (No. 925) of 2016;
- The National Building Regulations of 1961
- The Land Title Registration Act (No. 152) of 1986;
- The State Lands Act (No. 125) of 1962;
- The Conveyancing Act (No. 175) of 1973;
- The Survey Act (No. 127) 1962;
- The Administration of Lands Act (No. 123) of 1962; and
- The Environmental Protection Agency Act (No. 490) of 1994.

<sup>28</sup> For instance, the minimum plot size for a residential settlement is 233 m<sup>2</sup>.

<sup>29</sup> This is pursuant to the Local Governance Act (No. 936) of 2016 amendment Act (No. 940) of 2017 and the Land Use and Spatial Planning Act (No. 925) of 2016 which designate Metropolitan Municipals and District Assemblies as planning authorities.

<sup>30</sup> These include: 5 urban/town planners, 2 development planners, 1 engineer, 3 GIS experts, 2 cartographers, 1 urban geographer and 2 quantity surveyors. There are however 21 technical officers (holding diploma level certificates) who support the professionals.

<sup>31</sup> These are all building inspectors.

<sup>32</sup> It has demolished 10 illegal structures. It also issues stop work notices and summons as well as regularizes illegal buildings with penalties when the necessary amendments are carried out by the developers. From 2017-2018, 101 developments were regularized with penalties.



# 02 ADDIS ABABA, ETHIOPIA



Source: © 100 Resilient Cities, <https://www.100resilientcities.org/cities/addis-ababa/>

## A. URBAN AREAS

Addis Ababa is the capital and largest city of Ethiopia with a geographical area of 520.3 km<sup>2</sup>. It is surrounded by high rising mountains: Entoto in the north, Wechacha in the west, Yerer and other volcanic cones in the east and south. The city is also referred to as “*the political capital of Africa*” for its historical, diplomatic and political significance for the continent.

The Addis Ababa Structural Plan (2013-2023) establishes a *de facto* urban growth boundary through land use zoning. The average population density within this *de facto* growth boundary is 6,600 people per km<sup>2</sup>.<sup>33</sup> At current population growth rate

<sup>33</sup> The population figure that was used to make the calculation is for 2010 (3,434,000) which was provided by the Federal Democratic Republic of Ethiopia Central Statistical Agency. Geographical area is 520.3 km<sup>2</sup>.



(2.5%), it would take the city until 2051 to reach an average population density of 15,000 people per km<sup>2</sup> within the *de facto* growth boundary. Development extends beyond the area available for urbanization and into the rural farmlands.

## B. URBAN PLANS

According to Section 8 of the Federal Urban Planning Proclamation No. 574/2008, two types of urban plans should be prepared: a) a city-wide structure plan; and b) local development plans. The structure plan is formulated and drawn at the level of an entire urban boundary<sup>34</sup> while the local development plan facilitates the implementation of the structure plan by focusing on strategic areas.<sup>35</sup> The validity of the structure plan is 10 years from the date of approval<sup>36</sup> and the local development plan is to be implemented within the validity period of the structure plan.<sup>37</sup>

100% of the area available for urbanization is covered by the 2017 Addis Ababa Structural Plan (2013-2023). Existence of in-force local development plans could not be ascertained and consequently, the average age of plans currently in force is one year.<sup>38</sup>

Physical spot checks were made of two sites which are each about one block or equivalent; one in, or in proximity to, a district predominantly commercial in character and the second closer to edge of the built-up area. The following is a summary of key findings:

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<sup>34</sup> Section 9.1 of the Federal Urban Planning Proclamation No. 574/2008

<sup>35</sup> Section 11.1, *ibid.*

<sup>36</sup> Section 10, *ibid.*


<sup>37</sup> Section 12, *ibid.*

<sup>38</sup> This plan applies for the 10-year period 2013-2023 but was legally approved in 2017.

**Site 1: Menelik II Avenue off Zewditu Street adjacent to Tito Street/ D.A.R Sahara Street**

This site is in the Central Business District and is earmarked as Commercial (CB-1) by the Land Use Code of the Structural Plan (2013-2023). The plan requires that 30% of the permitted function to be residential (excluding parking space). This site is not meant to be a market area as a different land use code exists for that function. Current development shows compliance with the plan.



Sub Category	Code	Color	Prohibited Use	Basic/ Mandatory Regulation
Commerce	CB-1		Large Scale Manufacturing and Storage With an area more than 500 m2	At least 30% of the permitted function should be residence (30 % of the FAR excluding parking space )
			Treatment Plant & Landfill Site	
			Cemetery , Religious Institutions	Social Service , Administration, Car Parking Building, Public Park ,Hotel, are not obliged to incorporate Residence
			Slaughter House	
			Stadium, prison, military establishment	Corporate Head quarter Dedicated for one institution(not for rental) are not obliged to incorporate Residence
			Quarry and Mining	

Source: © Addis Ababa City Government Plan Commission



The images above show the presence of banks, cafes, offices and residential apartments.  
Source: © UN-Habitat

## Site 2: Entoto

This site is situated at the northern edge of the administrative boundary between Addis Ababa and Oromia Region. According to the Land Use Code of the Structural Plan (2013-2023), this area should be a Mixed Residence (R-1). Secondary uses earmarked by the plan include: a) social services (Cemetery, Playground and High School); b) environmental (Public Park); and c) administrative (Federal Bureau and Woreda administration). Current development shows compliance with the plan.



Sub Category	Code	Color	Prohibited Use	Basic/ Mandatory Regulation
Mixed Residence	R-1	Orange	Large Scale Manufacturing and Storage With an area more than 500 m2	At least 60% of the permitted Building function should be residence (60% of the FAR excluding parking space)
			Treatment Plant & Landfill Site	Social Service ,Manufacturing and storage <500 m2., Administration, Car Parking Building, Public Park ,Hotel, are not obliged to incorporate Residence
			Cemetery, Religious Institutions	
			Slaughter House	
			Quarry and Mining	
			Stadium, prison,military establishment	

Source: © Addis Ababa City Government Plan Commission



The images above show the presence of residential bungalows and shops.

Source: © UN-Habitat



The image above is a High School which is one of the secondary uses (social services).  
Source: © UN-Habitat

## C. LAND ADMINISTRATION

The size of land subdivisions that are legal and can be approved is 75 m<sup>2</sup>. From Sep 2017 – June 2018, the city administration has approved 3,034 land subdivisions in 10 sub-cities<sup>39</sup> amounting to 227,550 m<sup>2</sup>. There is record of compulsory acquisition of land for public purposes in the urban footprint within the past five years. For instance, within Kolfe Keraniyo sub-city, the Addis Ababa city administration acquired:

- 287,377.64 m<sup>2</sup> of land in 2016 to construct condominium houses;
- 28,761 m<sup>2</sup> of land in 2017 to establish small-scale micro enterprises; and
- 12,214 m<sup>2</sup> of land in 2017 to establish health centres.

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<sup>39</sup> These include: Addis Ketema, Arada, Lideta, Qirkos , Kolfe Keraniyo , Gullele, Yeka, Bole, Akaki Qaliti and Nefas Silk Lafto.

## D. INSTITUTIONAL FRAMEWORK

Planning and development control is managed at the municipal level by the Addis Ababa City Government Plan Commission pursuant to the Addis Ababa City Government Plan Commission Establishment Proclamation No. 48/2016. However, in relation to development control, its mandate is limited to solely identifying construction irregularities and reporting these to the Addis Ababa Code Enforcement Office for administrative action. The Plan Commission has 36 professional staff.<sup>40</sup> No record of prosecutions, demolitions, fines or other administrative actions to enforce planning or development control in the last 12 months could be identified.

In terms of the legislative framework, the Plan Commission relies on the following legal instruments:

- The Constitution of the Federal Democratic Republic of Ethiopia of 1995;
- The Federal Urban Planning Proclamation No. 574/2008;
- The Addis Ababa Master Plan Proclamation No.52/2017;
- The Building Proclamation No. 624/2009;
- The Revised Addis Ababa City Government Charter Proclamation No. 361/2003 and its subsidiary legislation; and
- The Addis Ababa City Government Plan Commission Establishment Proclamation No. 48/2016.

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<sup>40</sup> These include: 3 civil engineers, 22 urban planners, 10 architects and 1 surveyor.



# 03 ARUSHA, TANZANIA



Source: © UN-Habitat

## A. URBAN AREAS

Arusha is in northern Tanzania and is the capital of Arusha Region. The City has the same boundary as Arusha Urban District and has a landmass of 278 km<sup>2</sup>. Arusha is close to various national parks and game reserves<sup>41</sup> and below Mount Meru on the eastern edge of the eastern branch of the Great Rift Valley.

The Arusha Master Plan (2015-2035) establishes a *de facto* urban growth boundary through land use zoning. The total area available for urbanisation under this plan amounts to 272 km<sup>2</sup>. In relation to the population density, data for population within

<sup>41</sup> For instance, the Serengeti National Park, the Ngorongoro Conservation Area, Lake Manyara National Park, Olduvai Gorge, Tarangire National Park and Arusha National Park.



the area legally available for urbanisation is not available. The closest equivalent is the population density within the area urbanised in 2013, which is 1529 per km<sup>2</sup>. At current population growth, it would take the city until 2050<sup>42</sup> to reach a density of 15,000 per km<sup>2</sup> within the existing boundary. Irregular development beyond the area available for urbanisation is widespread in relation to the current *de facto* boundary.

## B. URBAN PLANS

The Urban Planning Act (No. 8 of 2007) calls for general and detailed planning schemes<sup>43</sup> to guide urban development in cities. In 2015, the Arusha City Council adopted the ‘*Arusha Master Plan 2035*’ but detailed planning is ongoing. 100% of the area available for urbanisation is covered by the Arusha Master plan (2015) and the Arusha Central Area Redevelopment Plan (2001). These plans have a 14-year age range and an average age of 9 years.

Physical spot checks were made of two sites which are each about one block or equivalent; one in, or in proximity to, a district predominantly commercial in character and the second closer to the edge of the built-up area. The following is a summary of the key findings:

### SITE 1: CBD (CENTRAL MARKET)

Activities in the CBD are generally compatible with the provisions of the Arusha Old Town Redevelopment Plan (2001) (left) and the Arusha Master Plan (2015) (right) in relation to the commercial/residential mixed used functions which are physically and functionally integrated.

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<sup>42</sup> Calculation based on the following: 1, 529 persons per km<sup>2</sup>; Annual growth rate of 6.4%. Population in 2013 was 416,000; and Area of urban extent is 32.29 km<sup>2</sup> increasing at an average annual rate of 10.8% since 2000.

<sup>43</sup> See Part IV (Sections 8 – 27).



Source: © Arusha City Council



The images above show the commercial elements of the CBD. Source: © Arusha City Council

## Site 2: Elerai Ward

This precinct is earmarked as a low-rise residential zone<sup>44</sup> under the Arusha Master Plan (2015) but it currently has single-family bungalows which is inconsistent with the plan's provisions.



Legend				
R1	Single Family Residential Zone	CR	Retail Warehouse Zone	Zone Boundary
R1A	Planned Single Family Residential Zone	E1	Enterprise Zone	Planning Boundary
R1B	Rural Residential Zone	I1	Light Industrial Zone	District Boundary
R2	Low Rise Residential Zone	LI1	Logistics / Warehouse Zone	Railway
R3	Medium Rise Residential Zone	GI1	General Industrial Zone	Contour_10m
R4	High Rise Residential Zone	PR1	Passive Recreation Zone	
CC1	Mixed Use Commercial Zone	AR1	Active Recreation Zone	
CC2	Community Centre Commercial Zone	AG1	Agriculture Area	
CC3	District Centre Commercial Zone	PR2	Protected Area	
CC4	Commercial General Street	IN1	Infrastructure	

Source: © Arusha City Council



Source: © UN-Habitat

<sup>44</sup> Since the meaning that can be ascertained is medium rise residential zone (G+5 apartments maximum) and categorically below this is low-rise residential zone, this is assumed to be G+4 (apartments) maximum.

## C. LAND ADMINISTRATION

The size of land subdivisions depends on the land use.<sup>45</sup> The City Council relies on the Town and Country Planning Regulations (Statutory Instrument 246–1) to approve land subdivisions. There are multiple illegal subdivisions in Arusha. For instance, in an area named Muriet, Morombo, the illegal subdivisions amount to 254.8 acres. There is record of expropriation of land by the municipal government for public purposes. For instance, the Arusha City Council acquired 12.9 acres in 2016 for a landfill site which is located 6.5 km from the CBD.

## D. INSTITUTIONAL FRAMEWORK

The Arusha City Council is responsible for the planning and development control of Arusha city. However, some planning functions are performed by three entities at the national level:

- The National Environmental Management Council which monitors the conduct of environmental impact assessments for high rise buildings;
- The Fire and Safety Authority which assesses whether safety measures are in place; and
- The Energy and Water Utilities Regulatory Authority that issues licences for the erection of petrol stations, water and sewerage facilities and electrical installation.

Currently, the Council has 39<sup>46</sup> professional staff (35 full time and 4 temporary) and it has carried out at least 3 administrative actions to enforce development control within the past 12 months.<sup>47</sup> The City Council can enact by-laws<sup>48</sup>, but currently relies on the following national laws:

- The Constitution of the United Republic of Tanzania of 1977;
- The Local Government (Urban Authorities) Act No. 8 of 1982;

<sup>45</sup> The minimum lot size for high rise residential zone is 2,000 m2 whereas for medium rise residential zone is 500m2 and for enterprise zones is 250m2.

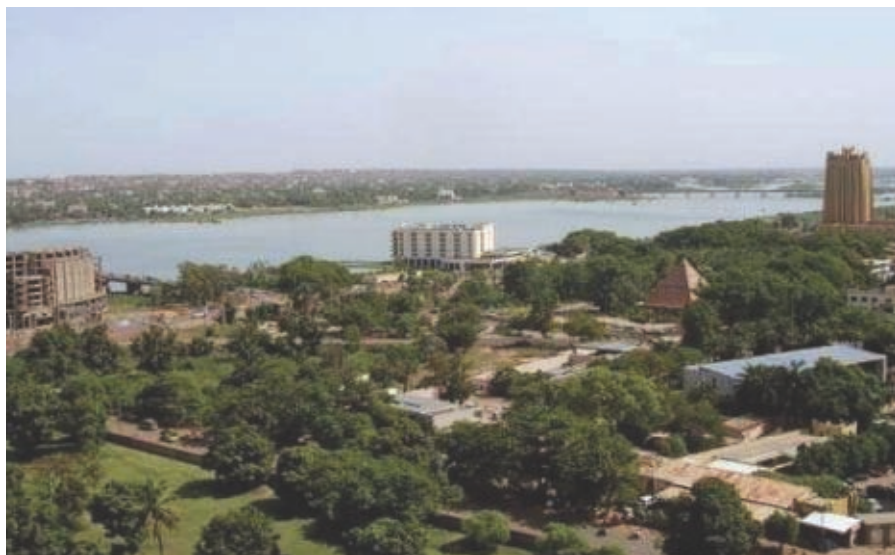
<sup>46</sup> These include: 6 urban planners, 7 land surveyors, 6 land valuers, 7 land officers, 2 environmental officers, 2 civil engineers, 2 architects, 1 electrical engineer, 2 quantity surveyors, 3 civil technicians and 1 electrical technician.

<sup>47</sup> These include 3 prosecutions for illegal construction.

<sup>48</sup> The City Council is presently considering enacting the Urban Development Control (Fines) By-Law, but it has yet to be approved.

- The Urban Planning Act No. 8 of 2007;
- The Town and Country Planning Regulation, Statutory Instrument 246-1;
- The Land Act, Cap 113 of 1999;
- The Land Registration Act, Cap 334 of 1954; and
- The Land Survey Act, Cap 324 of 1959.

# 04 BAMAKO, MALI



Source: © <https://en.wikipedia.org/wiki/Bamako>

## A. URBAN AREAS

The city of Bamako is Mali's administrative centre and capital city. It is the nation's largest city and is located on the Niger River in the southwestern part of the country. Bamako is economically dependent on locally manufactured goods such as textiles, processed meat, and metal goods.

The Bamako Master Plan 1981<sup>49</sup> established a *de facto* urban growth boundary through land use zoning. The average population density within the plan's growth boundary is 6,780 inhabitants per km<sup>2</sup> and at current population growth (4%), it would take the city until 2047 to reach a density of 15,000 per km<sup>2</sup>. However, there is sprawling development beyond the urban limit.

<sup>49</sup> Schéma Directeur d'Aménagement et d'Urbanisme Bamako.

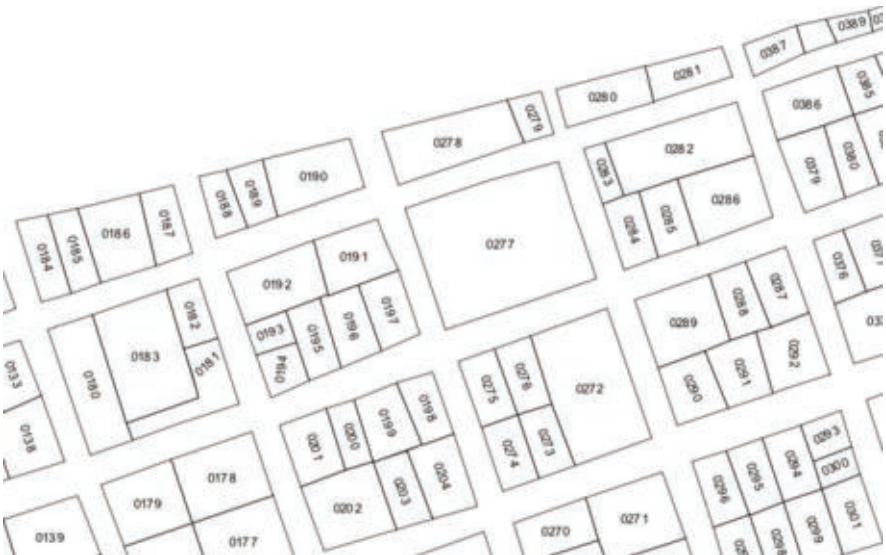
## B. URBAN PLANS

The Bamako Master Plan 1981 has been revised twice, in 1990 and in 1995, with its validity expiring in 2010.<sup>50</sup> Therefore, the area available for urbanization is not covered by any legally approved plan (0%).

Physical spot checks were made of two sites which are each about one block or equivalent; one in, or in proximity to, a district predominantly commercial in character and the second closer to the growth boundary or edge of the built-up area.

### Site 1: BAGADADJI DISTRICT

This site is situated in the commercial core of Bamako. Current development is compliant with the existing land subdivision plan (year cannot be ascertained).



Source: © National Observatory of Cities, Mali

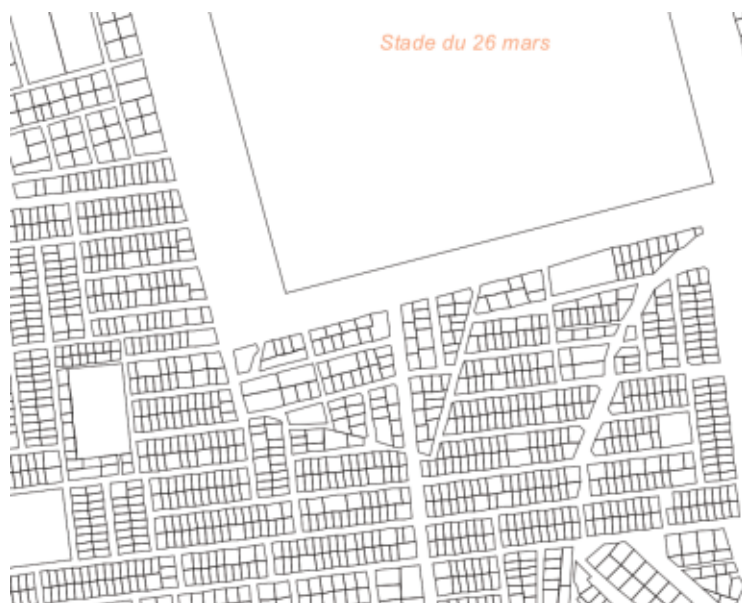
<sup>50</sup> A new Plan is being contemplated as part of Vision Bamako 2030.



Source: © National Observatory of Cities, Mali

## Site 2: YIRIMADIO

This site is situated near the urbanization limit of Bamako. Current development is semi-compliant with the existing land subdivision plan (year cannot be ascertained).



Source: © National Observatory of Cities, Mali





Source: © National Observatory of Cities, Mali

## C. LAND ADMINISTRATION

In relation to the land administration system, there is no minimum or maximum plot size for legal land subdivisions. Information on the amount and total size of land subdivisions that have been approved in the past 12 months could not be identified. There is no record of acquisition of land for public purposes within the growth boundary, either voluntary or compulsory, in the last five years.

## D. INSTITUTIONAL FRAMEWORK

There is no institution responsible for planning at the municipal or provincial level. In 2013, however, a Préfiguration Unit of the Bamako District Planning Agency<sup>51</sup> was created to study the financial and organizational feasibility of establishing an Urban Planning Agency. The Regional Directorate of Urban Planning and Housing of the District of Bamako<sup>52</sup> is responsible for the enforcement of development control. The Directorate has nine (9) staff who possess regulatory authority but there is no record of any administrative action to enforce planning or development control in the past 12 months.

In terms of the legislative framework, the city relies on the following laws:

- The Constitution of the Republic of Mali of 1992;
- Law n° 02-016 of June 30th, 2002 fixing the general rules of Urbanism;
- Decree No. 04-607 / P-RM of 30 December 2004 laying down the procedures for the implementation of urban planning;
- Law n° 2017 -019 of June 12th, 2017 laying down law of orientation for the development of the territory; and
- Decree No. 115 / P-RM of 09 March 2005 laying down the conditions for carrying out the various types of urban planning operation.

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<sup>51</sup> Une Cellule de préfiguration de l'Agence d'urbanisme du District de Bamako.

<sup>52</sup> La Direction Régionale de l'Urbanisme et de l'Habitat du District de Bamako.



# 05 BEIRA, MOZAMBIQUE



Source: © Joao R. Lima Rego, Deltares

## A. URBAN AREAS

Beira is the fourth largest city in Mozambique and the provincial capital of Sofala Province. Beira is a Port City as it is situated where the Chiveve River and the Indian Ocean meet. It is governed by the Municipality of Beira which is headed by a Mayor.

The Beira Master Plan 2035 establishes a *de facto* urban growth boundary through land-use zoning. The average population density within this *de facto* growth boundary is 952 people per km<sup>2</sup>.<sup>53</sup> At current population growth rate (8%), it would take the city until 2054 to reach an average population density of 15,000 people per km<sup>2</sup> within the *de facto* growth boundary. Informal developments extend into the protected environmental areas.

<sup>53</sup> The population figure that was used to make the calculation is 600,000. Geographical area is 630 km<sup>2</sup>.

## B. URBAN PLANS

100% of the urban area is covered by the Beira Masterplan 2035 (passed in 2015).<sup>54</sup> Of the plans currently in force, the average age is 3 years old.<sup>55</sup> The oldest plan currently in force is 8 years old, while the most recently approved was passed in 2018.

### Site 1: City Centre

According to the Beira Master Plan 2035, the City Centre is earmarked as a services center. Current development shows compliance with the plan.



Source: © Municipality of Beira

<sup>54</sup> <https://vimeo.com/110147598>

<sup>55</sup> These include: the Municipal Strategic Plan (2010), the Beira Master Plan (2015), the Maraza New Town Plan (2018), the Green Infrastructure Plan (2015), the Povoia Plan (2016) and the Inhamitua Plan (2015).



The images above show the presence of universities, businesses, banks as well as the offices of Sofala Regional Government. Source © UN-Habitat

## Site 2: Maraza New Town

The Maraza New Town, in the Munhava district of the city, was ear-marked for urbanization in the 2015 Master Plan. A detailed New Town Plan for Maraza was approved in 2018<sup>56</sup> to construct 25,000 affordable housing units in an area of 4 km<sup>2</sup> with a pilot area of 125 houses in 0.04 km<sup>2</sup>. Planned development is yet to take place but few irregular housing settlements have encroached upon this area.

<sup>56</sup> <https://www.slideshare.net/Wissing-ES/urban-design-maraza-new-town-beira-mozambique>



Source: © Municipality of Beira



The images above show few unplanned settlements in Maraza New Town.  
Source © UN-Habitat

## C. LAND ADMINISTRATION

As land in Mozambique is owned by the government, land subdivision or land allocation is applied for as a land use right. The Municipality requires a fee to be paid. Afterwards, it analyzes the application and arranges a technical visit to the site to inspect the proposed land use. Once the application is approved, the license is issued in approximately 15 days. The user has 2 years to develop 50% of what was specified in the application to prevent land speculation.<sup>57</sup> A similar process is used when assessing applications for construction.

In 2018, approximately 5,000 land subdivisions have been approved each measuring 600 m<sup>2</sup> in an area called Povia. There is no record of public purchase or acquisition of land, either voluntary or compulsory, in the last five years.

## D. INSTITUTIONAL FRAMEWORK

Planning and development control is managed at the municipal level by the Municipality of Beira. Specifically, this is done by the Department of Construction, Infrastructure and Urbanization (VCIU)<sup>58</sup> which has seven professional staff.<sup>59</sup> Furthermore, the city is divided into 5 administrative units (*postos*) and 26 smaller neighborhoods (*bairros*).<sup>60</sup> Each Posto has a chief who represents the community and works with the municipality. The few staff and secretaries in the *Bairros*, report to them on zoning plan infringements.<sup>61</sup>

The Municipality's Inspection and Finance office also has regulatory authority to enforce development control, as they oversee all economic activity that takes place in the city and detect those who must pay outstanding fees.<sup>62</sup> This department spots illegal construction for demolition. It has 15 professional staff with regulatory authority and has carried out 334 administrative actions to enforce development control in 2018.<sup>63</sup>

<sup>57</sup> The process described above is provided for by the Regulation of Urban Land (1999, updated in 2004).

<sup>58</sup> Vereação de Construção, Infraestruturas e Urbanização - VCIU

<sup>59</sup> These include: 2 physical planners, 4 topographers, and 1 technical inspector.

<sup>60</sup> Postos: Chiveve (8 bairros), Munhava (5 bairros), Inhamizua (6 bairros), Manga Loforte (4 bairros), Nhangau (3 bairros)

<sup>61</sup> VNG International: "Qualitative Assessment of the Beira Municipal Organisation"

<sup>62</sup> The value of the fines is defined in the City Code of Ordinances.

<sup>63</sup> These include: 118 fines, 186 prosecutions and 30 demolitions.



In terms of the legislative framework, the Municipality is guided by the following laws:

- The Guidelines for the Strategic Plan of Municipal Development of the City of Beira (2010-2020);
- The City Code of Ordinances, including a supplementary table with Municipal licenses, registration fees and taxes (2014);
- The Internal Regulation of the Municipality of Beira (2014);
- The Organic Statute and Table of Personnel Organization chart of the Municipality of Beira (2014); and
- The Regulation of Urban Land (1999, updated in 2004)

# 06 GOMBE, NIGERIA



Source: © <https://www.africaprimenews.com/2018/03/18/guess-post/nigeria-re-theres-total-infrastructure-collapse-in-gombe/>

## A. URBAN AREAS

The city of Gombe is situated in Gombe State, in the North-Eastern part of Nigeria. It borders three Local Government Areas (LGAs); Akko in the South and West; Yamaltu-Deba to the East and Kwami to the North.<sup>64</sup> The city's economy is reliant on agricultural production and trade in semi-processed and manufactured goods.

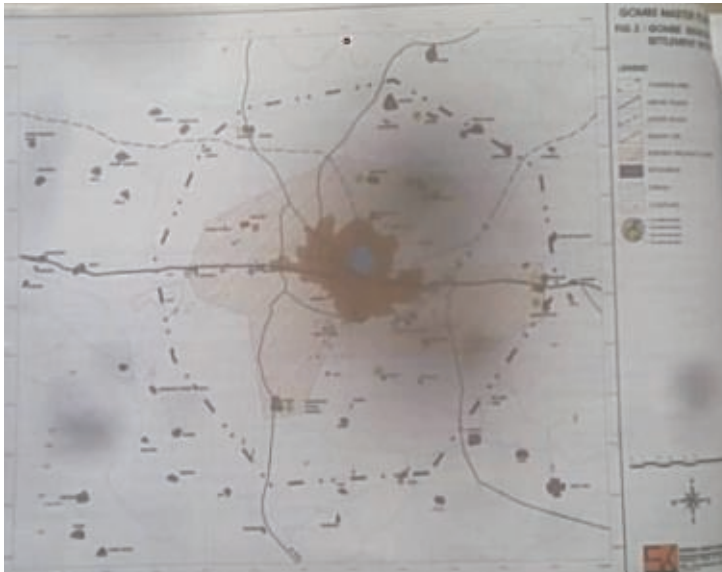
Gombe's urban growth boundary is set pursuant to the Gombe State Designation of Urban Areas Order 1999. As defined by the Order, the legal buildable area is

<sup>64</sup> Statutorily, the city entirely covers Gombe LGA and part of the following LGAs; Akko, Yamaltu-Deba and Kwami.

designated as a radius of 15 km from the geographic centre of Gombe town. The average population density within the growth boundary is 286 people per km<sup>2</sup> and at current population growth rate (9%), it would take the city until 2064 to reach a density of 15,000 persons per km<sup>2</sup>.<sup>65</sup> Current development extends beyond the growth boundary.

## B. URBAN PLANS

According to the Urban and Regional Planning Act (1992), State governments are required to prepare regional, sub-regional, urban, local and subject plans<sup>66</sup> whereas local governments are required to have town, rural area, local and subject plans.<sup>67</sup> Gombe is guided solely by the Master Plan (2003-2030)<sup>68</sup> and therefore the average age of plans currently in force is 15 years. However, only 10% of the area within the growth boundary is covered by the Master Plan (**see the figure below**).



The dark brown shows the Master Plan coverage and the lighter shade around it shows the area legally available for urbanization (the growth boundary). This amounts to master plan coverage of 10% of the land within the growth boundary. Source: © Gombe State Ministry of Metropolitan and Urban Development

<sup>65</sup> This has been calculated using current demographic projections (Population of 2018 – 1,384,842 and annual growth rate of 9%).

<sup>66</sup> Article 1.2 of the Nigerian Urban and Regional Planning Act.

<sup>67</sup> Article 1.3, *ibid*.

<sup>68</sup> The preceding Master Plan was adopted in 1976.

Physical spot checks were made of two sites which are each about one block or equivalent; one in, or in proximity to, a district predominantly commercial in character and the second closer to edge of the built-up area. The following is a summary of the key findings:

### Site 1: INDUSTRIAL CLUSTER/ENTERPRISE ZONE

This area is earmarked as an industrial zone under the Gombe Master Plan 2003. Current development conforms with the Plan with the presence of light industries.



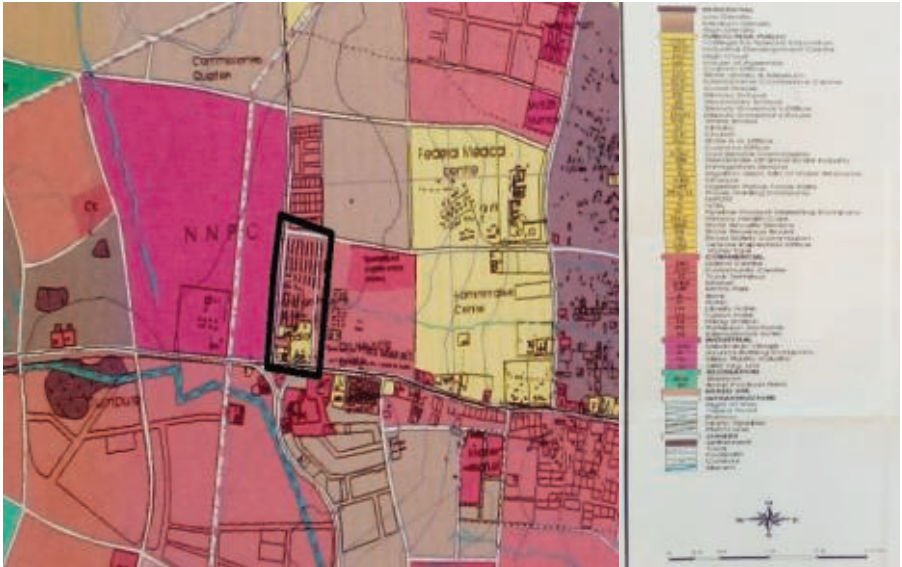
Source: © Gombe State Ministry of Metropolitan and Urban Development



The images portray the presence of light industries. Source: © UN-Habitat

## Site 2: SHONGO ESTATE

This area is zoned for residential use under the Gombe Master Plan 2003. Physical development complies with the provisions of the spatial plan.



Source: © Gombe State Ministry of Metropolitan and Urban Development



The images portray the presence of residential blocks. Source: © UN-Habitat

## C. LAND ADMINISTRATION

The size of land subdivisions that are legal and can be approved for development is 1,198 m<sup>2</sup>. Three (3) land subdivisions have been approved in the past 12 months with a total size of 340 hectares. There is no record of public purchase or other acquisition of land within the boundary, either voluntary or compulsory, in the last five years.

## D. INSTITUTIONAL FRAMEWORK

Planning is managed at the provincial level by the Gombe State Ministry of Metropolitan and Urban Development which has 10 professional staff.<sup>69</sup> It also has 114 unregistered staff who are involved in a technical capacity. Enforcement of development control is carried out provincially by the Gombe State Urban Planning and Development Board which has 10 professional staff who possess regulatory authority.<sup>70</sup> This Board has executed 25 administrative actions to enforce development control within the past 12 months.<sup>71</sup>

In terms of the legislative framework, the institutions rely on the following federal and state laws:

- The Constitution of the Federal Republic of Nigeria of 1999;
- The Gombe State Urban Planning and Development Board Law;
- The Gombe State Designation of Urban Areas Order 1999;
- The Urban and Regional Planning Law of 1992;
- The Land Use Act of 1978;
- The Environmental Impact Assessment (EIA) Act of 1992;
- The National Environmental Standards and Regulation Enforcement Act, 2007; and
- The Federal Environmental Protection Act of 1988;

<sup>69</sup> These include: 4 town planners, 2 architects, 2 builders and 2 engineers.

<sup>70</sup> These include: 7 town planners and 3 engineers.

<sup>71</sup> These include: 20 demolitions and 5 prosecutions.



# 07 IBADAN, NIGERIA



Source: © <https://oloolutof.wordpress.com/2012/09/10/ibadan/>

## A. URBAN AREAS

The city of Ibadan, Nigeria's second largest city (3,080km<sup>2</sup>), is located on a group of seven hills in the southwestern part of the country. The city is 128 km inland northeast of Lagos and 530 km southwest of Abuja, the federal capital, and is a prominent transit point between the coastal region and the areas in the hinterland of the country.

Ibadan has no urban growth boundary.<sup>72</sup> The average population density within the built-up area is 1,087 persons per km<sup>2</sup> and at current population growth rate (2.7%), it would take the city until 2116 to reach a density of 15,000 people per

<sup>72</sup> The urban growth boundary has been defined in the proposed Ibadan City Masterplan (2016-2036) which is yet to be approved.



km<sup>2</sup>.<sup>73</sup> There are rural communities, which are integral to the city, that lie outside the defined urban boundary of Ibadan.

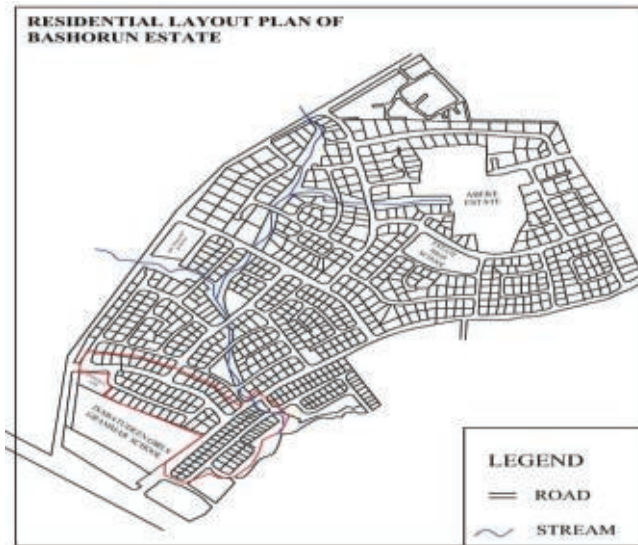
## B. URBAN PLANS

According to the Urban and Regional Planning Act (1992), State governments are required to prepare regional, sub-regional, urban, local and subject plans<sup>74</sup> whereas local governments are required to have town, rural area, local and subject plans.<sup>75</sup> No such plans exist for the city of Ibadan.

Physical spot checks were made against approved land subdivision plans in two predominantly residential districts in the city of Ibadan. The following is a summary of key findings:

### Site 1: Basorun Estate

This estate is planned for low residential density development. However, developments have encroached upon ecological areas set aside for urban drainage.



Source: © Oyo State Bureau of Physical Planning and Development Control

<sup>73</sup> The calculations have been based on the current demographic projections for 2018 (Population – 3,423,149 and an annual growth rate of 2.7%).

<sup>74</sup> Article 1.2 of the Nigerian Urban and Regional Planning Act.

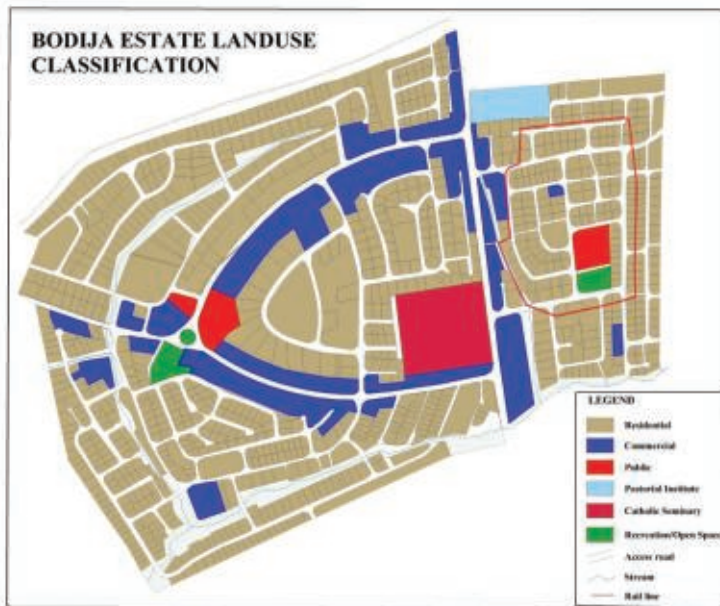
<sup>75</sup> Article 1.3, *ibid*.



The images portray encroachment of residential structures in protected areas.  
 Source: © UN-Habitat

**Site 2: Bodija Estate**

Bodija estate is planned for low and medium density residential development. Current state reflects dynamic changes to uses that are primarily commercial and mixed-use.



Source: © Oyo State Bureau of Physical Planning and Development Control



The images portray the mixed-use elements of the area. Source: © UN-Habitat

## C. LAND ADMINISTRATION

The size of land subdivisions that are legal and can be approved for development is 538.2m<sup>2</sup>. 30 land subdivisions have been approved by the Oyo State Bureau of Physical Planning and Development Control in the past 12 months. There are no records of public purchase or acquisition of land within the boundary, either voluntary or compulsory, in the last five years.

## D. INSTITUTIONAL FRAMEWORK

Planning and development control is managed at the provincial level by the Oyo State Bureau of Physical Planning and Development Control. The Bureau has 354 professional staff who are all town planners. 80% of them (283) have regulatory authority to enforce development control. The Bureau has carried out 80 administrative actions to enforce development control within the past 12 months.<sup>76</sup>

In terms of the legislative framework, the Bureau relies on the following federal and state laws:

- The Constitution of the Federal Republic of Nigeria of 1999;
- The Nigerian State Urban and Regional Planning Law of 1992;
- The Land Use Act of 1978;
- The Environmental Impact Assessment (EIA) Act of 1992;
- The National Environmental Standards and Regulation Enforcement Act, 2007;
- The Federal Environmental Protection Act of 1988; and
- The Oyo State Ministry of Environment, Physical Planning and Urban Development Law of 2015.

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<sup>76</sup> These include: 50 demolitions of illegal structures and 30 prosecutions.



# 08 JOHANNESBURG, SOUTH AFRICA



Source: © Johannesburg Metropolitan Council

## A. URBAN AREAS

Johannesburg is the largest city in South Africa and is the provincial capital of Gauteng Province. Located in the mineral-rich Witwatersrand range of hills, it is a commercial hub for large-scale gold and diamond trade.

The city has an urban development boundary which has been in place since 2002 as one of the city's growth management tools.<sup>77</sup> Very few pockets of developments appear beyond the boundary—approximately 2-300 residential units. The average population density within the development boundary is 6,000 people per km<sup>2</sup> but

<sup>77</sup> The Spatial Development Framework 2040: City of Johannesburg Metropolitan Municipality <<https://unhabitat.org/books/spatial-development-framework-2040-city-of-johannesburg-metropolitan-municipality/>> accessed 10 December 2017.

there are specific areas within boundary, which are considered as main development corridors (areas along the public transport system) and earmarked for intense densification. These areas already have a density of 40,000-45,000 persons per km<sup>2</sup>.

## B. URBAN PLANS

According to the National Spatial Planning and Land Use Management Act (2013), municipal councils are mandated to adopt municipal spatial development frameworks for the municipality.<sup>78</sup> The city of Johannesburg implements this provision by having a hierarchy of four types of plans: a) Integrated Development Plan; b) Spatial Development Framework; c) Regional Spatial Development Frameworks; and d) Precinct Plans/Urban Development Frameworks. The total area available for urbanization according to the plans currently in force amounts to 2625.68 km<sup>2</sup>.

100% of the area available for urbanization is covered by the City of Johannesburg Spatial Development Framework (2016-2040). The city's oldest plan currently in force is 24 years old,<sup>79</sup> while the most recently approved plans are just 2 years old.<sup>80</sup> There are currently 84 plans in force within the city with an average age of 9.4 years.<sup>81</sup>

Physical spot checks were made of two sites which are each about one block or equivalent; one in, or in proximity to, a district predominantly commercial in character and the second closer to the growth boundary or edge of the built-up area. The following is a summary of key findings:

### **Site 1: The Richmond Neighbourhood along the Empire-Perth Development Corridor**

This site is one of three priority corridors for which strategic area frameworks (SAFs), approved in 2014, plan for densification along the Rea Vaya BRT corridor.<sup>82</sup> According to the SAF, the Richmond area along the Empire-Perth Development Corridor is the focus of densification and redevelopment into a mixed-use activity node with adequate pedestrian pathways called local connectors or non-

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<sup>78</sup> Section 20.

<sup>79</sup> The Wilgespruit Development Plan of 1994.

<sup>80</sup> These include: a) SDF (2016-2040); b) Glenadrienne Precinct Plan 2016; c) Keyes Arts and Cultural Precinct Plan 2016; d) Milpark Urban Development Framework, 2016; e) Princess Urban Development Framework 2016; and f) Patterson Park Precinct Plan/ Urban Development Framework, 2016.

<sup>81</sup> This figure is not conclusive because for 11 of the 84 plans, the year of adoption could not be ascertained.

<sup>82</sup> The other two priority corridors are a) Turffontein Corridor south of Johannesburg, and b) the Louis Botha-Katherine Corridor connecting Parktown, Alexandra, Sandton and suburbs further north-east.

motorized transport (NMT) priority.<sup>83</sup> The spot-check shows that the Richmond neighbourhood has mixed use commercial and residential development, but that the building heights are not yet 6-8 storeys high as the plan specifies. However, the streetscape along the area planned as an NMT connector, has generous and well-maintained pavements and smaller streets with less traffic.



Source: © Johannesburg Metropolitan Council



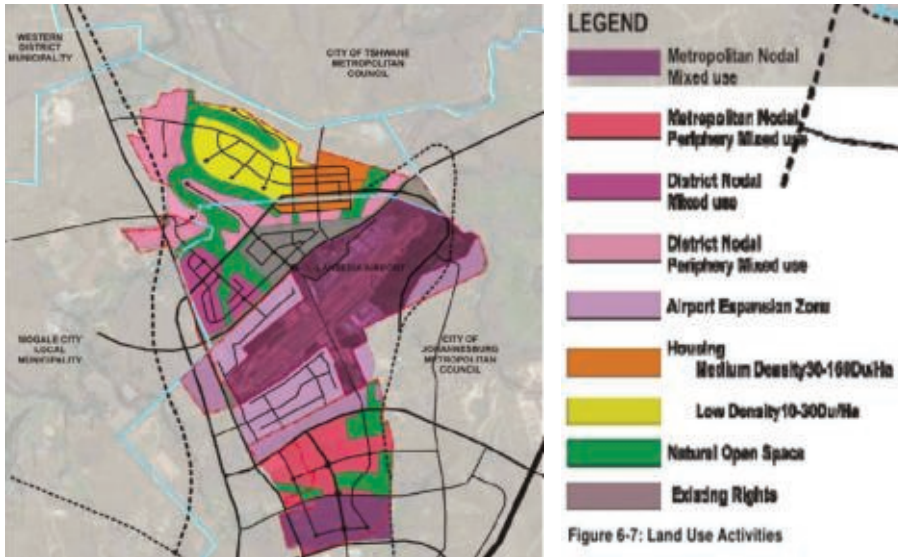
The images show that the mixed-use commercial and residential elements, but the building heights are not yet 6-8 storeys high Source: © UN-Habitat

<sup>83</sup> [http://www.cidforum.co.za/files/EMPIRE\\_PERTH\\_SAF\\_FINAL\\_DRAFT.pdf](http://www.cidforum.co.za/files/EMPIRE_PERTH_SAF_FINAL_DRAFT.pdf)



## Site 2: Lanseria/Cradle City (River Wetlands)

Cradle City is situated north of Johannesburg within Lanseria precinct, Region A. According to the Cradle City Master Plan (2008)<sup>84</sup>, the southern portion of this site should be a wetland that forms a green lung of extensive natural landscape. Current state evidences compliance with the plan's provisions.



Source: © Johannesburg Metropolitan Council



The images show the existence of the wetland. Source: © UN-Habitat

<sup>84</sup> <https://www.slideshare.net/ldavids/cradle-city-master-plan-30-june-08-phase-1>

## C. LAND ADMINISTRATION

The number of approved land subdivisions in the past 12 months indicates that approximately 10,936 new stands and sectional title units were registered.<sup>85</sup> Land has been successfully expropriated for public purposes by the Metropolitan Council along development corridors.<sup>86</sup>

## D. INSTITUTIONAL FRAMEWORK

Urban planning and development control is a municipal competence managed by the Johannesburg Metropolitan Council. Currently, the Council has 193 professional staff<sup>87</sup> and has carried out 2,500 administrative actions to enforce development control within the past 12 months.

The Council has the power to make by-laws and it relies on the Municipal Planning By-Law of 2016 which sets out the land use scheme and municipal spatial development framework for the city. It is also guided by the following national laws:

- The Constitution of South Africa No. 108 of 1996;
- The Spatial Plan and Land Use Management Act No. 16 of 2013
- The Local Government: Municipal System Act No. 32 of 2000;
- Municipal Finance Management Act No. 56 of 2003; and
- The National Environmental Management Act No. 107 of 1998.

<sup>85</sup> These include: Full title = 4,649, Sectional Title = 6,289

<sup>86</sup> These are areas planned with transit-oriented development along public transport corridors, with the potential to generate substantial compact economic and housing development around strategic points along the primary movement axis; they include Turffontein, Louis Botha, Empire-Perth and Soweto corridors.

<sup>87</sup> They include 53 urban planners, 12 engineers, 33 city transformation experts, 35 land use enforcement officers and 60 staff in GIS.



# 09 KAMPALA, UGANDA



Source: © <https://www.ugandasafaristours.com/uganda-attractions/kampala-city.html>

## A. URBAN AREAS

Kampala is the capital city of Uganda and covers 169 km<sup>2</sup> of land between Lake Victoria to the South and Kira Town to the North.<sup>88</sup> The city has the same boundary as Kampala district, which is divided into five divisions: Central, Nakawa, Kawempe, Rubaga and Makindye. About 23% of Kampala's area is fully urbanized, 60% semi-urbanized and the rest considered as rural settlements.<sup>89</sup>

<sup>88</sup> See the Report by Uganda National Academy of Sciences (UNAS), "Owning our Urban Future: The Case of Kampala City" (2016) pg. 19 <<https://www.scribd.com/document/359884446/Owning-Our-Urban-Future-The-Case-of-Kampala-City>> accessed 27 November 2017.

<sup>89</sup> Kampala Physical Development Plan Final Report (2012) <<https://www.kcca.go.ug/uploads/KPDP%20Draft%20Final%20Report.pdf>> accessed 27 November 2017.

The Kampala Physical Development Plan (KPDP) of 2012 establishes a *de facto* urban growth boundary through land use zoning. The total area available for urbanisation under this plan amounts to 751km<sup>2</sup>.<sup>90</sup> In relation to the population density, since there is no development boundary, the closest equivalent is the population density within the area urbanised in 2015, which is 5,900 per km<sup>2</sup>. At current population growth, it would take the city until 2035 to reach a density of 15,000 per km<sup>2</sup> within the urbanized area.<sup>91</sup> Informal development is widespread beyond the existing urban footprint.

## B. URBAN PLANS

100% of the area available for urbanisation is covered by the KPDP (2012) and consequently, the average age of plans currently in force is 5 years<sup>92</sup>. The Physical Planning Act of 2010 permits the Minister, on recommendation from the National Planning Board, to declare an area with unique development potential or problems as a special planning area to prepare its physical development plan (SPAPDP).<sup>93</sup> The KPDP qualifies as a SPAPDP as it creates the Greater Kampala Metropolitan Area which is a special planning area.<sup>94</sup>

Physical spot checks were made of two sites which are each about one block or equivalent; one in, or in proximity to, a district predominantly commercial in character and the second closer to the growth boundary or edge of the built-up area. The following is a summary of the key findings:

### Site 1: Nsambya Precinct (New CBD under KPDP)

This site is located in the Southern Frame of Kampala's CBD and according to the KPDP, has failed to evolve as it is barriered from the CBD by the rail yards.<sup>95</sup> Hence, KPDP intends to transform this precinct into a *“modern and attractive business centre which will include a variety of building types (high-rise buildings and*

<sup>90</sup> See <<https://www.worldscapitalcities.com/capital-facts-for-kampala-uganda/>> accessed 02 May 2018. This area is bigger than Kampala city proper because the KPDP encompasses surrounding built-up urban areas formally recognized as the Greater Kampala Metropolitan Area.

<sup>91</sup> Calculation based on the following: 5,900 persons per km<sup>2</sup>, increasing at an average annual rate of 0.8% since 2003; Average annual rate of 5% since 2003; Population of 3.15 million in 2011; and Area of urban extent in 2015 was 513.21km<sup>2</sup>, increasing at an average annual rate of 4.3% since 2003.

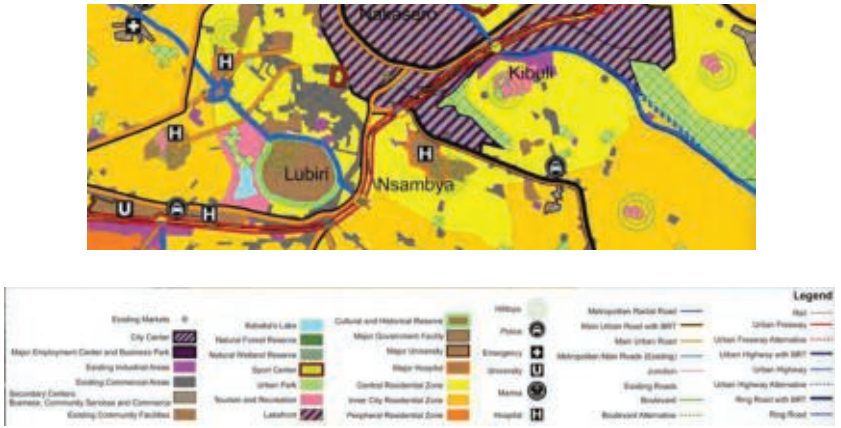
<sup>92</sup> As of 2017, KCCA is yet to formulate new Precinct/Neighbourhood Physical Development Plans.

<sup>93</sup> Section 24 of the Physical Planning Act of 2010 <<https://ulii.org/ug/legislation/act/2010/8/Physical%20Planning%20Act%2C%20%202010.pdf>> accessed 27 November 2017.

<sup>94</sup> See supra footnote 2, pg. 422.

<sup>95</sup> See supra footnote 2, pg. 99.

complexes), a freeway combined with a railway and train station, a BRT system, a large scale urban square, as well as local plazas, a system of open spaces, and an urban park.<sup>96</sup> Nsambya is also earmarked as a priority area for the formulation of a Precinct/Neighbourhood Physical Development Plan.<sup>97</sup> This has not been implemented and Nsambya remains relatively underdeveloped.



Source: © Kampala Capital City Authority



Area remains underdeveloped. Source: © Kampala Capital City Authority

<sup>96</sup> See supra footnote 2, pg. 387.

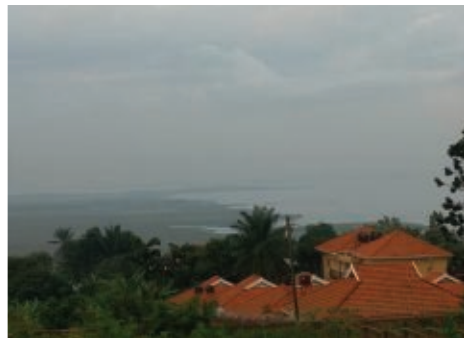
<sup>97</sup> Ibid, pg. 455.

## Site 2: Nakiwogo in Entebbe Municipality (part of the Greater Kampala Metropolitan Area under the KPDP)

The land use activities taking place around Nakiwogo are not compatible with the Entebbe Municipal Structure Plan (2008-2018). There is encroachment of residential settlements along the shores of Lake Victoria which the plan considers as a public park.



Source: © Kampala Capital City Authority



The images show encroachment of residential settlements along the shores of Lake Victoria. Source: © UN-Habitat

## C. LAND ADMINISTRATION

The Physical Planning Committee sitting at the Kampala Capital City Authority (KCCA) has approved 529 land subdivisions in the past 12 months.<sup>98</sup> The criteria for approving land subdivisions is regulated by the Physical Planning Act (2010) and the National Physical Planning Standards and Guidelines (2011). There is record of expropriation of land for public use, particularly for big infrastructural projects, such as the Kampala-Entebbe expressway by the Uganda National Roads Authority in 2012 and Usafi market (six-acre piece of land) bought by KCCA in 2015.

## D. INSTITUTIONAL FRAMEWORK

Planning and development control is managed at the municipal level by the Kampala Capital City Authority which is a statutory body established under the Kampala Capital City Act (2010).<sup>99</sup> The Land Use Regulation and Compliance Team at the Ministry of Lands, Housing and Urban Development is an entity at the national level that oversees development control nationally but has no authority to carry out enforcement. KCCA has 114 professional staff<sup>100</sup> and it has carried out at least 419 administrative actions to enforce development control within the past 12 months.<sup>101</sup>

In terms of the legislative framework, KCCA relies on the following national laws:

- The Constitution of Uganda (1965);
- The Kampala Capital City Act (2010);
- The Physical Planning Act (2010);
- The National Physical Planning Standards and Guidelines (2011);
- The Public Health Act (1935);
- The Land Act (1998);
- The Land Acquisition Act (1965);
- The Registration of Titles Act (1924); and
- The Building Control Act (2013).

<sup>98</sup> The minimum lot size is 0.15 acres.

<sup>99</sup> It should be noted that there is opaque language in the Act which creates overlapping roles and responsibilities in the institutional arrangement of Kampala. For example, Section 11(1) of the Act provides that the Lord Mayor shall be the political head of the Capital City, while section 17(1) provides that the Executive Director shall be the Chief Executive of the Authority. However, no clarification is provided on the difference between the Capital City and the Authority. Section 6 indicates the Lord Mayor as a member of the KCCA—while excluding the Executive Director from the same list. This has engendered insufficient communication between the political and administrative wings of KCCA leading to decision-making impasse.

<sup>100</sup> These include 62 engineers, 7 surveyors, 7 physical planners, 6 architects, 7 technical review team, 5 building inspectors, 7 GIS experts, 10 data collection team, 1 landscape expert and 2 cartographers.

<sup>101</sup> These include 54 demolitions and 365 prosecutions and fines.





# 10 KIGALI, RWANDA



Source: © Institute for Transportation and Development Policy: <https://www.itdp.org/2017/03/06/africa-rising-in-kigali/>

## A. URBAN AREAS

The city of Kigali, which covers 731.24 km<sup>2</sup>, is the administrative and commercial capital and largest city of the country. The city is bounded by the Nyabarongo River along the western and southern edge and partly by Lake Muhazi in the north eastern edge. Kigali comprises of 3 administrative districts namely Gasabo, Kicukiro and Nyarugenge that are further divided into 35 sectors.<sup>102</sup>

The City of Kigali adopted the Kigali Master Plan (2013-2043) which is currently being updated. The process will last for a period of 10 months ending in April 2019. The Master Plan establishes an urban growth boundary. The area available

<sup>102</sup> 15 sectors are in Gasabo district, 10 sectors in Kicukiro and 10 sectors in Nyarugenge district.

for urbanization is classified into: a) the city centre boundary (commercial); b) the semi-urban area; and c) sub-urban/rural areas.

The average population density within the growth boundary is 2,047 people per km<sup>2</sup>.<sup>103</sup> At current population growth rate (1.4%<sup>104</sup>), it would take the city until 2166 to reach an average population density of 15,000 people per km<sup>2</sup> within the growth boundary. Development extends beyond the area available for urbanization and into the rural farmlands, notably in Ruyenzi, Karumana, Nyakariro, and Muyumbu areas (southern and eastern part).

## B. URBAN PLANS

Article 11 of the Law No. 10/2012 of 02/05/2012 Governing Urban Planning and Building in Rwanda states that urban planning is to be performed with the aid of the following documents:

- a) Master plan for land management and urban planning;
- b) Local land development plans;
- c) Specific land development plans; and
- d) Land subdivision plans.

The City of Kigali adopted the Kigali Master Plan (2013-2043) which covers 100% of the growth boundary. 27 spatial plans have also been approved which cover 33.4% of the urban growth boundary. 44% of these plans have been implemented.<sup>105</sup> The Master Plan has been in force for the past five years while the period the 27 spatial plans were adopted was between 2015-2018.<sup>106</sup>

Physical spot checks were made of two sites which are each about one block or equivalent; one in, or in proximity to, a district predominantly commercial in character and the second closer to the growth boundary. The following is a summary of key findings:

<sup>103</sup> The population in 2018 (1,400,000) and the urbanized area (731.24km<sup>2</sup>).

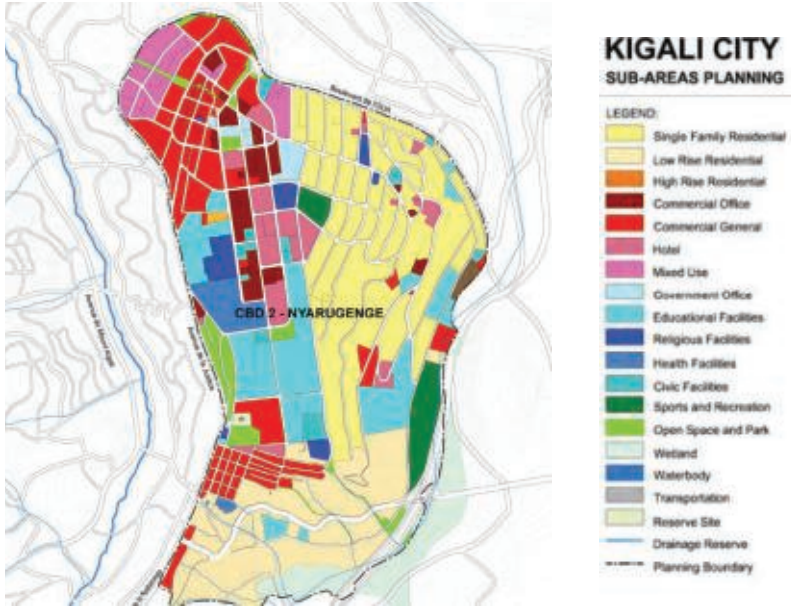
<sup>104</sup> Integrated household living conditions Survey, National Institute of Statistics of Rwanda, November 2018.

<sup>105</sup> Information from city officials during UN-Habitat official mission to Kigali on 17th December 2018.

<sup>106</sup> An overall figure on the average age of the plans currently in force cannot be established.

## Site 1: CORNER OF KN 82 STREET AND KN 2 NYARUGENGE DISTRICT

This site is in the Central Business District and is earmarked as Commercial, CBD by the Kigali Master Plan. Current development shows compliance with the zoning requirement.



Source : © City of Kigali



Commercial enterprises Nyarugenge District. Source : © UN-Habitat

## Site 2 : KABUGA CITY CENTRE, GASABO DISTRICT

This site is situated at the north-eastern edge of the urban growth boundary. The Kigali Master Plan intends to develop this area into an important commercial node. Trading activities, while not fully developed, are present within the site.



Source: © City of Kigali





Presence of commercial buildings in Kabuga town. Source: © UN-Habitat

## C. LAND ADMINISTRATION

In the past 12 months, ten (10) land subdivisions were approved for an approximate area of 1976.84 acres. The minimum lot size is contingent on the land uses. For instance, in a mixed single-family residential district, the permitted lot size is 250 m<sup>2</sup> while the minimum lot size in a mixed-use commercial district is 500 m<sup>2</sup>.<sup>107</sup> Each institution (City of Kigali, Rwanda Housing Authority, Ministry of Finance) has its own track record of compulsory acquisition of land, but there is no common record existing.

## D. INSTITUTIONAL FRAMEWORK

Planning and development control are managed at the municipal level by the Department of Urban Planning and Construction (One Stop Center) of Kigali City. The Department of Urban Planning and Construction has 28 professional staff, with 7 of them having regulatory authority. The City of Kigali has undertaken approximately 200 administrative actions (fines and demolitions) to enforce planning/development control in the past 12 months. The Rwanda Housing Authority is also mandated, by Law N°40/2010 of 25/10/2010 that establishes it, with the regulation of the construction industry.

<sup>107</sup> Detailed District Physical Plans for Kicukiro and Gasabo (Kigali, Rwanda) Zoning Plan Report 2013. [http://www.masterplan2013.kigalicity.gov.rw/downloads/Docs/RWF1101\\_12\\_Naryugenge\\_Zoning%20Report\\_04062013-s.pdf](http://www.masterplan2013.kigalicity.gov.rw/downloads/Docs/RWF1101_12_Naryugenge_Zoning%20Report_04062013-s.pdf)

In terms of the legislative framework, the city of Kigali relies on the following legal instruments:

- The Constitution of the Republic of Rwanda of 2003 revised in 2015;
- Law No.10/12 dated 02/05/2012 governing urban planning and building in Rwanda;
- Presidential Order No. 46/01 of 30/06/2015 determining procedures for formulation, approval, revision and publication of the Master Plan for Land Use Management and Urban Planning;
- Prime Minister's Order No. 104/03 of 06/05/2015 determining procedures for formulation, approval, publication, and revision of the local land development plan;
- Ministerial Order No. 05/Cab. M/015 of 21/05/2015 determining the documents and procedures for investigation, initiation, organization and issuance of authorization to carry out urban planning operations;• Rwanda Building Control Regulations, 2009;
- Ministerial Decree No. 06/Cab. M/015 of 08/06/2015 determining the instructions of categorization of buildings, conditions and procedure for application for and issuance of building permits; and
- Ministerial Order No. 04/Cab.M/015 of 18/05/2015 determining urban planning and building regulations.

# 11 KINSHASA, DEMOCRATIC REPUBLIC OF THE CONGO



Source: © UN-Habitat

## A. URBAN AREAS

Kinshasa, which is the capital and most populous city of the Democratic Republic of the Congo (DRC), is situated along the Congo River and covers 9,965 km<sup>2</sup>. Across the river, lies Brazzaville, the capital of the Republic of the Congo. Kinshasa is also one of DRC's 26 provinces. The city is situated on a flat plain, but it is surrounded by hills, with nearly 600 ravines and sandy soil causing erosion into the river and frequent flooding.

The 2014 Master Plan supersedes the Regional Development Plan of 1967 that expanded the city into the existing 28 communes. In 1972, a green belt around the city was established to promote urban agriculture. The 2014 Master Plan consists of two complementary documents pursuant to Articles 4-5 of the Urban Planning Decree of 1957.



- The Scheme of Strategic Orientation of the Kinshasa City (SOSAK), which is a Local Urban Development Plan that will expire after 15 years;
- The Plan Particulier d'aménagement of the northern part of the city and its subsidiary legislation.

The SOSAK establishes a *de facto* urban growth boundary through land use zoning. The average population density within this *de facto* growth boundary is 17,800 people per km<sup>2</sup>.<sup>108</sup> This is higher than the UN-Habitat recommended average density of 15,000 people per km<sup>2</sup>.<sup>109</sup> Large-scale development extends beyond the urban zone.

## B. URBAN PLANS

100% of Kinshasa is covered by the SOSAK plan which is the sole approved and legally binding plan for Kinshasa. Therefore, the age of plans currently in force is 4 years old.

Physical spot checks were made of two sites which are each about one block or equivalent; one in, or in proximity to, a district predominantly commercial in character and the second closer to the edge of the built-up area. The following is a summary of key findings:

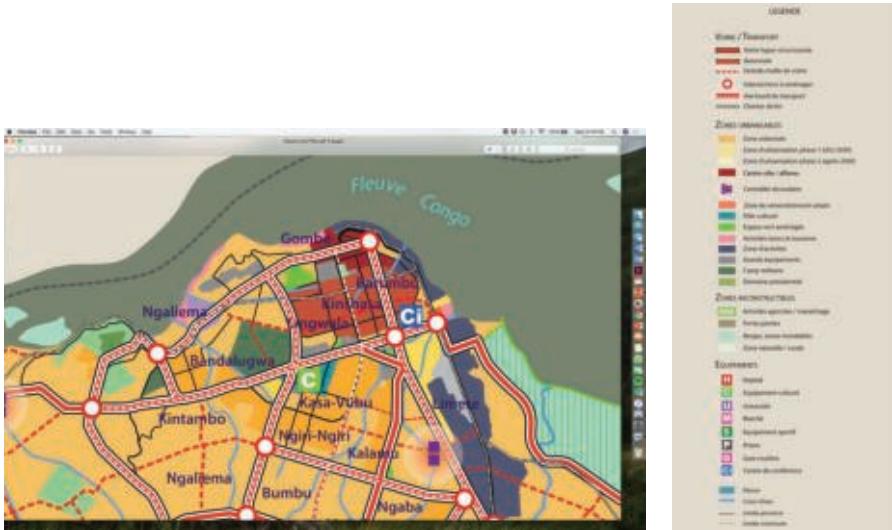
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<sup>108</sup> The population figure that was used to make the calculation is 8,000,000. Geographical area is 450 km<sup>2</sup>.

<sup>109</sup> According to a government source, the density of 15,000 people per km<sup>2</sup> was surpassed in 1995 when the population of Kinshasa was 4,700,000 and the urban extent was 310 km<sup>2</sup>.

## SITE 1: GOMBE, CBD

According to the SOSAK, Gombe is an urbanized zone planned for touristic and business activities. Current development shows compliance with the plan.



Source: © Provincial Government for the City of Kinshasa



The images show the presence of hotels, stores and office buildings. Source © UN-Habitat

## SITE 2: NSELE (in the eastern expansion of the city)

Nsele is one of the extension areas of the city. It is zoned for three phases of urbanization: that which is already urbanized, that which should be urbanized by 2030, and that which will be urbanized after the year 2030. Commercial and residential developments are found alongside the roads, but the area beyond is still agricultural which is compliant with the spatial plan.



Source: © Provincial Government for the City of Kinshasa



Presence of agricultural lands (left) and few commercial developments along the road (right). Source © UN-Habitat

## C. LAND ADMINISTRATION

According to the Ministerial order which governs subdivisions, the city has three standard plot sizes: 300m<sup>2</sup>, 400 m<sup>2</sup>, and 500 m<sup>2</sup>. In effect, the minimum plot size is 300 m<sup>2</sup>. A record of the number, location and total size of approved land subdivisions in the past 12 months is not publicly available.

There is a record of public acquisition of land in the last five years, but this document is not publicly available. Land acquisition for urban development on the urban periphery by government has been infrequent and sporadic, through expropriation with partial compensation.<sup>110</sup>

## D. INSTITUTIONAL FRAMEWORK

Planning and development control is managed at the provincial level by the Plan Division. It is divided into four zones with two division heads in charge of each. Besides the 8 division heads, it also has 16 office managers and 284 collaborative agents. Information on the administrative actions taken to enforce planning and development control in the last twelve months, including prosecutions, demolitions, and fines, is not available.

In terms of the legislative framework, the Constitution of the Democratic Republic of the Congo, 2005 provides a clear reconciliation of jurisdiction between the state and the provinces with a future reform for decentralization to boost the autonomy of the province. Other laws governing spatial planning<sup>111</sup> in Kinshasa are:

- Urban Planning Decree of 1957;
- The Law of Decentralization of 2007;
- The Law No. 73-021 of 1973 on the General Regime of Property, Land Tenure, Real Estate and Securities as amended and supplemented by Law No. 80-008 of 1980; and
- Ministerial Orders for Spatial Planning.

<sup>110</sup> Atlas of Urban Expansion Regulatory Survey (2015-2016).

<sup>111</sup> According to the legislation all land belongs to the state, but, the state has very limited control over development.



# 12 LAGOS, NIGERIA



Source: © UN-Habitat

## A. URBAN AREAS

The city of Lagos, which shares the same boundary as Lagos State, is the largest city within the Federal Republic of Nigeria. It consists of a mainland and islands, which are separated by creeks infringing on the southwest mouth of the Lagos Lagoon. Hence, Lagos is a conurbation of 20 Local Government Areas (LGAs),<sup>112</sup> which collectively form the Lagos Metropolitan Area.

<sup>112</sup> These include: Alimosho, Ajeromi-Ifelodun, Kosofe, Mushin, Oshodi-Isolo, Ojo, Ikorodu, Surulere, Agege, Ifako-Ijaiye, Shomolu, Amuwo-Odofin, Lagos Mainland, Ikeja, Eti-Osa, Badagry, Apapa, Lagos Island, Epe and Ibeju-Lekki.

According to the Nigerian Urban and Regional Planning Act, State Governments should have regional, sub-regional, urban, local and subject plans<sup>113</sup> whereas local governments are required to have town, rural area, local and subject plans.<sup>114</sup>

Lagos is guided by 11 model city and master plans<sup>115</sup> covering 19<sup>116</sup> of the 20 LGAs, which establish de facto urban growth boundaries through land use zoning. The total area available for urbanization under these plans amounts to 2084.88 km<sup>2</sup>.<sup>117</sup> In relation to the population density, data for population within the area legally available for urbanization is not available. The closest equivalent is the population density within the administrative boundary, which is 7,363 people per km<sup>2</sup>. At the current population growth rate (3.2%), it would take the city until 2041 reach a density of 15,000 people per km<sup>2</sup> within the existing boundary. However, there is widespread sprawling development beyond the political boundary of Lagos.

## B. URBAN PLANS

97.6% of the area available for urbanization is covered by the 11 spatial plans.<sup>118</sup> The oldest plan currently in force is 10 years old<sup>119</sup> while the most recently approved is only 2 years old.<sup>120</sup> The average age is 5.7 years.

Physical spot checks were made of two sites which are each about one block or equivalent; one in, or in proximity to, a district predominantly commercial in character and the second closer to the growth boundary or edge of the built-up area. The following is a summary of key findings:

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<sup>113</sup> Article 1.2

<sup>114</sup> Article 1.3

<sup>115</sup> These include Epe MasterPlan (2016-2026); Ikoyi-Victoria Island Model City Plan (2013-2033); Ikeja Model City Plan (2008-2018); Apapa Model City Plan (2012-2032); Agege-Ifako Model City Plan (2013-2033); Alimosho Model City Plan (2010-2020); Mainland Model City Plan (2012-2032); Oshodi-Isole Model City Plan (2016-2036); Badagry Masterplan (2010-2032); Ikorodu Masterplan (2016-2036) and Lekki Masterplan (2009-2029). The Agege-Ifako Plan covers 2 LGAs (Agege and Ifako-Ijaiye) whereas Badagry Masterplan covers 4 LGAs (Ajeromi-Ifelelodon, Amuwo-Odofin, Ojo, and Badagry) and the Mainland Model City Plan covers 4 LGAs (Shomolu, Mushin, Surulere, and Lagos Mainland).

<sup>116</sup> Presently, only the Kosofe Local Government Area of Lagos State has no spatial plan. However, one is currently being prepared. <https://tinyurl.com/y75mpy34>

<sup>117</sup> This figure does not include the land areas of Badagry and Epe because they are considered rural as well as the Kosofe LGA, which is an urban center with no spatial plan.

<sup>118</sup> This is not 100% as the Kosofe LGA is the only urban area with no spatial plan yet.

<sup>119</sup> Ikeja Model City Plan (2008-2018)

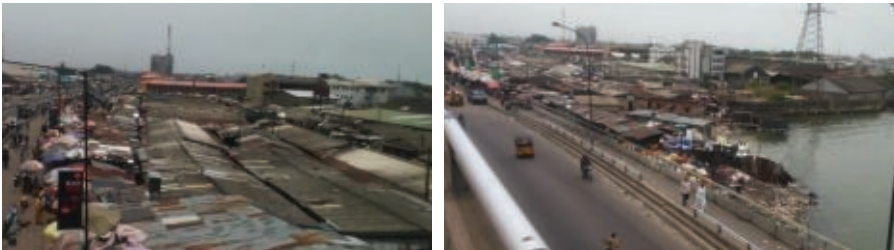
<sup>120</sup> Ikorodu Masterplan (2016-2036).

### Site 1: Iddo Waterfront

Iddo is part of the strategic action area for urban development and natural expansion area of the Lagos Island Central Business District (CBD). The high value, waterfront Iddo land next to Lagos Island CBD is intended by the Mainland Model City Plan (2012) to be redeveloped into a “mixed-use commercial, retail and residential district with an iconic public waterfront”. However, the site is currently underdeveloped with the presence of low-rise buildings coupled with clusters of irregular settlements.



Source: © Lagos State Ministry of Physical Planning and Urban Development



Source: © UN-Habitat

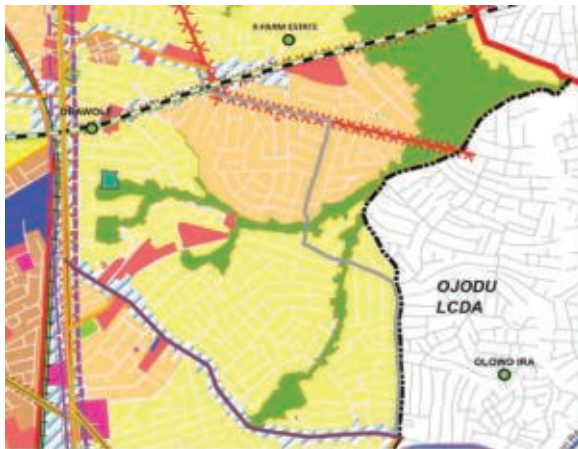


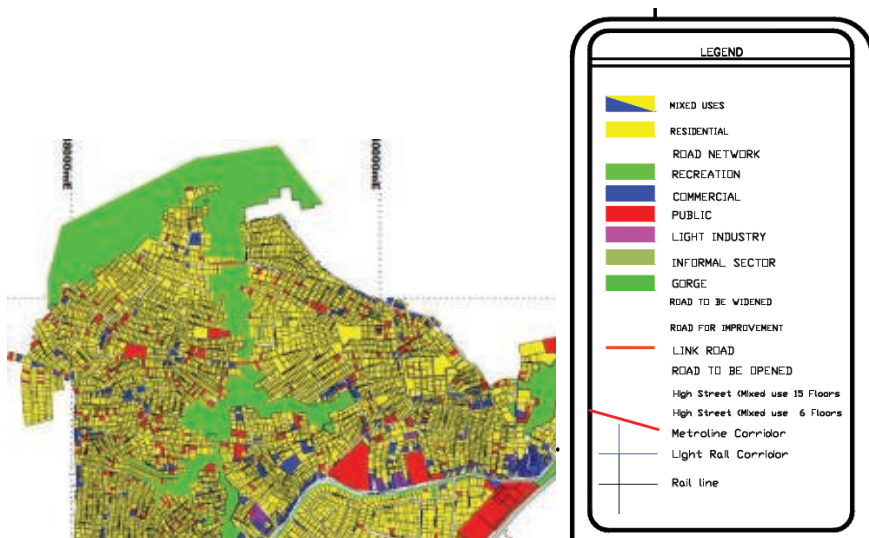
## Site 2: Gorges between the Agege-Ifako Model City Plan and the Ikeja Model City Plan

These sites are earmarked as ecological areas set aside to serve as natural urban drainage systems. Residential developments have sprawled into these zones, which is incompatible with the plan's provisions.



The yellow point shows the gorge separating Agege-Ifako Model City Plan from Ikeja Model City Plan while the red point is the gorge within the planning boundary of Ikeja Model City Plan





The two plans; Agege-Ifako Model City Plan and Ikeja Model City Plan delineate the gorge area for environmental conservation. Source: © Lagos State Ministry of Physical Planning and Urban Development



Both gorges have been encroached upon by residential settlements. Source: © UN-Habitat

## C. LAND ADMINISTRATION

The size of land subdivisions that are legal and can be approved in Lagos is 0.162-acre plots.<sup>121</sup> 138 land subdivisions have been approved in the past 12 months.<sup>122</sup> While Lagos State has no recent record of land expropriation for public purposes, it has evicted communities from their land.<sup>123</sup>

## D. INSTITUTIONAL FRAMEWORK

Planning and development control is managed at the provincial level by the Lagos State Ministry of Physical Planning and Urban Development (LSMPPUD).<sup>124</sup> Two entities, institutionally integrated and supervised by LSMPPUD, perform development control functions: a. the Lagos State Building Control Agency<sup>125</sup> (LASBCA) and b. the Lagos State Physical Planning Permit Agency<sup>126</sup> (LASPPA). Currently, the total staff strength for LSMPPUD and LASBCA is 221<sup>127</sup> and 236<sup>128</sup> respectively, whereas LASPPA has 156 field enforcement officers. LASBCA has carried out 441 administrative actions<sup>129</sup> to enforce development within the past 12 months.

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<sup>121</sup> The approvals are done by the Development Department of Lagos State Ministry of Physical Planning and Urban Development.

<sup>122</sup> These include: 5 in Eti-Osa, 46 in Ibeju-Lekki, 2 in Amuwo-Odofin, 9 in Epe, 26 in Ikorodu, 16 in Kosofe, 28 in Ojo, 3 in Oshodi-Isolo and 1 in Surulere.

<sup>123</sup> For example, in 2016, the state forcefully evicted over 30,000 residents of the Otodo Gbame, Ilubirin and Ebute Ikate waterfront and an additional 4,000 from those same communities in 2017 <<https://www.amnesty.org/en/latest/news/2017/11/nigeria-deadly-mass-forced-evictions-make-life-misery-for-waterfront-communities/>>

<sup>124</sup> This institution is mandated to prepare and implement regional, sub-regional, urban and subject plans within the State pursuant to the Lagos State Urban and Regional Planning Law 2010.

<sup>125</sup> It performs functions related to enforcement of building control regulations, removal of illegal and non-conforming structures and issuance of certificates for settlements that are fit for habitation.

<sup>126</sup> It has the primary responsibility of processing and issuing all planning permits in Lagos State, monitoring and ensuring compliance with the provisions of the approved and operative development plans, approval orders and regulations made under Law.

<sup>127</sup> According to the Lagos State Bureau of Statistics Report (2016), these include: 108 town planners, 38 architects, 27 engineers, 18 builders, 7 estate valuers, 13 land surveyors and 10 GIS experts.

<sup>128</sup> According to the Lagos State Bureau of Statistics Report (2016), these include: 26 town planners, 35 architects, 94 engineers and 81 builders.

<sup>129</sup> It has demolished 28 illegal structures and closed 413 illegal developments.

In terms of the legislative framework, LSMPPUD relies on the following state and federal laws:

- The Constitution of the Federal Republic of Nigeria of 1999;
- The Nigerian State Urban and Regional Planning Law of 1992;
- The Land Use Act of 1978;
- The Environmental Impact Assessment (EIA) Act of 1992;
- The National Environmental Standards and Regulation Enforcement Act, 2007;
- The Federal Environmental Protection Act of 1988;
- The Lagos State Urban and Regional Planning Law of 2010; and
- The Lagos State Environmental Management and Protection Law of 2017



# 13 LUANDA, ANGOLA



Source: © <https://www.gettyimages.co.uk/photos/luanda?sort=mostpopular&mediatype=photography&phrase=luanda>

## A. URBAN AREAS

The city Luanda is both the administrative capital of Luanda Province and Angola. It is located on the Atlantic coast of northern Angola and is one of the nation's busiest seaports. The city is made up of the following six urban districts which form Luanda municipality; a) Ingombota b) Rangel c) Maianga d) Kilamba Kiaxi e) Samba and f) Sambizanga.

The General Masterplan of Luanda 2018 establishes a *de facto* urban growth boundary through land use zoning. The average population density within the growth boundary is 5,126 per people per km<sup>2</sup>.<sup>130</sup> According to the national

<sup>130</sup> The following factors have been considered. The population of Luanda was 6,760,444 in 2014, increasing at an average annual rate around 3.1% since 2016 and is expected to reach 8,247,688 in 2019. (National Statistics Institute, 2016). The area of the growth boundary as defined in the plan is 1,608.97 km<sup>2</sup>.

demographic projections, within the current urban boundary (1,608.97 km<sup>2</sup>), Luanda will reach an average population density of 10,483 people per km<sup>2</sup> by 2050. At this time, the annual population growth rate will be 2.0%. Given these projections, it will take Luanda until 2069 to reach an average population density of 15,000 per km<sup>2</sup> within the growth boundary. Few developments extend beyond the growth boundary despite non-urbanized areas still present within the boundary.

## B. URBAN PLANS

The Territorial Planning Law 3/04 establishes a three-tier hierarchy of spatial planning; national, provincial and municipal. This Law requires that municipal master plans be prepared by the municipal administrations with support from the provincial technical offices and approved by the provincial governors.<sup>131</sup> These plans are defined as tools to provide:<sup>132</sup> a) the programming framework of municipal development strategies of occupation and use of land in the short, medium and the long-term; b) the municipal framework for the classification and zoning of land and parameters of public land use; c) the municipal framework for defining natural ecological reserves, and the designation of rural and urban uses as well as measures to protect the environment; d) rules for the management and development of municipal land; e) criteria for the location of infrastructure and public facilities; and f) criteria for the allocation of land to the public domain, for land declared public utility and the granting of charters for the expansion of urban centres.

100% of the area within the growth boundary is covered by the General Masterplan of Luanda, 2018. Of the plans currently in force<sup>133</sup>, the oldest plan is 8 years old while the most recently approved is 8 months old. The average age is 5 years.

Physical spot checks were made of two sites which are each about one block or equivalent; one in, or in proximity to, a district predominantly commercial in character and the second closer to the growth boundary. The following is a summary of key findings:

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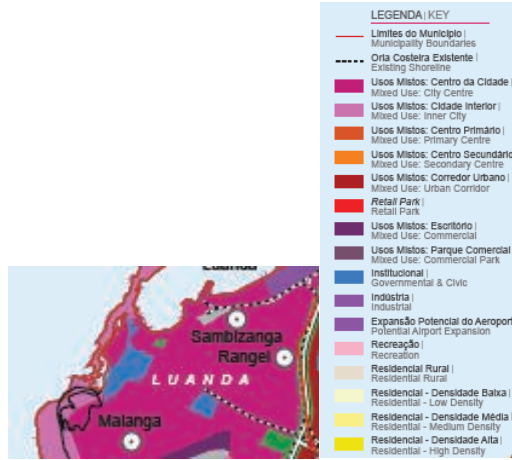
<sup>131</sup> Article 57.

<sup>132</sup> Article 78.

<sup>133</sup> Apart from the General Master Plan (2018), the other approved plans include the Interprovincial Luanda and Bengo Urban Expansion and Infrastructural Integrated Plan (2011) and the Master Plan of Futungo de Belas (2010).

## Site 1: CITY CENTRE

This site is zoned as a mixed-use area according to the General Masterplan of Luanda, 2018. Current development shows compliance with the plan.



Source: © Provincial Government of Luanda

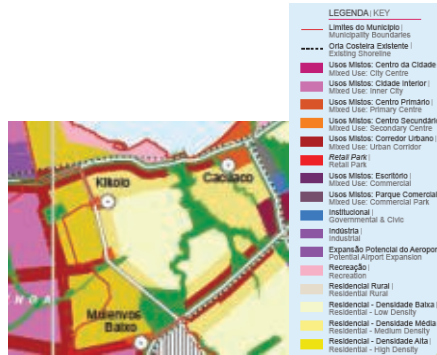


Source: © UN-Habitat



## Site 2: KIKOLO

This site is zoned as Residential - Medium density according to the General Masterplan of Luanda, 2018. The site is underdeveloped and thus does not comply with the plan.



Source: © Provincial Government of Luanda





Source: © UN-Habitat

## C. LAND ADMINISTRATION

The size of land subdivisions that can be approved is 600 m<sup>2</sup>,<sup>134</sup> but the commune of Zango, applies 200 m<sup>2</sup>. The number of land subdivisions that have been approved in the past 12 months could not be ascertained. The records of acquisition of land for public purposes within the growth boundary, either voluntary or compulsory, in the last five years could not be identified.

## D. INSTITUTIONAL FRAMEWORK

According to the Constitution, the leading role in spatial and urban planning are the local authorities, namely municipalities. However, in Luanda, these functions are carried out at the provincial level by the Urban Planning and Management Institute for Luanda (IPGUL).<sup>135</sup> Nine (9) technical support offices have been created that respond directly to the President and they coordinate urban planning and management within their respective boundaries, but inside IPGUL's jurisdiction.

<sup>134</sup> This standard is prescribed under the National Policy Territory Planning and Urbanism which is yet to be published and attain legal force.

<sup>135</sup> Instituto de Planeamento e Gestão Urbana de Luanda (IPGUL).

IPGUL has 97 professional staff, with 15 technicians conducting the enforcement of development control which is limited to works over 1,000 m<sup>2</sup> and 4-storey buildings. The municipal administrations carry out the other forms of enforcement. Luanda municipality has 25 technicians for this function. The number of administrative actions to enforce development control within the past twelve months could not be ascertained.

In terms of the legislative framework, IPGUL relies on the following laws:

- The Territorial Planning and Urbanism Law No. 3/04;
- General Regulation of Territorial Urban and Rural Plans Decree No. 2/06;
- Regulation of Licensing of Allotment Operations, Urbanization Works and Construction Works;  
General Regulation of Urban Buildings Decree No. 13/07;
- Land Law 9/04;
- General Regulation of Land Concession Decree 58/07;
- National Policy for the Granting of Land Rights, Presidential Decree 216/11;
- Basic Law of Housing Development Law No. 3/07;
- Cultural Heritage Law No. 14/05;
- Laws for Urban Taxation Law No. 16/11 and 18/11;
- Regime of Legal Regularization of Public and Private Presidential Decree 169/12; and
- Law of States' Real Estate Assets Law no. 7/95.

# 14 LUBUMBASHI, DEMOCRATIC REPUBLIC OF THE CONGO



Source: © Getty Images <https://www.gettyimages.com/videos/lubumbashi?phrase=lubumbashi&sort=mostpopular&license=rf,rr>

## A. URBAN AREAS

Lubumbashi, which is the second largest city in Democratic Republic of the Congo, is the nation's transportation centre for mineral products. The city, which covers 1,383.86 km<sup>2</sup>, is the principal city of the Katanga Province. There are rail routes from Lubumbashi to the Atlantic and Indian oceans as well as road links to Kasai, Lake Mweru, Kalemie (on Lake Tanganyika), Northeastern Congo and Eastern Africa.

The Master Plan of Urban Planning and Development of the City of Lubumbashi (1958) establishes a *de facto* urban growth boundary through land use zoning. The average population density within this *de facto* growth boundary is 2,145 people per

km<sup>2</sup>.<sup>136</sup> At current population growth rate (4.1%), it would take the city until 2065 to reach a density of 15,000 per km<sup>2</sup> within the *de facto* growth boundary. Finally, informal development extends beyond the *de facto* growth boundary.

## B. URBAN PLANS

Articles 4-5 of the Urban Planning Decree of 1957 require the preparation of two complementary documents: a) the Local Development Plan; and b) the Special Plan. Lubumbashi is solely guided by the Master Plan of Urban Planning and Development of the City of Lubumbashi (1958). 100% of Lubumbashi is covered by the Master Plan and hence, the age of plans currently in force is 60 years old.

Physical spot checks were made in two sites; one in a planned neighbourhood and the other in an unplanned settlement.<sup>137</sup>

### SITE 1: COMMUNE KAMALONDO

As a planned settlement, this area is characterized by small-serviced plots and high densities (see image below).



Source: © UN-Habitat

<sup>136</sup> The population figure that was used to make the calculation is 1,602,268 in 2017. De facto growth boundary area is 747 km<sup>2</sup>.

<sup>137</sup> Due to challenges in accessing the city's Master Plan, the spot check analysis for Lubumbashi is not consistent with other cities in the study. The analysis has been conducted assessing the nuances between a planned and an unplanned urban settlement.

## SITE 2: KAFUBU DISTRICT

As an unplanned settlement, the plots in this area are distributed by local chiefs. In the northern part of the settlement (Quartier Joli-site), the parcels are 4-6 times larger than in Kamalondo, which increases the distance towards places of work. (See image below).



Source: © UN-Habitat

## C. LAND ADMINISTRATION

The minimum plot size currently observed is 1,600 m<sup>2</sup>. In 2009, 37,500 land subdivisions were approved each measuring 1,200 m<sup>2</sup>. There are records of public acquisition of land in the last five years which are related to housing projects in the outskirts of the city.

## D. INSTITUTIONAL FRAMEWORK

Planning and development control is managed at both the provincial and municipal level. At the provincial level, the Provincial Ministry of Upper Katanga is responsible for overseeing and supervising the urban development operations carried out in the cities. At the local level, the Municipality of Lubumbashi has two entities: a) the Technical Commission of Lubumbashi which proposes policies and draft regulations; and b) the Agency of the Bureau of Urban Planning Studies that coordinates the activities of urban planning and acts as the technical organ of the

Technical Commission. The number of professional staff could not be ascertained. The Provincial Ministry has authorized 523 demolitions in the last twelve months.<sup>138</sup>

In terms of the legislative framework, the Constitution of the Democratic Republic of the Congo, 2005 provides a clear reconciliation of jurisdiction between the state and the provinces with a future reform for decentralization to boost the autonomy of the province. Other laws governing spatial planning in Kinshasa are:

- Urban Planning Decree of 1957;
- The Law of Decentralization of 2007;
- The Law No. 73-021 of 1973 on the General Regime of Property, Land Tenure, Real Estate and Securities as amended and supplemented by Law No. 80-008 of 1980; and
- Ministerial Orders for Spatial Planning.

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<sup>138</sup> 483 houses were demolished which had encroached upon the perimeter of the airport protection zone and 40 houses demolished in Hewa Bora / Tunel site that were constructed lacking formal approval.

# 15 NAKURU, KENYA



Source: © <https://www.nation.co.ke/news/regional/With-elevation-comes-challenges-Nakuru-Town-has-to-grapple-with-1070-1019208-8xao0dz/index.html>

## A. URBAN AREAS

Nakuru town is the fourth largest urban centre in Kenya after Nairobi, Mombasa and Kisumu and is situated in an environmentally sensitive area. It is sandwiched between Lake Nakuru National Park to the south and the Menengai crater and its associated volcanic landscapes. Further to the North East of the town is the Bahati Ridge forming the western edge of the Aberdares Escarpment.

The Nakuru Strategic Structural Plan (2000) establishes a *de facto* urban growth boundary through land use zoning. The total area available for urbanisation under this plan amounts to 45.4 Km<sup>2</sup>. In relation to the population density, data for population within the area legally available for urbanisation is not available. The closest equivalent is the population density within the area urbanised in 2014,



which is 3,600 per km<sup>2</sup>. At current population growth, it would take the city until 2052 to reach a density of 15,000 per km<sup>2</sup> within the urbanized area.<sup>139</sup> Finally, informal development beyond the area available for urbanisation is widespread in relation to the current *de facto* boundary.

## B. URBAN PLANS

100% of the area available for urbanization is covered by the Nakuru Strategic Structural Plan (2000) and consequently, the average age range of plans currently in force is 17 years.<sup>140</sup> This Plan was adopted in accordance with the provisions<sup>141</sup> of the Physical Planning Act (No. 6 of 1996) which calls for the preparation of two hierarchy of plans: a) regional physical development plans (provincial level) and b) local physical development plans (town, city, municipal level).

However, in line with the 2010 Kenyan Constitution, new laws have been enacted such as the Urban Areas and Cities Act (No. 13 of 2011) which has introduced new classification of cities, towns and municipalities<sup>142</sup> and mandates these urban areas to prepare integrated development plans.<sup>143</sup> Furthermore, the County Governments Act (No. 17 of 2012) calls for the preparation of four city-wide plans.<sup>144</sup> These plans don't exist for Nakuru town.<sup>145</sup>

Physical spot checks were made of two sites which are each about one block or equivalent; one in, or in proximity to, a district predominantly commercial in character and the second closer to the growth boundary or edge of the built-up area. The following is a summary of the key findings:

<sup>139</sup> Calculation based on the following: 3,600 persons per km<sup>2</sup> decreasing at an average annual rate of -5.6% since 2000. Annual growth rate of 3.9%; Population in 2014 was 326, 160. Area of urban extent is 91.24km<sup>2</sup> increasing at an average annual rate of 9.5% since 2000.

<sup>140</sup> It should be noted that Part Development Plans such as the Kabatini (1978), Kiamunyi (1979), Githiro (1983) and Barut (1987) played a crucial role in influencing the growth of Nakuru town. These plans lost legal validity after the Physical Planning Act (1996) and the 2000 Strategic Structural Plan came into force.

<sup>141</sup> Part IV - Section 24-28 <[https://kenya.eregulations.org/media/Physical%20Planning%20Act%20\(Cap.%20286\).compressed\\_2.pdf](https://kenya.eregulations.org/media/Physical%20Planning%20Act%20(Cap.%20286).compressed_2.pdf)> accessed 18 October 2017.

<sup>142</sup> See Part II (sections 5-10) of the Act. An urban area will be conferred city status if it has a population of at least 500,000 residents as well as presence of an integrated urban area or city development plan among other institutional, social and environmental conditions. A municipality must demonstrate aforementioned conditions but have a population of at least 250,000 residents. Considering the population factor alone (326,160), Nakuru qualifies as a municipality.

<sup>143</sup> The content is outlined in the Third Schedule of the Act.

<sup>144</sup> See section 111 of the Act. These plans include: a) City or municipal land use plans; b) City or municipal building and zoning plans; c) City or urban area building and zoning plans; and d) location of recreational areas and public facilities.

<sup>145</sup> The Nakuru County Government is aiming to finalize the Nakuru County Spatial Plan 2014 – 2024 and adopt the Integrated Urban Structure Development Plan for Nakuru and Naivasha Town. <<http://takeone.nakuru.go.ke/departments/lands/>> accessed 18 October 2017.

**Site 1: The Central Business District including the adjacent public spaces (Lions Garden and Nyayo Gardens), the Market and Bus Station**

Activities in the CBD are generally compatible with the provisions of the plan, especially in relation to the maintenance of the public open spaces. Moreover, the mixed used functions are physically and functionally integrated, engendering a dense and compact city centre.



LEGEND	
1. PROTECTED AGRICULTURE (SMALL FARMS)	9. INSTITUTIONS
1A. PROTECTED AGRICULTURE (BIG FARMS)	10. TOURISM
2. HIGH VALUE INVESTMENT AREAS	11. DUMPING GROUND (TO BE RELOCATED)
3. MIXED URBANITY	12. INDUSTRY
4. CENTRAL BUSINESS DISTRICT	13. LOW DENSITY SETTLEMENT
5. - 6. *INDISCERNIBLE	14. MEDIUM DENSITY SETTLEMENT
7. STRATEGIC NODES	15. HIGH DENSITY RESIDENTIAL
8. PUBLIC GREEN SPACE	16. LIGHT INDUSTRY
	17. DAUL CARRIAGE WAY
	18. ELEVATED HIGHWAY

Source: © Nakuru County Directorate of Lands and Physical Planning





Preservation of open space and the commercial nature of the CBD. Source: © UN-Habitat

## SITE 2: UMOJA II

This area is demarcated as agricultural land, but current activity includes subdivision and conversion of this original land use to residential, commercial, institutional and other uses, turning this site into a suburb of sorts. Permits particularly for the construction of medium density residential settlements have been contrary to the plan.



LEGEND	
1. PROTECTED AGRICULTURE (SMALL FARMS)	11. DUMPING GROUND (TO BE RELOCATED)
1A. PROTECTED AGRICULTURE (BIG FARMS)	12. INDUSTRY
2. HIGH VALUE INVESTMENT AREAS	13. LOW DENSITY SETTLEMENT
3. MIXED URBANITY	14. MEDIUM DENSITY SETTLEMENT
4. CENTRAL BUSINESS DISTRICT	15. HIGH DENSITY RESIDENTIAL
5. - 6. *INDISCERNIBLE	16. LIGHT INDUSTRY
7. STRATEGIC NODES	17. DAUL CARRIAGE WAY
8. PUBLIC GREEN SPACE	18. ELEVATED HIGHWAY
9. INSTITUTIONS	
10. TOURISM	

Source: © Nakuru County Directorate of Lands and Physical Planning



Ongoing construction of a residential apartment is contrary to the prescribed zoning.  
Source: © UN-Habitat

## C. LAND ADMINISTRATION

In relation to the land administration system, the size of land subdivisions that are legal and can be approved in Nakuru are 1/8<sup>th</sup> acre plots. This method usually brings about 7 parcels of 0.125-acre plots per acre. Most of the approved land subdivisions are within the urbanized areas (which are roughly 10-15km away from the town centre) such as London<sup>146</sup>, Kaptembwa, Pipeline and Lanet (Umoja) areas. No record of the acquisition of land for public purposes by the municipal or provincial government could be identified.

<sup>146</sup> In this area, illegal subdivisions take place (20\*40) plot sizes per acre.

## D. INSTITUTIONAL FRAMEWORK

From the introduction of the 2010 Constitution, spatial planning and development control is a provincial competence (at the county level).<sup>147</sup> This is undertaken by the Nakuru County Directorate of Lands and Physical Planning functionally integrated within the Nakuru County Ministry of Lands, Physical Planning and Housing. The Directorate has 24 professional staff<sup>148</sup> and it has carried out at least 140 administrative actions to enforce development control within the past 12 months.<sup>149</sup>

In terms of the legislative framework, there is no county-specific legal framework in place so the Nakuru County Directorate of Lands and Physical Planning relies on the following national laws:

- a) The Constitution of Kenya 2010;
- b) The Physical Planning Act No. 6 of 1996;
- c) The Urban Areas and Cities Act No. 13 of 2011;
- d) The County Government Act No. 17 of 2012;
- e) The Local Government (Adoptive By-Laws) Building Order 1968;
- f) The Land Act No. 6 of 2012;
- g) The Land Registration Act No. 3 of 2012;
- h) The Land Laws (Amendment) Act No. 28 of 2016;
- i) The Community Land Act No. 27 of 2016; and
- j) The Environmental Management and Co-ordination Act 1999.

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<sup>147</sup> Prior to 2010, spatial planning and development control was a municipal competence undertaken by the Town Planning Department for Nakuru Municipality.

<sup>148</sup> These include: 13 physical planners, 1 GIS expert, 1 engineer, 4 land surveyors, 2 architects and 3 cartographers.

<sup>149</sup> This mainly involves prosecutions and demolitions.

# 16 NDOLA, ZAMBIA



Source: © UN-Habitat

## A. URBAN AREAS

The city of Ndola, which is the regional capital of the Copperbelt Province, is Zambia's economic and industrial hub. The city, with an area of 1,103 km<sup>2</sup>, is strategically located neighbouring the Democratic Republic of Congo to the North and offering easy access into Angola to the West.

Ndola has an abstract urban boundary to separate buildable vis-à-vis non-buildable areas. The population density within the boundary is 409 persons per km<sup>2</sup> and at current population growth rate (1.9%), it would take the city until 2200 to reach a density of 15,000 people per km<sup>2</sup>.<sup>150</sup> However, there is sprawling development into forest reserves and farmlands.

<sup>150</sup> The calculation has been made using a projected population of 476,267 in 2018 (2010 census population was 451,246). The growth rate is 1.9% and the land mass is 1,103 km<sup>2</sup>.

## B. URBAN PLANS

According to the Urban and Regional Planning Act (No. 3) of 2015, local authorities should prepare two sets of plans; a) an integrated development as the principal planning instrument to guide and inform all planning and development; and b) a local area plan to provide detailed proposals for the development of an area designated for development under an integrated development plan.<sup>151</sup>

Ndola is guided by a Topographic Survey Plan (1968) which is read in conjunction with parcel maps/cadastre that demarcate plots into residential, commercial, small holding/industrial and farmland. Technically, the Survey Plan is the only zoning plan in force (50 years old) and it covers 30% of the area within the growth boundary.

Physical spot checks were made of two sites which are each about one block or equivalent; one in, or in proximity to, a district predominantly commercial in character and the second closer to edge of the built-up area. The following is a summary of key findings:

### Site 1: The Central Business District

This site is earmarked as an ‘*area with permanent buildings*’ under the Topographic Survey Plan (1968). Current state reflects this.



<sup>151</sup> Section 19 and 21 of the Urban and Regional Planning Act (No. 3) of 2015.



Source: © Ndola City Council



Mixed-use functions in the CBD. Source: © UN-Habitat

## Site 2: Dola Hill Forest

This site is designated as an *intensive conservation area (forest reserve)* under the Topographic Survey Plan (1968). Presently, it is a low density, high cost residential area as shown by the GIS plot markers in red.







Source: © Ndola City Council



Residential developments in a conservation area. Source: © UN-Habitat

## C. LAND ADMINISTRATION

The size of land subdivisions that are legal and can be approved depends on the land uses.<sup>152</sup> 156 land subdivisions have been approved in the past 12 months. Land has been successfully expropriated by the Ndola City Council for public purposes. In 2016, the Council acquired 2,000 hectares of private land for the construction of a new airport (Copperbelt International Airport).

## D. INSTITUTIONAL FRAMEWORK

Planning and development control is managed at the municipal level by the Department of City Planning, Ndola City Council. The Department has 35 professional staff<sup>153</sup> and has carried out 326 administrative actions to enforce

<sup>152</sup> For instance, for a high cost holding (low density settlement), the minimum plot size is 1,500m<sup>2</sup> whereas farm plots sizes are 50,000m<sup>2</sup>.

<sup>153</sup> These include: 5 physical planners, 1 architect, 5 surveyors, 4 socio-economic planners, 5 environmental planners, 3 civil engineers, 4 electrical engineers, 2 quantity surveyors and 6 building inspectors.

development control within the past 12 months.<sup>154</sup> Various national entities have a role to play in enforcing development control such as the Zambia Environmental Management Agency, Water Resources Management Authority, Zambia Electricity Supply Corporation, Zambia Forestry and Forest Industries Corporation and Copperbelt Energy Corporation.

In terms of the legislative framework, the Council relies on the following national laws<sup>155</sup>:

- The Constitution of the Republic of Zambia of 1991;
- The Local Government Act (CAP 281) of 1991;
- The Urban and Regional Planning Act (No.3) of 2015;
- The Lands Act (CAP 184) of 1995;
- The Land Survey Act (CAP 188) of 1960;
- The Environmental Management Act (No. 12) of 2011;
- The Forestry Act (No.4) of 2015;
- The Public Health Act of 1930;
- The Water Act (CAP 198) of 1949; and
- The Roads and Road Traffic Act (CAP 464) of 1971.

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<sup>154</sup> These include: 50 demolitions, 20 fines, 6 prosecutions and 250 stop order notices.

<sup>155</sup> The Council has capacity to make by-laws through elected councillors which are called Ordinances, but they are abstract instruments.



# 17 OYO, NIGERIA



Source: © <http://hometown.ng/listing-item/oyo/>

## A. URBAN AREAS

The city of Oyo, located in Oyo State, not only lies 52 km north of the State capital, Ibadan but also serves a hub for local roads connecting the state. Oyo is known for its high educational pedigree as well as its market centres as its economy is predominantly based on agriculture and handicrafts. Administratively, the city has three Local Government Areas; Atiba, Oyo East and Oyo West.

Oyo has no urban growth boundary. The average population density within the built-up area is 220 persons per km<sup>2</sup> and at current population growth rate (4.2%), it would take the city until 2121 to reach a density of 15,000 people per km<sup>2</sup>.<sup>156</sup>

<sup>156</sup> The calculations have been based on the current demographic projections for 2018 (Population – 533,417 and an annual growth rate of 4.2%).

## B. URBAN PLANS

According to the Urban and Regional Planning Act (1992), State governments are required to prepare regional, sub-regional, urban, local and subject plans<sup>157</sup> whereas local governments are required to have town, rural area, local and subject plans.<sup>158</sup> No such plans exist for the city of Oyo.

Physical spot checks were made against two approved land subdivision plans which are both a mix of residential and industrial estates. The following is a summary of key findings:

### Site 1: OJONGBODU INDUSTRIAL AREA

This site is earmarked as an industrial estate under the Ojongbodu Residential/Industrial Land Subdivision Plan.<sup>159</sup> Current state reflects change of land use to residential development which does not comply with the subdivision plan.



Source: © Oyo State Bureau of Physical Planning and Development Control

<sup>157</sup> Article 1.2 of the Nigerian Urban and Regional Planning Act.

<sup>158</sup> Article 1.3, *ibid*.

<sup>159</sup> According to the planning officials, the subdivision plan is believed to have been approved in the 1980s.



Change of use from industrial to residential. Source: © UN-Habitat

## Site 2: BODE THOMAS RESIDENTIAL ZONE

This site is earmarked as a residential area under the Bode Thomas Residential & Industrial Estate Plan.<sup>160</sup> Currently, few human settlements exist as much of the area is underdeveloped.



Source: © Oyo State Bureau of Physical Planning and Development Control



<sup>160</sup> According to the planning officials, the subdivision plan is believed to have been approved in the 1980s.



Area remains underdeveloped. Source: © UN-Habitat

## C. LAND ADMINISTRATION

No land subdivisions have been approved by the Oyo State Bureau of Physical Planning and Development Control in the past 12 months. There are no records of public purchase or acquisition of land within the boundary, either voluntary or compulsory, in the last five years.

## D. INSTITUTIONAL FRAMEWORK

Planning and development control is managed at the provincial level by the Oyo State Bureau of Physical Planning and Development Control. The Bureau has 354 professional staff who are all town planners. 3.3% of them (12) have regulatory authority to enforce development control. The Bureau has carried out 9 administrative actions to enforce development control within the past 12 months.<sup>161</sup>

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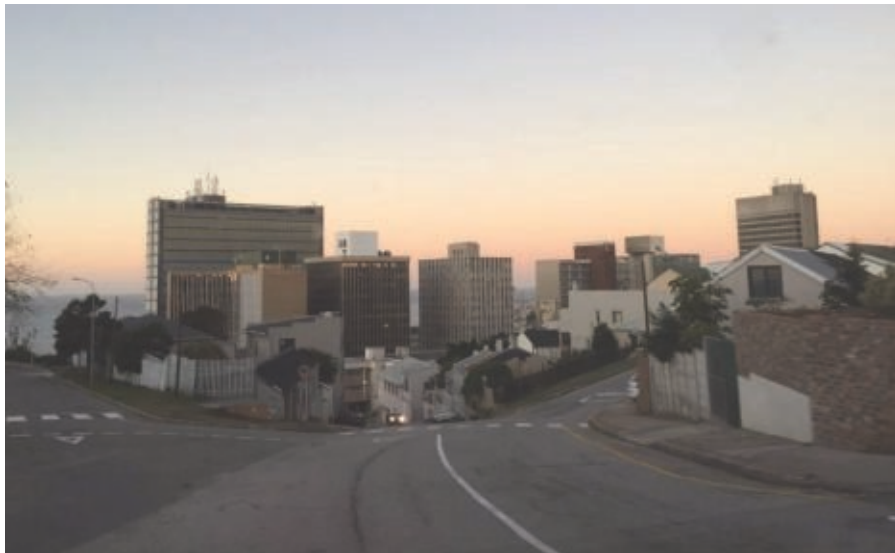
161 These are all demolitions of illegal structures.



In terms of the legislative framework, the Bureau relies on the following federal and state laws:

- The Constitution of the Federal Republic of Nigeria of 1999;
- The Nigerian State Urban and Regional Planning Law of 1992;
- The Land Use Act of 1978;
- The Environmental Impact Assessment (EIA) Act of 1992;
- The National Environmental Standards and Regulation Enforcement Act, 2007;
- The Federal Environmental Protection Act of 1988; and
- The Oyo State Ministry of Environment, Physical Planning and Urban Development Law of 2015.

# 18 PORT ELIZABETH, SOUTH AFRICA



Source: © UN-Habitat

## A. URBAN AREAS

The city of Port Elizabeth, which is situated within the Nelson Mandela Bay, is the fifth largest of South Africa's eight metropolitan areas but it is the second largest metro in terms of geographical area. Post-2000, Port Elizabeth has been governed by the Nelson Mandela Bay Municipality (NMBM), which was formed through an amalgamation of various local town councils. It was designated by the Demarcation Board as a metropolitan municipality. The Metropolitan Spatial Development Plan of 2015<sup>162</sup> establishes an urban growth boundary.

<sup>162</sup> Nelson Mandela Bay Municipality (2015): Metropolitan Spatial Development Framework, p. 80, 190 <http://www.nelsonmandelabay.gov.za/datarepository/documents/msdf-2015-final-document-nmbm.pdf>

In relation to the population density, data for population within the area legally available for urbanization is not available. The closest equivalent is the population density within the urban extent in 2013 which is 3,500 people per km<sup>2</sup>. At current population growth rate (3.2%), it would take the city until 2060 to reach a density of 15,000 people per km<sup>2</sup> within the urbanized area.<sup>163</sup> Very few developments exist beyond the growth boundary.

## B. URBAN PLANS

According to the National Spatial Planning and Land Use Management Act 2013 (SPLUMA), municipal councils are mandated to adopt municipal spatial development frameworks for the municipality.<sup>164</sup> The Nelson Mandela Bay Municipality approved a Metropolitan Spatial Development Framework (MSDF) in 2015. The MSDF covers the entire municipality (100%).

However, Local Spatial Development Frameworks (LSDFs) are also required for the 16 districts within NMBM.<sup>165</sup> LSDFs are a detailed interpretation of the MSDF and should be used concurrently and consistently for the evaluation of land development applications.<sup>166</sup> 15 of the 16 districts have approved LSDFs, except for the Soweto-on-sea district. Therefore, the oldest plan currently in force is 9 years old, while the most recently approved is only 1 year old. They have an average age of 4.8 years old. The SPLUMA also requires that LSDFs be reviewed every 5 years<sup>167</sup>, but only 7 reviews have taken place since 2013.

Physical spot checks were made of two sites which are each about one block or equivalent; one in, or in proximity to, a district predominantly commercial in character and the second closer to the growth boundary or edge of the built-up area. The following is a summary of key findings:

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<sup>163</sup> The calculations have been based on the 2013 population (952,757), annual growth rate of 3.2% and the urban extent radius of 271km<sup>2</sup>.

<sup>164</sup> Section 20 (1).

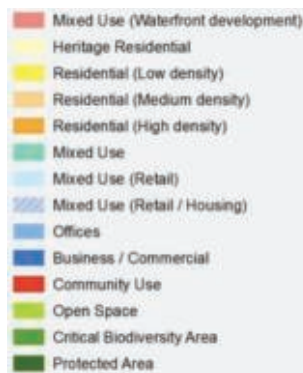
<sup>165</sup> Section 24 (4).

<sup>166</sup> Section 22 (1&2).

<sup>167</sup> Section 27 (1).

## SITE 1: CENTRAL HILL, INNER CITY

Although this neighborhood is central and close to many commercial districts, many of the plots in Central Hill are zoned as heritage residential areas and mixed-use. Though the space is underdeveloped, with many idle spaces and a lack of mixed uses, the heritage buildings are preserved according to plan.



Source: © Nelson Mandela Bay Metropolitan Municipality



Presence of heritage buildings. Source: © UN-Habitat

## SITE 2: LORRAINE

This neighborhood is located on the southern outskirts of Port Elizabeth and is primarily zoned for single-use low-density residential housing. Current development shows compliance with the plan's provisions given the presence of single-family homes and little commercial development.



### SDF Landuse Categories

- Mixed Use Zone 1 (Retail / Offices / HD Residential)
- Mixed Use Zone 2 (Office / HD Residential)
- Mixed Use Zone 3 (Office / MD Residential)
- Office
- Local Business
- Single Residential
- Medium Density Residential (Max. 25 Units / ha)
- High Density Residential (Max. 50 Units / ha)
- Open Space
- PE MCGS
- Community Facility
- Religious
- School

Source: © Nelson Mandela Bay Metropolitan Municipality



Presence of single-family homes. Source: © UN-Habitat

## C. LAND ADMINISTRATION

Regarding the land administration system, the minimum legal plot size is 250 m<sup>2</sup> and there is no maximum plot size. Land subdivision regulations do not mandate a minimum amount of public open space (other than streets and sidewalks).<sup>168</sup> Data on the total size of approved land subdivisions in the past 12 months could not be identified.

Records of public purchase or other acquisition of land within the urban boundary, either voluntary or compulsory, in the last 5 years, could not be identified. However, it has been noted that land acquisition for urban development on the urban periphery by government (in all its forms) has been extensive, using expropriation with compensation at land-market values.<sup>169</sup>

## D. INSTITUTIONAL FRAMEWORK

Planning and development control is managed at the municipal level by the Directorate of Land Planning and Management of the Nelson Mandela Bay Metropolitan Municipality. In total there are 23 professional planning staff, out of which, 30.4% (7) are the land use monitors who conduct site inspections. There are other departments institutionally integrated within NMBM such as the Legal Services Division and the Safety and Security Directorate who also carry out administrative actions to enforce development control. The Planning Directorate has carried out 27 administrative actions<sup>170</sup> to enforce development within the past 12 months.<sup>171</sup>

In terms of the legislative framework, the Directorate relies on the following laws:

- The Constitution of South Africa No. 108 of 1996;
- The Spatial Plan and Land Use Management Act No. 16 of 2013;
- The Local Government Municipal Systems Act No. 32 of 2000;
- The Development Facilitation Act No. 67 of 1995;
- The Environmental Conservation Act No. 73 of 1989;
- The National Environmental Management Act No. 107 of 1998;
- The Less Formal Township Establishment Act No. 113 of 1991; and
- The Cross-Border Road Transport Act No. 4 of 1998.

<sup>168</sup> Atlas of Urban Expansion, Regulatory Survey 2015-2016.

<sup>169</sup> Atlas of Urban Expansion, Regulatory Survey 2015-2016.

<sup>170</sup> These include: 20 demolitions and 7 prosecutions.

<sup>171</sup> It should be noted that this Directorate has received over 200 land use reports in the past year requiring enforcement action. Moreover, the number of administrative actions undertaken could be higher as the Building Inspectorate issues fines, but the number could not be ascertained.



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# EFFECTIVENESS OF PLANNING LAW IN SUB-SAHARAN AFRICA

## URBAN LEGAL CASE STUDIES VOLUME 8

A core objective of the Urban Legislation Unit of UN-Habitat is to develop and disseminate knowledge and information about urban law. One of its key mandate is to promote enabling legislation adequate to meet the challenges of rapid urbanization. With the current rapid urbanization of the cities in the Global South, where urban growth is taking place in a disorderly and unplanned manner, reforms of the current planning laws are urgently needed.

Ensuring that planning laws fulfil their functions as effectively as possible means that they are frequently under scrutiny as contexts and needs change. The Legislation Unit has conducted an objective, evidence-based assessment on the application of physical planning laws in 18 cities from Sub-Saharan Africa. The study is based on the UN Global Sample of 200 cities as a statistically and regionally representative dataset. It considers whether the law is being applied as written and informs the discussion on the effectiveness of legislative design. This publication portrays the findings from the study with empirical data on growth boundaries, population density, compliance with spatial planning and zoning, land management and staffing capacity.

This study will act as a catalyst for city managers in Sub-Saharan Africa to rethink the sustainability of the urbanization model and help create systems that can result in equity, shared prosperity and environmental sustainability. These are key principles embodied under the New Urban Agenda and the 17 Sustainable Development Goals (SDGs) – particularly Goal 11.

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**UN HABITAT**

UNITED NATIONS HUMAN SETTLEMENTS PROGRAMME

P.O.Box 30030, Nairobi 00100, Kenya

Tel: +254-20-7623120

Fax: +254-20-76234266/7 (Central office)

infohabitat@unhabitat.org

www.unhabitat.org

