



THE UNITED REPUBLIC OF TANZANIA



Guideline for Spatial Development Control

President's Office, Regional Administration and Local Government

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FOREWORD

Tanzania is one of the most rapidly urbanizing countries in Sub-Saharan Africa. As of 2020, about 44.6% of the national population was living in urban as compared to a continental average of 43.5%. This places pressure on planning, infrastructure and service provision to the urban population. One of the challenges of rapid urbanization is the increase in urban informality, evidenced by growth of unplanned settlements. About 70% of the urban population live in unplanned settlements, lacking tenure security, essential services and prone to environmental and health risks and hazards. This hinder the realization of human settlement development goals, regional and global frameworks like Sustainable Development Goals (SDG) 11 on sustainable cities and communities.

The purpose of these guidelines is to address urban informal development by intergrating environmental and health risks or hazards into development control processes in order to ensure sustainability and resilience. Additionally, it decentralize somes of development control activities to Ward and Mtaa levels, as well as proposing some newly revenue sources and sharing mechanism to ease the performance of development control activities in LGAs.

We requires each LGA to take advantage of this guideline to improve its' by-law to curb informal development in their areas; adapt newly proposed sources of revenue to mobilize resources and sharing mechanism to support development control activites; conduct disaster assessment and develop required strategies or plans; enforce urban greening standards on each building or structure; and employ technological advancement in improving flow of information among various levels of actors.

It is therefore, my expectation that these Guidelines will serve and continue to be a valuable resource for many users. For that matter, I urge all the responsible implementing actors to use these Guidelines for the betterment of the country.



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The Development Control Guidelines, 2024 was prepared through a meaningful engagement process that involved some technical staff from The President Office – Regional Administration and Local Government (PO-RALG); Ministry of Lands, Housing and Human Settlements Development (MLHHSD), Vice President’s Office – Environment (VPO), National Land Use Planning Commission, National Environment Management Council, Zanzibar Commission for Lands, and staff from Local Government Authorities (LGAs) at numerous points of time in the process.

PO-RALG also extends its gratitude to the pool of consultants from Ardhi University (ARU), Institute for Rural Development Planning (IRDP), The Local Government Training Institute (LGTI), and The University of Dar es Salaam (UDSM) who were part of the Urban Land Management Technical Assistance Program led the process of preparing the Guidelines. The team of consultants from the named institutions together with other stakeholders with extensive knowledge and experiences in urban planning and development control fruitfully managed to develop the Guidelines.

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These Guidelines have as much as possible taken on board wishes and motives of many stakeholders during its preparation process. I hope that planning authorities and other stakeholders will find it useful in implementing development control activities in their respective sectors for sustainable development and resilient cities.

EXECUTIVE SUMMARY

The Development Control Guidelines have been prepared according to the provision of The Urban Planning Act, CAP. 355. Preparation of the Guidelines made reference to various documents including policies, laws, guidelines and circular on urban planning and development controls. The Guidelines cascades development control responsibilities from the levels of the planning authorities to lower levels of local government authorities, namely, the ward and mtaa levels. For that matter, it has prescribed the responsibilities of all stakeholders in relation to development control.

The Guidelines seek to improve development control functions and activities at the lower local level by ensuring that any kind of development being or likely to be undertaken conforms to existing laws and urban plans. It lays down the prerequisite actions to be undertaken by planning authorities to create an enabling environment for the institutionalization of development control at the council and local level. The Guidelines will thus, serve as an implementation and operational tool in addition to certain existing policies, laws, guidelines and circulars issued by the government.

The Guidelines splits into six chapters. Chapter one hosts introduction, justification, purpose, application and structure of the Guidelines. Chapter two visits the policy and legal frameworks of development control. It underlines several policies, laws, guidelines and circulars providing for such matters. Also, Chapter three describes the Institutional framework for development control. It sheds light on the roles and responsibilities of stakeholders having a stake in development control activities. The fourth chapter carries development control activities and operationalization. Chapter five defines the sources of finance for financing development control functions and chapter six focuses on the role of technology in regulation of urban development.

LIST OF ABBREVIATIONS	
IA	Artificial Intelligence
ARU	Ardhi University
BMWK	German Ministry of Economic Affairs and Climate Action
BMZ	German Ministry of Economic Cooperation and Development
BRN	Building Reference Number
CAP	Chapter
CBD	Central Business District
CBOs	Community-Based Organizations
CMT	Council Management Team
CRO	Certificate of Right of Occupancy
CSOs	Civil Societies Organizations
DCC	District Consultative Committee
DCT	Development Control Team
DCU	Development Control Unit
DPS	Detailed Planning Schemes
DUP	Director of Urban Planning
GIS	Geographic Information System
GPS	General Planning Schemes
GRM	Grievance Redress Mechanism
LGAs	Local Government Authorities
LGTI	The Local Government Training Institute
ICD	Inland Container Depot
ICT	Information Communication Technology
ILMIS	Integrated Land Management Information System
IRDP	The Institute for Rural Development Planning
MEO	Mtaa Executive Officer
MLHHSD	Ministry of Lands, Housing, and Human Settlements Development
NBS	Nature Based Solutions

NBS	National Bureau of Statistics
NGOs	Non-Governmental Organizations
NSDI	National Spatial Data Infrastructure
PO-RALG	President Office - Regional Administration and Local Government
PRN	Plot Reference Number
RS	Regional Secretariat
RAS	Regional Administrative Secretary
RCC	Regional Consultative Committee
SGR	Standard Gauge Railway
SMS	Short Message Service
SUDS	Sustainable Urban Drainage Systems
TANROAD	Tanzania Road Agency
TARURA	Tanzania Rural and Urban Road Agency
TP	Town Planning
UDSM	The University of Dar es Salaam
VEO	Village Executive Officer
VLUP	Village Land Use Plan
WEO	Ward Executive Officer

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CHAPTER ONE

PRELIMINARY INFORMATION OF THE GUIDELINES

1.0 Introduction

Tanzania is one of the most rapidly urbanizing countries in Sub-Saharan Africa. By 2020, about 44.6% of the national population was living in urban as compared to a continental average of 43.5%.¹ An increasingly population growth continued to place intense pressure on urban planning, infrastructure and service provision to urban population, which is not proportionate with population growth. One of the biggest challenges arising from the said rapid urbanization is an increasing rate of urban informality, evidenced by growth of unplanned settlements making the provision of urban infrastructure and services to members of the general public a key challenge.

The challenges may, undeniably, be caused by absence of general planning schemes and detailed planning schemes or failure to effectively enforce them. The latter may arise out of inefficient coordination of sectors and poor involvement of lower local government authorities. In a bid to address these challenges, The President's Office-Regional Administration and Local Government have prepared the Guidelines to enforce development control activities in planning authorities. The implementation of these Guidelines will enhance compliance with laws and approved urban plans and therefore, alleviate developments which are incompatible to approved land use.

1.2 Justification of the Guidelines

The prevailing development control practice in most planning authorities has relied heavily on tools that are appropriate for planned areas where formal plans designate allowable land uses and conditions offered on the certificate right of occupancy. Building permits are increasingly enforced as a precondition to construction, renovation, sub-division or change of use. More emphasis is placed on desk-based development control activities augmented by some field-based surveillance. Few development control measures are proactively applied in unplanned areas where land use conversion and construction are informal. Yet, fit-for-purpose development

¹ United Nations Human Settlements Program (UN-Habitat) (2020); World Cities Report

control measures should be applied on any land in a planning area. Planning consent is a powerful tool, though it is still, underutilized for pressing development controls. Currently, development control functions are highly centralized at the council level, where the number of staff is few² and hence, meagre or no participation of lower local government authorities. Also, the practice has not embraced and taken the advantage of technological advancement. Effective development control should be supported with appropriate tools and equipment to facilitate daily functions, as well as a GIS-based system for data sharing.

Technological advancement tools offer adequate opportunity for the collection of real-time data for development control activities. It provides a current view of ongoing development and enables urgent action against unauthorized activities. Moreover, a good number of planning authorities do not set aside sufficient amount of monies for financing the development control activities.

Given such background, for development control undertakings to realize its desired ends, the planning authorities should restructure planning and urban management systems by devolving such functions towards the ward and mtaa levels. Also, they must ensure that any development carried or likely to be carried out in the planning area is approved. Besides, planning authorities have to adopt digital tools as the most effective, economical and timely means of monitoring and reporting numerous development control activities. Lastly, they have to improve the resource envelope by allocating and disbursing sufficient monies for development control activities.

1.3 Purpose of the Guidelines

These guidelines seek to address urban informal development by intergrating environmental and health risks or hazards into development control processes in order to ensure sustainability and resilience. Additionally, it decentralize some of development control activities to Ward and Mtaa levels, as well as proposing some newly revenue sources and sharing mechanism to ease the performance of development control activities in LGAs.

² World Bank Group (2021), Transforming Tanzania's Cities Harnessing Urbanization for Competitiveness, Resilience and Livability

1.4 Application of the Guidelines

According to the First Schedule to The Constitution of the United Republic of Tanzania, CAP. 2 of the laws of Tanzania, local government authorities which are planning authorities for the purpose of The Urban Planning Act, CAP. 355 of the laws of Tanzania and the regulations made thereunder are amongst of the non-union matters. Given such circumstances, The Development Control Guidelines, 2025 shall merely apply to all planning authorities or rather the Local Government Authorities located and situated within the jurisdictional boundaries of the Tanzania Mainland.

1.5 Introducing Urban Greening Guidelines on Development Control

This Development Control Guidelines will be comprehended by some other urban greening guidelines to enhance efficient on the expected implementations results. Planning authorities shall be required to improve schedule of conditions issued to land developers based on requirement of the urban greening guideline and enforce them accordingly.

1.6 Introduction of Electronic system and tools on Development Control

Together with the use of ward and Mtaa leaders as provided on this guideline, development control activities will be supplemented by introducing an electronic system. PO-RALG will set-up a GIS based information systems for development control which link all key-players involved in monitoring building works to revoke or sanction developers who do not comply with standards. This system is expected to allow stakeholders, including the public, to send their complains or informations like photos and coordinates of developers who do not comply with planning standards to the Development Control Team. This information will facilitate enforcement actions such as revocation of permits or demolition of non-compliant structures. The details provided on Chapter-6-Application of Information Technology on development Control

1.7 Structure of the Guidelines

The Guidelines consists of six chapters. Chapter one offers preliminary information of the Guidelines. This entails an introduction, justification, purpose, application and structure of the Guidelines. Chapter two analyses the policy and legal framework. It underlines numerous policies, laws, guidelines and circulars providing for matters

relating to development control. Chapter three visits the institutional framework of development control. It sheds light on the roles and responsibilities of various actors having a stake in development control. Chapter four describes the development control activities and operationalization while chapter five defines sources of finance for development control activities. Chapter six surveys on the role of Information and Communication Technology in regulating and controlling urban development.

CHAPTER TWO

POLICY AND LEGAL FRAMEWORK FOR DEVELOPMENT CONTROL

2.0 Introduction

The mandate to regulate and control urban development is provided for in several pieces of policies, legislations, guidelines and circulars. In terms of legislations, these are divided into two types. First, there are those made by the parliament commonly referred to as principal legislation and second, legislation made by the bodies other than the parliament after being delegated the power by the parliament. The one made under the auspice of the parliament are being referred to as subordinate legislation.

2.1 Policies on Development Control

2.1.1 The Policy Paper on Local Government Reform, 1998

In the year 1998, the Government of Tanzania inaugurated The Policy Paper on Local Government Reform. The Policy aimed at improving provision of service through decentralization strategy.³ The strategy transferred functions, powers, services and resources from the central government to local government and later, from higher to lower local government. Decentralized functions and powers entail urban planning and development control, which transferred the same to both ward and mtaa offices.

2.1.2 The National Human Settlement Development Policy, 2000

The Policy envisions well-organized, efficient, healthy, safe and secure, and aesthetic sustainable human settlements. It limits physical growth by directing development to satellite towns, discouraging rural-urban migration, and facilitating construction and operation of efficient urban transport systems. The Policy calls for participatory planning and effective land administration system with defined statutory powers to effect compliance and control. Besides, it puts more emphasize on planning, building regulations and standards as critical tools for development control. Lastly, the Policy recognizes excessive delays in issuance of building permit forcing most developers to build without permits. In addressing this issue, it requires planning authorities to issues building permits within thirty days subsequent to the filing of an application.

³ The Policy Paper on Local Government Reform, 1998: Page 5 of the Policy

2.1.3 The National Land Policy, 1995

The Policy seeks to address the pitfalls and bottlenecks constraining equitable land access, security of land tenure and improved land administration to ease economic development and improve local livelihoods. Amongst the Policy's objectives relates to secured land rights, effective utilization of land for investment purposes and issues concerning with the protection of sensitive areas. The sensitive areas referred to in the Policy are wetland, forest and areas of biodiversity and fragile ecosystem.

2.1.4 The National Environmental Policy, 2021

This Policy underscores the fact that the survival of man depends on his harmonious relationship with the natural elements. It therefore, stresses on the need to manage the environment and its natural resources for the purpose of boosting the potential for growth and opportunity for sustainable development of the present and future generations. Also, the Policy asserts that environmental protection and conservation is, really, a socio-economic necessity. For that matter, it requires planning authorities as to conduct environmental impact assessment before undertaking large projects.

2.1.5 The National Disaster Management Policy, 2004

The Policy creates effectiveness and efficient disaster management in the country and steadily aid the global and regional initiatives to curb disaster impact to vulnerable groups. The thrust is to have safe livelihood with minimum disaster interruptions to both social and economic development issues by developing adequate capacity for coordination and cooperation for comprehensive disaster management among key players at all levels. The Policy mainstreams disaster management activities as an integral part of development programs in all sectors. Common hazards that carry the danger of causing disasters in include epidemics, pest infestation, droughts, floods, major transport and industrial accidents, refugees and fires. Earthquakes and strong winds are merely few and occur very rarely, the other disaster occur more regularly.

2.2 Laws Governing Development Control

2.2.1 The Local Government (Urban Authorities) Act, CAP. 288

This outline multiple mandates on control of urban development. It allows LGAs to make by-laws controlling, under permit or otherwise, construction of buildings and

other structures or execution of work on existing buildings and structures.⁴ By-laws guide such development; and the time within which such construction should start and expire. If the time for the permit for construction expires, work should stop. Also, the by-laws may make provisions for application for building permits, building codes, infrastructure and utility provisions, lanes and roads, use of wayleaves to give access to buildings or premises, amenities, regulation of informal trading and others.

2.2.2 The Urban Planning Act, CAP. 355

The law recognizes local government authorities as planning authorities on the land situated in their areas. It mandates them to control and regulate development in the planning area by ensuring that development undertaken or likely to be undertaken conforms to the requirement, intent and purpose of approved schemes.⁵ This law seeks to secure orderly and environmentally sustainable with the planning authority.

Also, it provides for the procedures of preparation, administration and enforcement of urban plans. It insists development of technology to prevent or minimize adverse effects that endanger people's health and welfare. Moreover, it restricts development activities that have serious impacts on the urban ecological systems (environment) including activities in wetland, flood hotspots, ground and surface water pollution.

2.2.3 The Environmental Management Act, CAP. 191

This law provides the legal and institutional framework for sustainable management of the environment. It seeks to ensure that human activities undertaken or likely to be undertaken on the environment do not create any adverse impacts on the people and other organs. It is in that context; this law requires the developers of land to carry out social and environmental impact assessments on projects whose implementation is likely to cause some adverse effects to the people and other organs living thereat.⁶

The law⁷ strictly prohibits any human activities within sixty (60) meters of reserved land. These include ocean, natural lake shorelines, riverbanks, water dams or

⁴ Section 85, The Local Government (Urban Authorities) Act, CAP. 288

⁵ Section 40, The Urban Planning Act, CAP. 355

⁶ Section 81(1), The Environmental Management Act, CAP. 191

⁷ Section 57(1), The Environmental Management Act, CAP. 191

reservoirs. The activities being barred entails activities of a permanent nature or that may, by their nature, be likely to compromise or adversely affect the conservation of the same. Sustainable management of environment arises from the understanding that the environment is the common heritage of the present and future generations.⁸

2.2.4 The Public Health Act, 2009

Bars erection of buildings or premises unless the plans, sections and specifications of the building site have been presented to LGAs⁹ for scrutiny to ascertain if the plans comply with the public health requirements. Also, the law mandates LGAs to monitor the construction of such structures by carrying out regular inspections.¹⁰ The said health requirements relates to proper and sufficient sanitary accommodation.¹¹

The plans presented before LGAs can be approved if the site is properly drained; not filled with waste, offensive matters or decayed vegetation; not in proximity to other buildings or premises to bar light and free circulation of air around; and the drainage system is satisfactory.¹² Others are accessible for solid, gaseous, hazardous and liquid waste removal or facilitate access to fire and rescue services; ventilation and size of rooms are adequate; and erection of that building or premises does not violate laws.

2.2.5 The Local Government Finances Act, CAP. 290

This law provides for the management and control of local government finances. It stipulates sources of revenue for local government authorities. This entails own sources¹³, central government fiscal transfers¹⁴ and loans¹⁵ from domestic financial institutions or banks. Also, the law empowers LGAs to impose rates on sources located in their areas. Yet, before the imposition of rates, they must enact by-laws.¹⁶

⁸ Section 7(3), The Environmental Management Act, CAP. 191

⁹ Section 66(1), The Public Health Act, 2009

¹⁰ Section 66(2), The Public Health Act, 2009

¹¹ Section 67(2), The Public Health Act, 2009

¹² Section 67(1), The Public Health Act, 2009

¹³ Section 6, 7, 8 and 9, The Local Government Finances Act, CAP. 290

¹⁴ Section 12 and 13, The Local Government Finances Act, CAP. 290

¹⁵ Section 14, The Local Government Finances Act, CAP. 290

¹⁶ Section 6 and 16, The Local Government Finances Act, CAP. 290

2.2.6 The Regional Administration Act, CAP. 97

This defines central government administration at the regional, district and division level. It establishes the Office of the Regional and District Commissioner, Regional Secretariat (RS), Regional Consultative Committee (RCC)¹⁷ and District Consultative Committee (DCC).¹⁸ The Regional and District Commissioner serves as the principal representative of the government within their respective area of the region.¹⁹ All the executive functions of the government in the area are exercised by or through them.

RCC and DCC entails representatives from executives and politicians in the region and district respectively. The Committees are presided over by the Regional and District Commissioner respectively whereas the Regional Administrative Secretary and Council Director serves as the secretary to the Committees. On urban planning and development control issues, RCC²⁰ and DCC²¹ receive and consider reports on development programs and offer advice on the effective implementation of development plans; ensure that LGAs execute their development activities as stated in approved development plans; and ensure effective execution of council decisions.

2.2.7 The Roads Act, CAP. 97

The law provides for development, maintenance and management of roads, among others. It groups them into two classes, namely, national roads and district roads.²² National roads are classified into trunk roads and regional roads whereas district roads are further classified into collector roads, feeder roads and community roads.

Development, maintenance and management of national roads is the responsibility of the Tanzania National Roads Agency (TANROADS) whereas development and management of district roads is placed under PO-RALG through the Tanzania Rural

¹⁷ Section 8 and 9, The Regional Administration Act, CAP. 97

¹⁸ Section 30, The Local Government Laws (Miscellaneous Amendments) Act, 2006 amends the provision of Section 15 by adding immediately after it the provision of Sections 15A

¹⁹ Section 5(1) and 14(1), The Regional Administration Act, CAP. 97

²⁰ Section 9(a), The Regional Administration Act, CAP. 97

²¹ Section 30, The Local Government Laws (Miscellaneous Amendments) Act, 2006 amends the provision of Section 15 by adding immediately after it the provision of Section 15B

²² Section 12(1), The Roads Act, 2007

and Urban Roads Agency (TARURA)²³ and LGAs. In the management of the district roads, both TARURA and LGAs are required by the law to take all necessary measures to ensure that collector, feeder and community roads are used as intended. Such measures entail protection of road reserves and furniture. The road reserve is solely used for road development, expansion or any other road-related activities. In case any person or authority wishes to use such road reserve temporarily for placing utilities like lightning, telegraph, adverts, telephone, electric supply and posts, drains and sewer may allow in writing. In giving such a permit, TARURA and local government authorities must ensure that the use does not hinder other activities.²⁴

2.2.8 The Disaster Management Act, 2022

This law establishes a framework for disaster risk management in Tanzania. It creates an enabling environment for prevention of the danger or threat of a disaster, mitigation of the severity or consequences of a disaster, creation of or enhancing disaster preparedness, creation of rapid and effective response to disaster and creation of or enhancing mechanisms for post disaster recovery and rehabilitation. It stresses the importance of integrating risk reduction into development planning. In respect of urban development, the law highlights that development should consider risk mitigation measures to protect the people and infrastructure in high-risk areas.

2.2.9 Land Acquisition Act, 1967

In the implementation of the Development Control Guidelines, planning authorities will avoid any interventions that may lead to any form of relocation of people and properties. In cases where it is inevitable that planning authorities undertake retroactive urban planning and development control, social due diligence processes will be instituted to determine the potential displacement risks and impacts of the interventions. The process of land acquisition to be established will be guided by national laws and regulations on land acquisition specifically the Land Acquisition Act of 1967.

²³ Established under The Executive Agencies (Tanzania Rural and Urban Roads Agency) Establishment Order, 2017 for the purposes of dealing with rural and urban roads

²⁴ Section 29(2), The Roads Act, 2007

2.3 Regulations Governing Development Control

2.3.1 The Local Government (Urban Authorities) (Development Control) Regulations, 2008 and The Urban Planning (Building) Regulations, 2018

These require development in the area of planning authorities to be approved.²⁵ They bar development in planning areas without a permit²⁶ or planning consent. Also, they prohibit developers from building in part or wholly contrary to approved plans. Planning authorities may require them to demolish and remove building or any part thereof or make necessary alterations within a given time. If developers do not heed the notice, planning authorities may demolish or remove at the developers' expense.

2.3.2 The Urban Planning (Application for Planning Consent) Regulations, 2018

The Regulations prohibit development within planning areas without the planning consent.²⁷ It discourages change of use of places, which have been designed as public open spaces.²⁸ Public open space is defined to mean and includes space which is available for sport, recreation or children's play, which is of suitable size and nature for its intended purpose and safely accessible and available to the general public.²⁹

Also, it requires a person wishing to obtain planning consent to apply to the planning authority using a form.³⁰ The form must contain all details to enable LGAs make an informed decision.³¹ Besides, it calls on developers filing applications to the planning authority to deposit a copy to Ward and Mtaa Executive Officer.³² Communication between planning authorities and developers must be copied to WEO and MEO too.

²⁵ Regulation 124 and 125, The Local Government (Urban Authorities) (Development Control) Regulations, 2008 and Regulation 4, The Urban Planning (Building) Regulations, 2018

²⁶ Regulation 139(1-3), The Local Government (Urban Authorities) (Development Control) Regulations, 2008 and Regulation 19(1-3), The Urban Planning (Building) Regulations, 2018

²⁷ Regulation 3, The Urban Planning (Application for Planning Consent) Regulations, 2018

²⁸ Regulation 5, The Urban Planning (Application for Planning Consent) Regulations, 2018

²⁹ Section 2, The Urban Planning (Application for Planning Consent) Regulations, 2018

³⁰ Section 4, The Urban Planning (Application for Planning Consent) Regulations, 2018

³¹ Section 6(1), The Urban Planning (Application for Planning Consent) Regulations, 2018

³² Application for planning consent, notice of approval or refusal of planning consent, notice of approval of renewal or refusal of renewal of planning consent, notice to stop development, notice of breach of planning consent, notice of breach of planning conditions, application for carrying out

2.3.3 The Urban Planning (Use Groups and Use Classes) Regulations, 2018

The classifies land uses and buildings into twenty-three groups³³ to ease planning and development control.³⁴ Planning authorities may allow any use not classified under a separate use class if it is in the public interest.³⁵ A notice of not less than thirty days affixed in the notice board of planning authorities and areas where such use is to occur must be given to the public. The notice invites the public to present their objections, if any, over the intended or proposed use. Planning authorities should consider the objections when deciding the request to grant the permit or otherwise.³⁶

Change of use from one purpose in any use to the use for any other purpose in the same class is allowed if³⁷ it maximizes the use of land and infrastructure; improves the environment; allows for new investment; increases shelter; creates employment and income; and controls urban sprawl. Also, the Regulations strictly prohibits change of use of public open spaces, car parking, worshipping plots, industrial plots; cemeteries and any other special areas designated for living the national figures.³⁸

2.3.4 The Urban Planning (Planning Space Standards) Regulations, 2018

This offers urban planning space standards required for land uses. The standards³⁹ are residential; unplanned settlements; building height, lines and setbacks; floor area; plot coverage and ratio; health, education, recreation and beach facilities; golf courses; public facilities by planning levels and population size; parking and road width; and agricultural show grounds. It requires allocation of ample and functional

works in conservation area or grant or refusal of consent to carry out work in conservation area, amenity notice, application for pre-application advice and pre-application advice and return by a planning authority upon purchase of an interest in land. All these types of correspondences must be copied to Ward Executive Officers and Mtaa Executive Officers

³³ Regulation 3, The Urban Planning (Use Groups and Use Classes) Regulations, 2018

³⁴ Regulation 3, The Urban Planning (Use Groups and Use Classes) Regulations, 2018

³⁵ Regulation 4(1) and Second Schedule to The Urban Planning (Use Groups and Use Classes) Regulations, 2018

³⁶ Regulation 4(2), The Urban Planning (Use Groups and Use Classes) Regulations, 2018

³⁷ Regulation 6(1), The Urban Planning (Use Groups and Use Classes) Regulations, 2018

³⁸ Regulation 6(3), The Urban Planning (Use Groups and Use Classes) Regulations, 2018

³⁹ Regulation 3, The Urban Planning (Planning Space Standards) Regulations, 2018

space for development⁴⁰ to create compact towns.⁴¹ To control least spaces between buildings, the rules offer specific space standards to be used for each development.⁴²

2.3.5 The Urban Planning (Zoning of Land Use) Regulations, 2018

The Regulations divide land use into eleven (11) different zones.⁴³ The zones are residential, commercial; industrial; institutional; transportation, communication and microwave towers; conservation; water bodies; economic development; public utilities; beach, open spaces and recreational; and agricultural. Each category is divided into permitted uses and uses that are allowed under special circumstances.

2.3.6 The Urban Planning (Co-operation and Coordination) Regulations, 2018

For the urban plans to yield the desired ends, the involvement of multi-actors at the preparation and implementation stages is inevitable. These Regulations provide for machinery of co-operation and coordination of planning efforts between planning authorities and all agencies, LGAs, landholders, utility bodies and other bodies and institutions involved in the preparation and implementation of the planning process.⁴⁴ It require planning authorities or any planning bodies or committees or relevant authorities involved in the preparation and implementation of schemes to co-operate, coordinate, engage, ask for and consider input received from agencies, local authorities, landholders, utility bodies, institutions and other similar bodies.⁴⁵

The planning authorities or such other relevant authorities must hold consultative meetings, share or issue planning notices, feedbacks, annual plans to stakeholders for making a fair, reasonable, harmonious and informed planning decisions; liaise as necessary with responsible ministries and other Government organs with a view to ensuring that the policy, objectives, strategy of urban authority are achieved; maintain a system of collaboration and co-operation with any national or international body or person dealing with urban planning; receive and respond to

⁴⁰ Regulation 4(1), The Urban Planning (Planning Space Standards) Regulations, 2018

⁴¹ Regulation 4(2), The Urban Planning (Planning Space Standards) Regulations, 2018

⁴² Regulation 4(5), The Urban Planning (Planning Space Standards) Regulations, 2018

⁴³ First Schedule to The Urban Planning (Zoning of Land Use) Regulations, 2018

⁴⁴ Regulation 2, The Urban Planning (Co-operation and Coordination) Regulations, 2018

⁴⁵ Regulation 4(1), The Urban Planning (Co-operation and Coordination) Regulations, 2018

the letters of consultation from planning stakeholders and other members of the communities; circulated by various means of communication including electronic media to stakeholders all approved planning schemes; and submit to the Director at the end of each financial year the annual report showing how such they involved and engaged planning stakeholders in the planning and implementation process.⁴⁶

2.3.7 The Environmental Impact Assessment and Audit Regulations, 2005

The Regulations and The Environmental Management (Environmental Impact Assessment and Audit) (Amendment) Regulations, 2018 prohibits a developer or proponent from implementing a project likely to cause a negative environmental impact or for which an environmental impact assessment is required under the Act, these regulations or any other law unless an impact environmental assessment has been concluded and approved. These Regulations provides the basis for undertaking an environment impact assessment for development projects with adverse negative environmental impacts. Also, it defines the procedures, criteria and requisite items.

The Regulations classifies projects into four (4) categories.⁴⁷ These are “A” category for Mandatory Projects, “B1” category for Borderline Projects, “B2” category for Non-Mandatory Projects and Special Projects. Type “A” Projects requires a mandatory environmental impact assessment and Type “B” Projects requires a preliminary environmental impact assessment. Type “B2” Projects include small-scale activities and enterprises that do not require a conduct of environmental impact assessment. Special Projects are treated as Type “A” Projects. The potential risks of these projects are uncertain and requires a special study before environmental impact assessment. For ease reference, visit the First Schedule to the Regulations to ascertain the projects.

2.3.8 Guidelines for Issuance and Management of Building Permit, 2018

It requires LGAs to issue approved copies of development permission like building permits and planning consent together with urban and survey plans to ward, mtaa and village offices. Also, it calls Ward, Mtaa and Village Executive Officers to affix

⁴⁶ Regulation 4(2), The Urban Planning (Co-operation and Coordination) Regulations, 2018

⁴⁷ Regulation 4A, The Environmental Management (Environmental Impact Assessment and Audit) (Amendment) Regulations, 2018

plans on council, division, ward and village notice boards for the public to acquaint themselves with the prescribed development plan within their areas of jurisdiction.

Lastly, in respect of development activities, which are being carried out within their respective areas of jurisdiction contrary to laws, regulations and approved plans, the Guidelines require the Mtaa and Village Executive Officers to report them to the Ward Executive Officers. After receiving the said information, the Ward Executive Officers shall submit them to planning authorities without any uncalled-for delay.

2.3.9 The Guidelines for Implementation of Master Plans in LGAs, 2022

Implementation of Master Plans requires presence of guidelines outlining the roles of actors. For a long time, planning authorities have been implementing Master Plans without such guidelines leading to uncontrolled urban development by encroaching on areas meant for public use, utility services or fragile land. Effective execution of Master Plans besides controlling urban development enables LGAs to offer services and collect adequate revenue arising from investment within their respective areas.

The Guidelines provide the procedures to planning authorities for overseeing the implementation of Master Plans. It defines actors responsible for implementation of Master Plans such as citizens, ward and mtaa offices, council officers, politicians and other sectoral, and Non-Governmental Organizations. For that matter, in the exercise of implementation, the ward, mtaa and village offices shall be responsible for: -

- a. Analyze and interpret the approved Master Plans to gain understanding to ease implementation;
- b. Set strategies for the implementation of the Master Plan and control of any unapproved development within the area;
- c. Ensure that development carried out in the area observes the Master Plan and developers have building permits or planning consent;
- d. Set strategies to develop areas reserved for public purposes or open spaces in collaboration with different stakeholders; and
- e. Protect, manage, control and report to the Director or DCT encroachment of areas reserved for public purposes.

2.3.10 The Guidelines for Collecting, Processing and Presenting Information in LGAs Using Geographical Information System, 2022

This enable PO-RALG, Regional Secretariats and LGAs to take necessary measures to encourage the application of Geographical Information Systems to strengthen decision-making in provision of services to the public. In development control, LGAs may use GIS as a tool to determine emerging towns and villages, size of towns, state of development and the required infrastructure. Also, GIS can be used to manage open spaces, public parks and the development of protected areas i.e. water bodies.

2.3.11 The Guidelines and Standards for Preparation of Urban Planning Schemes, 2024

These establish terms of reference for guiding urban development beyond physical planning to include the promotion of competitiveness and functionality to make cities inclusive, safe, resilient and sustainable. It defines the nature of urban plans to be prepared by planning authorities such as general planning schemes (GPS) and detailed planning schemes (DPS), which are further sub-divided into specific plans. The plans, once assented to, development of any kind nature carried out within the planning areas should conform to them because they serve as a tool to guide social and economic development. These guidelines are used by planners to leverage the subsisting planning potential and need to prepare numerous types of GPS and DPS.

2.3.12 The National Disaster Management Strategy, 2022–2027

This Strategy seeks to enhance the national resilience to disasters through effective risk reduction and management practices that focuses on coordinated efforts across sectors. It provides guiding actions on disaster risk management interventions for the purpose of strengthening socio-economic resilience and humanitarian services. Also, the Strategy promotes coherence between climate change adaptation, disaster risk reduction and sustainable development to prevent new and reduce existing and future risk. In striving to enhance disaster prevention, mitigation and preparedness capacity at all levels, the Strategy highlights, among others, that zoning and land use planning and management in both urban and rural areas need to be promoted, and multi-hazard or hazard specific disaster risk reduction strategies based on scientific disaster risk assessment when possible at all responsive levels need to be developed.

2.3.13 The National Climate Change Response Strategy, 2021-2026

This outlines Tanzania's approach to building climate resilience across sectors, urban planning inclusive. In recognizing the benefits of urbanization from the economic development perspectives, it stresses the significant challenges that could aggravate climate change if not managed. The Strategy seeks to have human settlements that are resilient to climate change by mainstreaming climate change issues into policies, programs, plans and guidelines, strengthening eco-smart villages programs and promoting development of smart cities programs for climate resilience urban areas.

2.4 Circulars Governing Development Control

2.4.1 Circular on the Conduct of Regular Inspection, 2006

In 2006, the Ministry responsible for land matters issued a Technical Document Number 4 with Reference Number CA.91/329/01.C. This Circular requires planning authorities to conduct regular inspections and take appropriate actions whenever there is development which does not conform to the approved urban plans. Also, it requires the Ward Executive Officers to take all necessary measures to ensure that they manage and protect the planned public open spaces within their respective areas and report any development activities by encroachers to planning authorities.

2.4.2 Circular on Management and Control of Urban Development, 2016

In 2016, the Ministry responsible for land matters issued a Circular which was titled as Management and Control of Urban Development. The Circular requires planning authorities to establish a Development Control Unit (DCU) at the council level for purposes of managing and controlling urban development. The DCU formalizes and structures development control tasks from the council to the ward and mtaa levels.

2.4.3 Paris Agreement on Climate Change, 2016

This controls the increase in the global average temperature to well below 2°C above pre-industrial levels and pursues efforts to limit the temperature increase to 1.5 °C above pre-industrial levels. The increasing ability to adapt to the adverse impacts of climate change and foster climate resilience. Nationally determination to contribute to the global response to climate change through communicating ambitious efforts.

CHAPTER THREE

INSTITUTIONAL FRAMEWORK FOR DEVELOPMENT CONTROL

3.0 Introduction

The fundamental principles and objectives of urban planning calls for a wider and active participation of diverse actors to facilitate efficient and orderly management of land use in urban areas. They require planning authorities to secure intersectoral coordination at all levels⁴⁸ and cooperation of agencies, landholders, utility bodies and others involved in preparing and executing planning process.⁴⁹ The execution of these Guidelines requires active vertical and horizontal multi-sectoral participation to ensure that urban development is in line with the laws and approved plans too. This collaborative role is necessary in appreciating the ends of development control.

This chapter, therefore, highlights on the stakeholders who shall be responsible in implementing the Guidelines. The stakeholders range from government ministries, regional secretariats, planning authorities and urban developers. At the planning authorities' level, the focus will extend to cover the Development Control Team and ward and mtaa offices. Also, the chapter will highlight the roles and responsibilities of the actors of urban development with a specific reference to development control.

3.1 Roles and Responsibilities of Key Stakeholders

3.1.1 The President's Office-Regional Administration and Local Government

PO-RALG oversees regional administration and local governments by coordinating rural and urban development management policy, strategies and activities of the regional secretariats. Also, it builds the technical administrative capacity of the council officers and boosts communication channels between national and local government bodies to further development and improve the quality of life. Through Infrastructure, Rural and Urban Development Division, PO-RALG⁵⁰ is required to: -

⁴⁸ Section 4(1)(h), The Urban Planning Act, 355

⁴⁹ Section 7(5)(o), The Urban Planning Act, CAP. 355

⁵⁰ URT (2022), The Approved Functions and Organization Structure of Local Government Authorities, PO-RALG

- a) Deliberate on reports received from the Regional Secretariats and take necessary; and
- b) Monitor and evaluate the implementation of urban planning laws, schemes and guidelines issued by the government from time to time.
- c) Monitor the implementation of this guideline to the RSs and LGAs
- d) Make necessary review of this guideline occasionally as the need arises.
- e) Coordinate preparation and execution of general planning schemes;
- f) Coordinate execution of guidelines for issuance of building permits;
- g) Facilitate and offer technical support in the application of GIS in regional secretariats and local government authorities.
- h) Coordinate and provide technical backstopping in the formulation and implementation of urban development policy, strategy and guidelines;
- i) Monitor and evaluate Regional Secretariats and local government authorities in results-based implementation of urban and rural policies and legislation development;
- j) Coordinate and guide the preparation of beautification programs in urban areas with safety considerations;
- k) Prepare growth indicators to monitor and evaluate the impact of policies and strategies related to urban development;
- l) Coordinate and nurture the evolution of emerging small towns from village to urban settings in the urbanization process and identify socio-economic potentials at the grassroots level and
- m) Coordinate execution and Reviews of the Guidelines for Issuance and Management of Building Permits in Local Government Authorities, Master plan Implementation Guidelines, GIS Guideline, Development control Guideline, Urban Greening Guidelines ect for proper urban management

3.1.2 The Ministry of Lands, Housing and Human Settlements Development

The Ministry is responsible for lands, housing and human settlements development. MLHHS D provides land-related services to individuals and institutions and advice to the government and members of the general public on matters related to human

settlement development. The Ministry is headed by the Minister who is liable for policy formulation and ensuring the execution by officials within the ministry of the functions related to the implementation of the National Land Policy and land laws.⁵¹

The Ministry through three distinct sections, the Physical Development Control Section, Physical Planning and Design Section, and Settlement Regularization Section under the Human Settlement Development Division is mandated to: -

- a. Scrutinize and recommend for approval of general planning scheme and detailed planning scheme; change of land use and subdivisions;
- b. Prepare, monitor, supervise and evaluate the implementation of policies, guidelines, and standards on urban physical development control;
- c. Prepare guidelines and circulars to improve and prevent unplanned settlements in urban centres.
- d. Assist planning authorities in the preparation of general planning schemes and urban redevelopment plans and oversee their implementation;
- e. Collaborate with other institutions and organizations to manage environmental issues related to physical development; and
- f. Identify and recommend for declaration of planning areas ripe for development, redevelopment, and conservation after carrying out an eloquent consultation with concerned local government authorities.

3.1.3 Regional Administration

In ensuring effective urban planning and development control, the regional administration through the Regional Secretariat in each region shall: -

- a. Receive, consider and evaluate quarterly and annual reports regarding the operation and implementation of this guideline, reports regarding development control activities and advice on related matters, including preparation and implementation of planning schemes from each council within the region.

⁵¹ Section 8, The Land Act, CAP. 113

- b. Submit to the PO-RALG the progress report regarding the evaluation of detailed schemes from the council; and
- c. Present to the RCC reports relating to the implementation of urban plans for advice
- d. Ensure planning authorities have general and detailed schemes;
- e. Consider and advice planning authorities on development plans;
- f. Recommend approval of general and detailed schemes to the Minister;
- g. Monitor and evaluate implementation of approved planning schemes;
- h. Oversee the creation of a DCT by planning authorities;
- i. Coordinate requests for change of use of land or plot from one class to another by delivering it to the Director of Human Settlement in the Ministry responsible for land matters from planning authorities; and
- j. Coordinate preparation of sectoral and utility agencies' plans to ensure that they adhere to the approved Master Plans of planning authorities.
- k. Allocate office(space/building) for establishment of Regional and Local Government Disaster Emergency Operations Centres (EOCs)
- l. Appoint Rapid Response Teams in all Regions and Local Government.
- m. Provide Training to Regional and Local Government Rapid Response Teams on disaster preparedness, response, and recovery.
- n. Strengthen technical and logistical capacity at regional and local Teams to handle emergencies effectively.
- o. Support Regional and Local Teams in the preparation of effective disaster management plan and emergency response of an organization
- p. Ensure Local Government Authorities (LGAs) prepare and implement Storm Water Management Master Plans (SWMPs) by integrating them into their respective Master Plans and Town Planning Schemes.

3.1.4 Planning Authorities

The Executive Director of Each LGA (planning authority) is the lead person responsible for the implementation of this guideline. The Council Management Team

(CMT) is the executive organ of local government authorities, which brings together all Heads of Divisions, Units and Sections at the council. CMT meet regularly to deliberate matters related to the welfare and well-being of the people including development Control.

A. Duties of Executive Director

On matters of development control, the Executive director shall: -

- i.** Assign the implementation of this guideline to the Head of land/urban-related activities (Infrastructure, Rural and Urban Development)
- ii.** Receive and consider reports on development control activities from the Head of Infrastructure, Rural and Urban Development and/or Development Control Unit/team;
- iii.** Establish a Development Control Unit/team working under the supervision of the Infrastructure, Rural and Urban Development Department. For the purpose of urban control, this guideline adopts the use of unit/team used for issuance of building permits.
- iv.** Facilitate the preparation of general and detailed planning schemes through the engagement of all actors and present to the Minister responsible for land for approval;
- v.** Ensure that execution and enforcement of approved schemes conform to the requirements, intent and purpose of such schemes
- vi.** Conduct Capacity building to Ward and Mtaa levels, including community sensitization and awareness on development control to ensure that all development conforms to law and guidelines;
- vii.** Prepare and implement Storm Water Management Master Plans (SWMPs) by integrating them into their respective Master Plans and Town Planning Schemes.

B. Duties of Head of Department

- i. Head of land/urban-related activities (Infrastructure, Rural and Urban Development) will prepare and present a report on development control activities to CMT, the Urban Planning and Environmental Committee, Council level Committees and reports needed by other stakeholders outside the council.
- ii. Conduct Capacity building to Ward and Mtaa levels, including community sensitization and awareness on development control to ensure that all development conforms to law and guidelines;
- iii. Establish and facilitate the operations of the Development Control Team (DCT);
- iv. Assign the implementation of this guideline to the Development Control Team and facilitate the appointment of a chairperson and secretary for the Team.
- v. Coordinate and facilitate the activities Development Control Team
- vi. Prepare general and detailed planning schemes through the engagement of all actors and present to the Minister responsible for land for approval;
- vii. Ensure that execution and enforcement of approved schemes conform to the requirements, intent and purpose of such schemes

C. Duties of Development Control Unit/team will includes;-

In 2016, MLHHS issued a Circular titled Management and Control of Urban Development requiring planning authorities to establish a DCU at the council level for managing and controlling urban development. The DCU structured development control activities from the council to ward and mtaa level. In these Guidelines, for avoidance of confusion with other Units that are directly accountable to the Council Director, the DCU shall be referred to as a Development Control Team (DCT) and all planning authorities shall establish it. Briefly, the DCT shall be responsible for: -

- a. Ensure the preparation of general and detailed planning schemes through the engagement of all actors and present to the Minister responsible for land for approval;

- b.** Ensure that execution and enforcement of approved schemes conform to the requirements, intent and purpose of such schemes;
- c.** Demarcate restricted and reserved areas as a priority, way-leaves for roads, open spaces and services and environmentally sensitive areas;
- d.** Issue planning consent and building permit timely after satisfying that developers of land have complied with all requirements;
- e.** Ensure that approved schemes are printed and distributed to ward and mtaa offices for facilitating development control activities at those levels;
- f.** Ensure developers have obtained valid planning consents and building permits before the commencement of any kind of development on land;
- g.** Hold periodic performance reviews of the DCT to identify capacity needs and issues that require support and training;
- h.** Conduct regular inspection monitoring to identify the development and use of buildings that do not abide by plans and take necessary action;
- i.** Enact by-laws which define central activities relating to development control and the responsibilities of different actors at the council level;
- j.** Coordinate meetings with other agencies, utility bodies, landholders and institutions involved in the implementation of the Master Plan;
- k.** Allocate sufficient funds in their budget for facilitating the implementation of development control activities at the council level;
- l.** Ensure that the ward and mtaa office publicly display the Development Control Reference Map and support holding a public hearing to validate DPS and survey plans and identify those requiring review;
- m.** Develop, maintain and manage roads and road reserves in collaboration with TANROADS and TARURA;
- n.** Manage disaster risk activities by coordinating actors, conduct assessments, develop strategies and plans, mobilize resources, organize and undertake disaster responses, report and hold recovery and rebuilding activities; and
- o.** Issue copies of approved planning consent, building permits, change of use or any bids related to land development to ward and mtaa offices.

- p. Collaborate with Ward and Mtaa Executive Officers to conduct regular visits to ascertain if urban development observes approved schemes;
- q. Conduct Capacity building to Ward and Mtaa levels, including community sensitization and awareness on development control to ensure that all development conforms to law and guidelines;
- r. Avail Post Code Number to ward and mtaa offices for official use and public display;
- s. Conduct capacity building to ward and mtaa officials and political leaders on matters related to urban planning and development control;
- t. Receive contravention reports from ward and mtaa offices for actions;
- u. Classify all reported issues, assign the development control action, and follow up on implementation status;
- v. Issue contravention notices, stop orders, demolition orders and monitor developers for compliance;
- w. Submit to planning authorities a monthly report showing any development on land within their respective areas. The report should: -
 - i. Development carried out without planning consent or permit.
 - ii. The extent to which development complies with the approved plans.
 - iii. Areas within the mtaa and ward are prone to adverse development.
- x. Conduct monthly performance reviews of ward and mtaa officers to reporting gaps and capacity needs; and
- y. Prepare annual implementation reports to planning authorities.
- z. Prepare and implement Storm Water Management Master Plans (SWMPs) by integrating them into their respective Master Plans and Town Planning Schemes.

The composition of DCT shall be determined by the nature of development control functions provided for under Chapter Four of the Guidelines. It shall consist of⁵²: -

⁵² The composition of DCT partly conforms to the composition of members liable for considering application for issuance of building permits under Mwongozo wa Utoaji wa Vibali vya Ujenzi na Usimamizi wa Ujenzi wa Majengo Katika Mamlaka za Serikali za Mitaa, 2018 and members liable for issues relating to residential codes under Mwongozo wa Mfumo wa Anwani za Makazi, 2015

SN	Team Composition	Responsibilities
1	Council Lawyer	Chairperson
2	Designated Town Planning Officer	Secretary
3	Architect	Member
4	Environmental Officer	Member
5	ICT Officer/GIS Expert	Member
6	Civil Engineer	Member
7	Land Officer/Valuer	Member
8	Economist	Member
9	Health Officer	Member
10	Land Surveyor	Member
11	Community Development Officer	Member
12	Fire Officer	Member

The minimum number of members required for the DCT to transact its business shall be one-half for ordinary meetings and two-third for extra-ordinary meetings.

For ensuring better performance of its functions, DCT may co-opt any person during the proceedings of its meeting. But, such a person shall have not the right to vote.

Where the DCT is not established, the composition of the Council Lawyer, Town Planner, Civil Engineer and Environmental Officer can form an interim DCT.

D. Urban Planning and Environmental Committee

This is the committee of the council responsible for overseeing urban planning and development control, among others. It meets once every three months to receive and then, consider reports related to urban planning and development control activities.

- i. Receive and consider reports from the Council Management Team on urban planning and development control; and
- ii. Draw recommendations and present them before the council meeting on the reports regarding urban planning and development control.

E. Finance Committee

Finance Committee controls and oversees fiscal resources of the council. On matters related to development control, this Committee is responsible for coordinating all

recommendations arising from the Urban Planning and Environmental Committee on recurrent and capital expenditure and thereafter, present the same to the council.

3.1.5 Ward level

Devolution of monitoring and some enforcement duties to the ward and mtaa level is a feasible approach towards strengthening development control. Structuring and transferring development control roles to the ward and mtaa connects the council and members of the general public in operationalizing and enforcing development control rules and monitoring development to ensure accord to plans and guidelines. Thus, the Ward and Mtaa Executive Officers and their political leaders shall: -

- a. Analyze and interpret the approved Master Plan to gather understanding for implementation;
- b. Set strategies for the implementation of the Master Plan and control of any unapproved development within the area;
- c. Ensure that development carried out in the area observes the Master Plan and developers have building permits or planning consent;
- d. Set strategies to develop areas reserved for public purposes or open spaces in collaboration with different stakeholders;
- e. Make regular inspections to ensure that development is carried out according to the plan and developers have a building permit or planning consent;
- f. Collaborate with Town Planners to identify and delineate no-build areas such as way-leaves, amenities, open spaces and sensitive areas;
- g. Report unauthorized land use, land use changes and new informal land use development and request stop orders or demolition orders;
- h. Protect, manage, control and report to the Director or Development Control Team encroachment of areas reserved for public purpose i.e. open space, road reserve, utilities, forest, catchment areas etc.;
- i. Ensure participation of all actors in prevention or mitigation of the impacts of disasters, provide humanitarian services during emergencies and resource mobilization for disaster risk management issues; and

- j. Receive copies of applications for development from developers to planning authorities and vice-versa for monitoring.
- k. Support Mtaa officers on-site inspections and field visits to ascertain the extent to which development on land being carried out complies with the existing policies, laws, regulations, approved urban plans and guidelines. Among the purpose for field Inspection for Mtaa officers shall include;-Ensure compliance with Zoning and Demarcation of the Land; Ensure ownership and Registration of land pieces meant for public uses; Control uses a of land pieces meant for public uses; Ensure availability/Issuance and compliance with Building Permit requirements; Control Change of Use of Land and Subdivision; Support Mtaa to Maintain a register for public spaces and grievance reported and Facilitate Mtaa level to Maintain a register for informal land transactions and collect its fees
- l. Support the collection of levies/taxes and penalties related to urban irregularities or overall taxes for urban/land-related sources.
- m. Prepare reports relating to activities undertaken and report to the Ward Committee and Council Level.
- n. Support Mtaa officers in handling citizens' Concerns and Grievances at Mtaa level
- o. Facilitate Engagement of stakeholders in the preparation and execution of urban plans by using Maps of area within its jurisdiction
- p. Identify hazard risk and climate resilience activities in Ward, develop a community-based plan and support members of each mtaa to engage in community activities which reduce hazard and improve climate resilience and environment conservation.
- q. Form environmental or climate resilience groups and support them in implementing environmentally friendly activities that create jobs amongst the youths, women and special groups.
- r. Support the formalization of land or buildings to enhance better housing environment and upgrade human living standards at the Ward level.

- s. Analyze and interpret the approved Master Plan to gather understanding for implementation and Set strategies for the implementation of the Master Plan and control of any unapproved development within the area;
- t. Identify hazard risk and climate resilience activities in ward, develop a community-based plan and support members of each ward to engage in community activities which reduce hazard risk and improve climate resilience.
- u. Form environmental or climate resilience groups and support them in implementing environmentally friendly activities that create jobs amongst the youths, women and special groups.
- v. Ensure that development carried out in the area observes the Master Plan and developers have building permits or planning consent;
- w. Set strategies to develop areas reserved for public purposes or open spaces in collaboration with different stakeholders;
- x. Collaborate with Town Planners to identify and delineate no-build areas such as way-leaves, amenities, open spaces and sensitive areas;
- y. Report unauthorized land use, land use changes and new informal land use development and request stop orders or demolition orders;
- z. Protect, manage, control and report to the Director or Development Control Unit encroachment of areas reserved for public purpose i.e. open space, road reserve, utilities, forest, catchment areas etc.; and

3.1.6 Mtaa Level

Mtaa is the lowest administrative unit composed of mtaa committee and mtaa assembly. The former consists of six (6) members⁵³ elected from the residents. This is the highest political decision-making organ at mtaa. Mtaa assembly consists of ordinary residents of mtaa who have attained the age of 18 years.

⁵³ Section 17(1), The Local Government (Urban Authorities) Act, CAP. 288

The committee meets once every month whereas the assembly meets at least once after every two months.

All development control Matters will be presented to the mtaa assembly for consideration and decision. The minutes of proceedings of meetings of mtaa assembly⁵⁴ are then, submitted to the Ward Development Committee after being confirmed and signed by the chairman. For matters relating to development control activities, Mtaa Executive Officer shall: -

- a) Make site inspections and field visits to ascertain the extent to which development on land being carried out complies with the existing policies, laws, regulations, approved urban plans and guidelines. Among the purpose for field Inspection for Mtaa officers shall include Ensure compliance with Zoning and Demarcation of the Land; Ensure ownership and Registration of land pieces meant for public uses; Control uses a of land pieces meant for public uses; Ensure availability/Issuance and compliance with Building Permit; Control Change of Use of Land and Subdivision; Maintain a register for public spaces and grievance-reported and Maintain a register for informal land transactions and collect its fees
- b) Support the collection of levies/taxes and penalties related to urban irregularities or overall taxes for urban/land-related sources.
- c) Prepare reports relating to activities undertaken and present them to the Mtaa Committee; Report the decisions of the mtaa committee to the Mtaa Assembly; and Prepare and deliver reports of either the Mtaa Committee or Assembly to the Ward Executive Officer.
- d) Handle Citizens' Concerns and Grievances at Mtaa level
- e) Engage stakeholders in the preparation and execution of urban plans
- f) Identify Hazard risk and climate resilience activities in Mtaa, develop a community-based plan and support members of each Sub-Mtaa to engage in

⁵⁴ Section 16(6), The Local Government (Urban Authorities) Act, CAP. 288

community activities which reduce hazards and improve climate resilience and environment conservation.

- g)** Form environmental or climate resilience groups and support them in implementing environmentally friendly activities that create jobs amongst the youths, women and special groups.
- h)** Support the formalization of land or buildings to enhance better housing environment and upgrade human living standards at the Mtaa level.

3.1.7 Regional and District Consultative Committees

RCC and DCC bring together representatives from executives and politician in the region and district. On urban plans and development control, RCC⁵⁵ and DCC⁵⁶ shall:

- i.** Receive, consider and advise urban plans prepared by planning authorities; and
- ii.** Ensure that planning authorities execute their development activities as stated in development plans; and ensure effective execution of council decisions.

3.1.8 Utility and Infrastructure Agencies

Utility and infrastructure agencies that provide the public at large with necessities such as water, waste, electricity, road, gas, telecommunication systems and other essentials underpin the economic, social and environmental performance of modern life. These are the basic spatial infrastructure grids which, quite literally, provide the fundamental conduits through which modern cities operate. Utility agencies may be publicly or privately owned have an essential role in development control. That is: -

- a.** Ensure that sectoral and utility agencies' plans adhere to the approved Master Plans of planning authorities;
- b.** Participate in the preparation and review of GPS and DPS conducted by the planning authorities;

⁵⁵ Section 9(a), The Regional Administration Act, CAP. 97

⁵⁶ Section 30, The Local Government Laws (Miscellaneous Amendments) Act, 2006 amends the provision of Section 15 by adding immediately after it the provision of Section 15B

- c. Incorporate any changes deemed essential within their strategic plans being adopted by the planning authorities in their GPS and DPS; and
- d. Liaise with the the DCT in implementation of their activities.

3.1.9 Urban Land Developers

Land developers engage in acquisition, development and disposition of immovable property and maintain offices for the designing and supervision of projects. Others describe land developers to mean and include any persons, firms, associations, partnership, corporations, or any legal entities, which intends to develop land by making various improvements to the land as described under the site improvements.

- a. Make an application for planning consent, building permit, change of use of land or any other kind of application before the planning authorities;
- b. Payment of all subscribed fees or taxes by the land developers;
- c. Supply the planning authorities with information, plans, drawings and other documents necessary for a grant of a consent or building permit;
- d. Observe the conditions stated under the planning consent, building permit and certificate of title regarding development on a titled land;
- e. Make an application to the planning authorities for incorporation of any modifications or alterations proposed on the original approved plan;
- f. Serve a seven-day notice to the planning authorities showing the date on which construction of the building shall commence after receiving the building permit. Normally, construction starts within six months; and
- g. Make an application for renewal of building permit in case six months expire without commencing construction of the building. Upon grant of the permit, Developer must complete construction of the building in twenty-four months.

3.1.10 Academic and Research Institutions

Academic and research institutions will be responsible for undertaking research on issues related to urban planning and development control activities at council level.

3.2 Development Control Tools

3.2.1 National Level Restrictions Restricting Development on Certain Land

The summarized laws give legitimacy to enforcing development control even where general or detailed plans do not exist: -

a. Environmental Management Act, CAP. 191

This restricts development in environmentally sensitive areas with ecological assets and biological diversity. It provides for the declaration and protection of rivers, riverbanks, lakes or lakeshores as protected areas. Lastly, the law provides for the declaration and management of wetlands, mountains, hills and landscapes.

b. Road Act, 2007

This provides for the protection of the right of way, road reserves and access. It also provides for the placement and usage of road furniture (street furniture).

c. Water Act, 2019

This law provides for the protection of water resources; prevention of water pollution and prohibition of the establishment of dumping sites close to water resources.

d. The Water Resources Management (Water Resources Classification System) Regulation, 2018

This provides procedure for determining water quality for different water bodies, establishes various categories of water quality classes and protection requirements for various categories of water quality classes.

These laws give legitimacy to enforce development control even where there are general or detailed plans. Planning authorities can use them to enforce development control while soliciting the necessary resources to prepare various forms of planning schemes. Translating the acts to precise boundaries on a map is a priority exercise.

3.2.2 Various Types of Urban Plans

The existence of various forms of urban plans offer critical tools and one important basis for development control. The different types of plans should be vertically (overlying) and horizontally (mosaicking) aligned to ensure conformity of land use

provisions and infrastructure wayleaves. Currently, urban plans are clustered into two major categories of GPS and DPS, each type is elaborated in the Table 2: -

Table 2: Elaborates Major Categories of Planning Schemes

Types of Scheme	Key Features	Implied Development Control Obligations
General Planning Schemes	Major land uses and zoning schemes Trunk infrastructure, way leaves, service connectivity and node Green infrastructure systems (parks and open space systems, land for conservation, bio-diversity distribution Specified areas for special area plans CBD or prime areas redevelopment plans Capital development plan or financing plans Strategic environmental assessment Blue infrastructure systems Social facilities Development control plan (operationalizing procedures, standards, and role of parties in undertaking development control by-laws)	Demarcate all legally and valid protected areas having known boundaries Guide road classification and gazetting to determine and assign legally binding road wayleave width for each current and future road featured in GPS infrastructure plan Initiate actions to legally protect conservation areas from incompatible uses i.e. classify and gazette rivers, streams or wetlands Guide issuance of planning consent Guide preparation of DPS by aligning with and reflecting GPS recommendations Prioritize enforcement to the most critical areas

Detailed Planning Schemes	<p>Density specifications and requirements for the various land use zoning, topographical lines, plot boundary and relationship with other land use</p> <p>Land use designation per plot</p> <p>Plot development control parameters such as density per plot, floor area ratio, plot coverage, setbacks and building lines, wayleaves and required occupancy rates</p> <p>Plot coverage and percentage of brown and green development</p> <p>Setting of buildings in the plot</p> <p>Position of street and neighbourhood-level services, amenities and utility alignment</p> <p>Property ownership boundaries</p> <p>Business case, a financial model depicting the impact of redevelopment</p>	<p>Gazete approved DPS</p> <p>Display detailed plan and approved survey plan in a permanent and visible location with proximity to plan area (ward/mtaa office)</p> <p>Demarcate boundaries of public/general land (infrastructure wayleaves, conservation areas, parks and open spaces, etc.)</p> <p>Enforce development conditions through the issuance of CROs, building permits, business license</p> <p>Enforce contravention notices and penalties</p> <p>Ensure plan implementation, monitoring and reporting</p>
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a. Tools for Applying Development Conditions

- i. Title deed
- ii. Planning consent
- iii. Building permit
- iv. Change of use
- v. Land subdivision

b. Tools for Managing Contravention

- i. Warning notices
- ii. Contravention penalties
- iii. Stop orders
- iv. Demolition orders

3.2.4 Technology (Data, System, Equipment)

An effective development control should be supported with the appropriate tools and equipment to facilitate daily functions, and a GIS based system for data sharing.

- a. Development Control Reference Map as described in Section 4.2.9;

- b.** Templates, forms and standardized registry books for all ward and mtaa offices and appropriate equipment for reporting;
- c.** Development control, monitoring and reporting tools for real-time reporting and tracking of development control issues from ward and mtaa to Council – these should be integrated with or linked to core systems used for land management and revenue collection; and
- d.** Equipment that matches with technologies used to be provided for each level (e.g. monitors, desktops/laptops, tablets, smartphones).

CHAPTER FOUR

DEVELOPMENT CONTROL ACTIVITIES AND OPERATIONALIZATION

4.1 Introduction

Regulation and control of urban development involves several activities, which have to be discharged by planning authorities. Sometimes, in the performance of such activities, the law allows planning authorities to do whatever is within their reach to secure the co-operation of other actors such as agencies, utility bodies, landholders and institutions involved in preparing and implementing the planning process. The roles of stakeholders may vary depending on the nature of the activity in question.

4.2 Development Control Activities

4.2.1 Monitoring Urban Development

Urbanization is happening at an ever-increasing rate. This places pressure on the high demand for accommodation and other infrastructure. This may, perhaps, lead to the construction of accommodation and other developments in some places, which are not allowable. Given such facts, planning authorities should carry out regular field visits to ascertain the extent to which development on land carried out complies with the existing policies, laws, regulations, approved urban plans and guidelines.

The monitoring framework should incorporate climate and disaster risk information, such as flood risk zones, heatwave hotspots, and areas prone to landslides. Regular assessments should include hazard and risk mapping to identify critical areas where development should be restricted or conditioned to reduce climate and disaster risk.

For facilitating monitoring of on-going development activities within their respective areas of jurisdiction, planning authorities should prepare and table to the council the Urban Development Control Strategy. Submission to the council intends to achieve two things. First, seek approval and second, create awareness of the existence of the Strategy and enlist support during the execution process. The Strategy should: -

- a. Define the priority areas requiring development control attention i.e. rivers, road buffers, wetlands or steep slopes; areas exposed to high hazard levels or at significant risk of impacts from natural hazards, i.e. flooding, storm surge,

tsunamis, sea level rise and coastal inundation, landslides and rockslides, debris and mud flows, gully erosion and sinkholes, earthquakes and areas with liquefaction potential; areas with high infiltration potential and natural wind corridors; public health crisis hotspots; sub-wards with high growth rates or major infrastructure areas likely to influence development patterns such as ring road, Standard Gauge Railway (SGR), port and urban centres implementing urban redevelopment plans. Potential hazard and risk zones must be identified by embracing climate change scenarios into the assessment.

- b.** Identify development control priority areas from GPS that require land use solutions to be prioritized for the development of DPS;
- c.** Schedule development control activities that integrate issues from urban development plans;
- d.** Define the public sensitization approach and capacity building to officers;
- e.** Establish duties and reporting development control activities of ward and mtaa officers including regular inspection and reporting to DCU; and
- f.** Ensure regular consultative process between planning authorities and other urban development stakeholders (road and utility agencies, RAS, etc.) to build consensus on the development strategy.

For the planning authorities where a new GPS is being prepared, shall include the Strategy among the contents and the same should be added whenever a GPS lacks the Strategy but is being reviewed. For the effective implementation of the Strategy, planning authorities, DCU, ward and mtaa offices are required to prepare an action plan to integrate the priority areas with the Urban Development Control Strategy.

In areas identified as no-build zones, including areas exposed to high hazard levels and high-risk zones, strategies to prevent unauthorized development should be promoted, including the development of green infrastructure, such as parks, community gardens, and recreational trails. The Strategy should also promote resilience measures by enforcing regulations that enhance green infrastructure, promote water-sensitive development practices, encourage Nature Based Solutions (NBS), Sustainable Urban Drainage Systems (SUDS) and storm-water management, sustainable construction practices, bioclimatic design and zero waste programs.

4.2.2 Conduct Public Awareness Campaigns

Spatial growth proceeds unguided with conspicuous negative impacts on the people and urban environment. Lack of awareness of the existing planning laws, approved planning schemes and development control initiatives. Till now, the land sector officers have not intensified their education on development control. The general public is left at the mercy of 'I heard that', 'I thought' and 'I don't know'.⁵⁷ This pervert and warps the efforts of the planning authorities to enforce development controls.

Planning authorities should conduct awareness campaigns on urban planning laws, planning schemes and guidelines. PO-RALG and the Ministry responsible for land matters should jointly launch the campaign. Then, it should be held at the regional, council, ward and mtaa levels. The campaign should involve media, roads and utility agencies, private sectors, financial institutions, Non-Governmental Organizations, civil society organizations, Community-Based Organizations, and political leaders. For instance, campaigning message may be "*My City is My Life, Let us Plan Together*".

At the ward and mtaa level, leaders and staff should hold regular public meetings to inform developers and the public to develop in conformity with development control parameters. They should encourage them to attend awareness campaigns. Ward and mtaa offices should have posters and maps to be used during the public awareness campaigns. To ensure effective conduct of public campaigns, planning authorities should prepare very a simple public communication awareness plan and materials.

4.2.3 Demarcation of the Land

Demarcation shall be made after planning using visible marks locally available. This entails painted metal or rocks, planting shrubs, fences with simple wooden stakes or reed, seasonal urban farming and plant nurseries in way-leave areas not designated for short-term development and info-graphic signs. This is an inclusive campaign beaconing-off no-build areas. The demarcation may expedite government directives and control in managing urban growth, informality and unplanned development.

⁵⁷ Ahmed, A. (2011), Urbanization and Challenges of Development Control in Ghana: A Case Study of Wa Township, Journal of Sustainable Development in Africa (Volume 13, No.7)

The Infrastructure, Rural and Urban Development Division in collaboration with sector Divisions, DCT, ward and mtaa offices should lead demarcation. The exercise should involve Non-Governmental Organizations, Civil Society Organizations, government agencies having a vested interest in land, utility bodies, landholders and other bodies and institutions involved in the preparation and implementation of the planning process. The priority areas to be demarcated include but are not limited to:

- a. Wayleaves for planned new roads, widening of existing roads, service lines such as water and sewer pipes, high voltage electricity and gas lines.
- b. Environmental fragile areas and buffers determined on a case-by-case basis.
- c. Water bodies, ways and water catchment areas (wetlands, rivers, streams, and dams) and associated flood areas (1 in 100-year flood line as a benchmark).
- d. Areas exposed to high hazard levels or at significant risk of impacts from natural hazards, such as flooding (riverine, coastal and pluvial, including flash flooding), storm surge, tsunamis, sea level rise and coastal inundation, landslides and rockslides, debris- and mudflows, earthquakes.
- e. Areas of dangerous geotechnical conditions, such as dolomite presenting sinkhole risk, potential for gully erosion, earthquake fault lines, areas with ground shaking amplification or liquefaction potential, landslides or rockslides.
- f. Steep slopes that make service provision and buildings expensive to achieve.
- g. Areas with high infiltration potential and natural wind corridors.
- h. Areas left for future high-intensity development i.e. Central Business District expansion, high residential density along transport routes, commercial or industrial nodes, ports, export processing zones, special processing zones etc.
- i. Areas reserved for public services and amenities i.e. schools, health facilities, open space, parks, aerodromes, administration, play grounds and cemeteries.
- j. Sensitive areas designated for military bases and operations.

4.2.4 Registration of Open Spaces

Planned public open spaces are shared resources. They play a significant role in the socio-economic life of the community. Currently, most public open spaces do not have a certificate of title nor demarcated. In some planning authorities, the majority

of public open spaces are used either in contradiction with the planned purpose⁵⁸ or are underdeveloped. This renders them prone to be encroached and changed use.

For effective and efficient control and use of public open spaces, planning authorities shall first, take all necessary measures to develop⁵⁹ or ensure that such open spaces are developed⁶⁰; second, initiate registration of open spaces and issue a certificate of title; third, conduct regular inspection to ensure that all open spaces are suitably maintained and protected⁶¹ and forth, ensure that they are demarcated. For that matter, PO-RALG and the Regional Secretariats are required to oversee the process.

4.2.5 Issuance of Planning Consent

Planning consent is the consent to develop land within the planning area⁶² issued by the planning authority⁶³ or the ministry responsible for the land.⁶⁴ The consent is issued to any person or organization intending to make development on land, change use or subdivide the land.⁶⁵ Also, it can be issued for matters relating to the approval of a general and detailed planning scheme, approval of amendment and modification of the scheme⁶⁶ and development to be carried in a conservation area.⁶⁷

Any person or organization that wishes to obtain planning consent must present an application to the planning authority.⁶⁸ The application is made using a prescribed form (Form A). This form is provided for under the Schedule to The Urban Planning

⁵⁸ CAG Report (2017), Performance Audit Report on the Enforcement of Development Control for the Planned Public Open Spaces in Tanzania

⁵⁹ (OR-TAMISEMI), Mwongozo wa Utekelezaji wa Mipango Kabambe Kwenye Mamlaka za Serikali za Mitaa, 2022

⁶⁰ URT (2000), The National Human Settlement Policy, 2000

⁶¹ CAG Report (2017), Performance Audit Report on the Enforcement of Development Control for the Planned Public Open Spaces in Tanzania

⁶² Section 2, The Urban Planning Act, CAP. 355

⁶³ Section 7(5)(k), The Urban Planning Act, CAP. 355

⁶⁴ Section 46, The Urban Planning Act, CAP. 355

⁶⁵ Section 32, The Urban Planning Act, CAP. 355 and Regulation 3, The Urban Planning (Applications of Planning Consent) Regulations, 2018

⁶⁶ Regulation 2, The Urban Planning (Applications of Planning Consent) Regulations, 2018

⁶⁷ Regulation 4(1)(b), The Urban Planning (Applications of Planning Consent) Regulations, 2018

⁶⁸ Regulation 4(1)(a), The Urban Planning (Application for Planning Consent) Regulations, 2018

(Application for Planning Consent) Regulations, 2018. The application must contain adequate details to enable the planning authority to make an informed decision.⁶⁹

a. Application for Sub-division

For an application for planning consent that relates to a sub-division of land or layout plan, the application should be supported by a layout plan and sub-division plan, site plan, plan and longitudinal section of roads and drainage to the horizontal bar.⁷⁰

b. Application for Change of Use

For an application for planning consent relating to change of use of land or premises⁷¹, the applicant must attach the documents indicated in the checklist below:

SN	Documents required to accompany the application for change of use
1	Application letter for change of use
2	A copy of the certificate of right of occupancy
3	A copy of the detailed plan
4	A copy of the survey plan
5	Proof of payment of land rent
6	Proof of payment of property tax, where applicable
7	A site plan sufficient to show the size and location of the property
8	Construction works are to be undertaken, a plan of the proposed works to a scale of 1:2500
9	A copy of a poster indicating the land owner's interest to change the use of land

c. Application for Engineering or Mining Works

For development involving building, engineering or mining work in, on, under or over land or premise⁷², the applicant must attach a block plan to show boundaries of property, plans to show elevations fronting a street or open space together, a list of

⁶⁹ Regulation 6(1), The Urban Planning (Application for Planning Consent) Regulations, 2018

⁷⁰ Regulation 6(2), The Urban Planning (Application for Planning Consent) Regulations, 2018

⁷¹ Regulation 6(2)(b), The Urban Planning (Application for Planning Consent) Regulations, 2018

⁷² Regulation 6(2)(c), The Urban Planning (Application for Planning Consent) Regulations, 2018

external materials to be used, floors plans showing the proposed use of each floor and internal division if possible and site plan to facilitate identification of the site.

The plans submitted by the applicants for planning consent shall be on a durable material, in triplicate and together with a digital copy. One copy of the plans will be returned to the applicant together with the decision thereto. The planning authority shall scrutinize the proposed development against the Development Control Reference Map to determine the applications and decide whether to grant or not.

In deciding to grant the application for planning consent to the developers of land, the planning authority should be guided by the criteria stipulated under the Urban Planning Act, CAP. 355 and the Urban Planning (Application for Planning Consent) Regulations, 2018. Also, the planning authority may, subject to a grant of the planning consent to the applicant, attach any conditions provided in the Regulations.

d. Conduct Environmental Impact Assessment

During scrutiny of the application for planning consent, the planning authority shall consider areas that in its opinion development is likely to be injurious to the people and environment. The application for planning consent shall be annexed with an environmental impact assessment report.⁷³ This entails areas proposed for industrial location activities, dumping sites, sewerage treatment, quarries and many others.

All applications for planning consent, particularly in areas identified at high-risk from climate-related hazards, should include a climate impact assessment. This assessment should evaluate potential risks affecting the development or that can be exacerbated by said development and propose mitigation measures to ensure the resilience and sustainability of the proposed and already existing developments.

4.2.6 Issuance of Building Permit

Any development being carried out within the planning area should be approved by the planning authority⁷⁴ through a grant of a building permit. The permit is issued in response to an application submitted to it using Form 1 set in the Fourth Schedule

⁷³ Section 29(3), The Urban Planning Act, CAP. 355

⁷⁴ Regulation 124 and 125, The Local Government (Urban Authorities) (Development Control) Regulations, 2008 and Regulation 4, The Urban Planning (Building) Regulations, 2018

to The Local Government (Urban Authorities) (Development Control) Regulations, 2008. The application should be supported by drawings (building plan) and other necessary documents. The building permit cannot be issued unless the applicant has paid the prescribed fees and obtained the right of occupancy related to that plot.⁷⁵

A building plan shows position, form and dimensions of foundations, walls, floors, roofs, rooms, chimneys and several parts of a building i.e. outside kitchen, servants' quarters, stables, garages, and parking areas; form and dimensions of water and earth closet, privy or cesspool to be constructed in connection with the building; and level of the site of the building, lowest floor of the building and a street adjoining the cartilage of the building with one another and above known datum. The design must show a provision for green infrastructure and the percentage provision on that site. For large-scale developments or critical infrastructure projects, it is recommended that an impact assessment should be included as part of building permit application.

Planning authorities in cooperation with DCT, mtaa and ward offices should make follow-ups to ascertain if the developers have acquired building permits. In case they have, must familiarize themselves with the drawings or plans tabled to them during the application for a building permit.⁷⁶ This will assist them in ascertaining if the on-going development on land reflects the contents of the approved drawings or plans.

The time for processing and issuing the building permit varies depending on the nature and complexity of the building sought to be constructed. The Urban Planning Act⁷⁷ requires planning authorities to issue the building permit within sixty (60) days after receiving the application. Yet, *Mwongozo wa Utoaji wa Vibali na Usimamizi wa Vibali vya Ujenzi wa Majengo Katika Mamlaka za Serikali za Mitaa, 2018* defines the days within which the building permit should be issued as indicated in Table 3.

⁷⁵ Regulation 125(3), The Local Government (Urban Authorities) (Development Control) Regulations, 2008, *Mwongozo wa Utoaji wa Vibali vya Ujenzi na Usimamizi wa Ujenzi wa Majengo Kwenye Mamlaka za Serikali za Mitaa, 2018*

⁷⁶ Section 35(1), The Urban Planning Act, CAP. 355

⁷⁷ Section 35(1), The Urban Planning Act, CAP. 355

Table 3: Duration for Issuance of Building Permit

SN	Nature of Building	Duration (Days)
1	Non-Storey Residential Buildings	0 - 7
2	Four Multi-Storey Buildings and Complex Non-Storey Buildings	7 - 14
3	More than Four Multi-Storey Buildings and Non-Storey Complex Buildings	14 - 30

4.2.7 Handle Citizens' Concerns and Grievances

Citizens' complaints about management of urban land are indispensable. Planning authorities should devise a functional, robust and transparent system for receipt and deciding development control issues from the public. This entails establishment of accessible and affordable grievance redress mechanisms (GRM) such as a complaint desk⁷⁸ or opinion box at the council, ward and mtaa levels. The ward and mtaa shall collect complaints and submit them to DCU for consideration and action. This system will assist the authority to minimize occurrence of land use or ownership conflicts.

4.2.8 Continuous Capacity Building

Developing capacities and competencies of staff and leaders to enable them to deliver services effectively and efficiently entails availing opportunities to undergo training which would enable them to acquire new knowledge, skills and appropriate working culture and attitudes. The planning authority should continuously train its officials, leaders and other interested stakeholders on urban planning and development control issues for purposes of enhancing effectiveness, efficiency and productivity.

The planning authority should conduct training for the Council Management Team (CMT), DCT, ward and mtaa offices to enable them development control roles. Local government political leaders at all levels should be trained to equip them with the requisite knowledge, and skills of planning and development control and hence, discharge their supervisory roles of enforcing the development control properly.

⁷⁸ (URT, 2012) Mwongozo wa Ushughulikiaji wa Malalamiko ya Wananchi Katika Utumishi wa Umma, Ofisi ya Rais - Menejimenti ya Utumishi wa Umma

4.2.9 Preparation of Development Control Reference Map

DCT shall lead the assembly of maps which display approved DPS, survey plans, high water marks and associated buffer zones from the Environmental Management Act, gazetted roads and associated buffer zones from the Roads Act or other laws.

- a. The map should provide unique Building Reference Numbers (BRN), and Plot Reference Numbers (PRN) where obtainable (parcel boundaries are known).
- b. A geo-referenced list containing BRN/PRN reference of planning consent and building permits shall be made by DCT and sent to WEO and MEO weekly.

Once approved DPS are unaligned with realities of development and land ownership patterns on the ground, procedures to redraw DPS or regularization scheme to replace to existing plan should be followed as a high priority (to be flagged by DCT led by LGA with involvement of private sector as needed). The spatial information noted above shall be organized by LGA in the form of a geodatabase maintained by DCT and the Infrastructure, Rural and Urban Development Division via the local area network in the LGA, and through the existing systems where or when possible.

Geodatabase and shared maps should be regularly updated when new or amended plans are adopted or public lands are designated through gazette or announcement of high-impact development works such as expansion of trunk infrastructure. Ward and mtaa offices should be provided with durable hardcopy maps by LGAs via DCT and shall be publicly displayed in visible locations in the ward and mtaa offices or other publicly accessible areas, where permanent offices do not exist. LGAs to use data standards and sharing protocol obtained from NBS/MLHHS for urban data to ease interoperability and sharing (National Spatial Data Infrastructure (NSDI)).

4.2.10 Change of Use of Land and Subdivision

Change of use involves changing the use of buildings or space which impacts the nature, kind, type and intensity of use. Planning consent is a prerequisite to land subdivision. If land subdivision involves changing land use, an application shall be obtained for that part of land. Process of change of use and use class identifications is stated under the Urban Planning (Use Groups and Use Classes) Regulations, 2018.

The application for change of use of land should be accompanied with approved minutes of a positive resolution of the council, an application letter, a letter of the planning authority presented to the Regional Administrative Secretary, Regional Secretary's letter together with his detailed comments on the application, and lastly, the placard which was placed on the plot or farm for thirty (30) consecutive days to allow any comments from residents or neighbours on the application (see Figure 1).

Others include comments from residents, if any; detailed technical report from the Town Planner explaining the status of the plot or farm and volubility of the change of use to residents; site organization showing plot coverage, ratio, building height and set-backs; an extract of approved Town Plan. Drawing showing the plot or farm certified by a Town Planner; recent annual land rent receipts; a right of occupancy or letter of offer and lastly, architectural drawings certified by a Registered Architect.

Some land use once approved are subject to any change. Planning authorities should observe this requirement. The land use which are strictly prohibited from being changed include public open spaces, car parking, worshipping or religious plots, cemeteries, industrial plots, and special areas designated for living national figures.

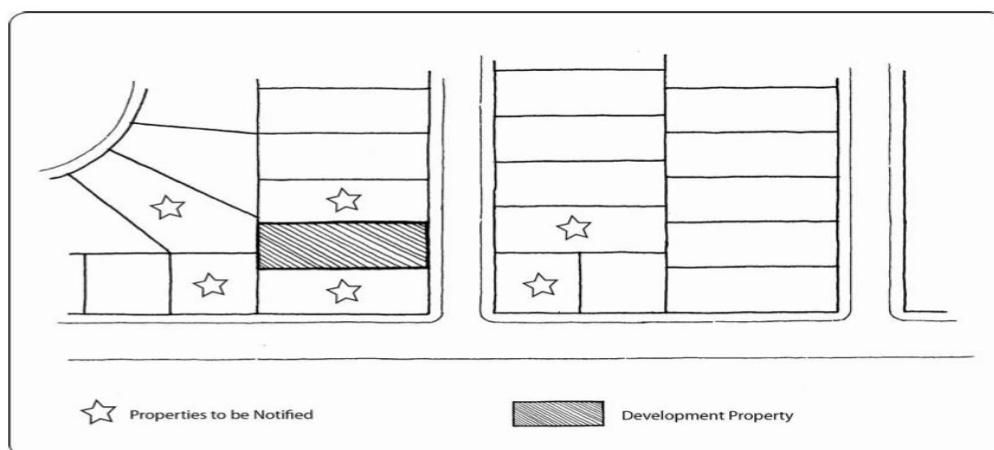


Figure 1: Neighbours to be Consulted During Change of Use
Source: PORALG, 2022

a. Role of Ward and Mtaa in Change of Use of Land and Subdivision

In matters relating to change of use of land, ward and mtaa offices shall guide land developers on application for a change of use, carry out regular site visits to inspect and ascertain if development complies with the use approved in the documents,

ascertain and confirm the consent from neighbours in the process of change of use applications and report to LGAs any development that contradicts approved plans.

4.2.11 Verify Consistency with Allowable Land Use

DCU shall support business officers to review business license applications to verify if the proposed business is aligned with allowable land use. It can be done by: -

- a. Comparing plot information or GPS point or Post Code Reference Number with approved DPS (this should be on the business license application form);
- b. In case the land use for which the business license is applied is different from the assigned on DPS, it amounts to contravention and steps should be taken;
- c. The applicant shall be advised to seek another business premise or to initiate a change of use and amendment of the DPS;
- d. Other similar procedures that can be used to ascertain land use change contravention include utility connection applications and mining permits; and
- e. Check compliance with business.

4.2.12 Prepare Development Control Strategy

Each LGA shall prepare an urban Development Control Strategy. DCT shall lead the compilation of all existing plans (general planning scheme, special area plans and detailed schemes) to establish the priority areas and issues for development control. The priority areas which requires the development control attention shall include: -

- a. Encroachment into river buffers or wetlands or steep slopes is mainly acute;
- b. Public health crisis hotspots i.e. dumping sites, markets, flooding areas, etc;
- c. Mitaa with high growth rate or if major infrastructure is expected to influence development patterns; and
- d. Urban centres implementing redevelopment plans.

LGAs where a new GPS is being prepared, shall include development strategy among the contents and the same should be added whenever a GPS lacks the strategy but is being reviewed. Development control priority areas from GPS that require land use solutions shall be prioritized for the purpose of the development of DPS.

- a. Prepare an action plan for integrating priority areas with development control strategies;
- b. Schedule development control activities that integrate issues from urban development plans;
- c. Hold a consultative process with CMT and other urban development actors to build consensus on the development strategy;
- d. Define public sensitization approach in the development control strategy; and
- e. Establish duties of ward and mtaa offices in the development control strategy including regular inspection and reporting to DCT.

4.3 Monitoring and Reporting

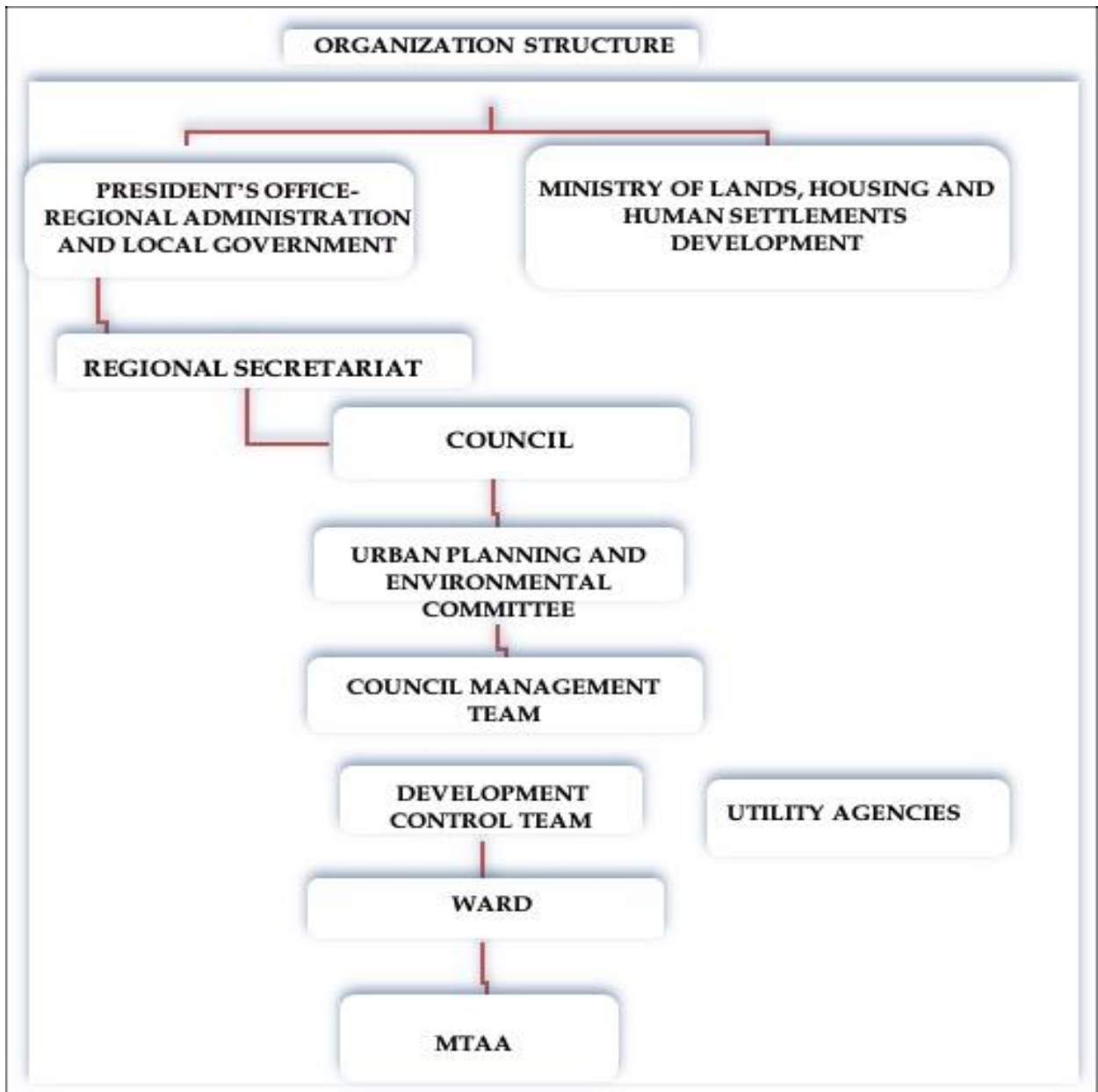
4.3.1 Monitoring

Planning authorities and other actors involved in managing urban development should monitor and evaluate the progress of the implementation of these guideline, including the GPS and DPS. This will ensure that development carried out on land meets the requirement, intent and purpose of the laws and approved schemes. In undertaking this exercise, planning authorities will be required to closely and continually participate and involve Ward and Mtaa Executive Officers in preration and implementation of Monitoring Plan.

4.3.2 Reporting Development Control Activities

Reporting of Development Control activities will adhere with the existing Government reporting structures. These structures start from Mtaa Level, Ward Level, Council Management Team, Urban Planning and Environmental Committee, Finance Committee, Council Level, Regional Secretariat, Regional and District Consultative Committees and Ministerial Level.

Figure 2: Monitoring and Reporting Framework for Development Control



4.4 Guidelines Review

PO-RALG shall conduct a review of the Guidelines whenever the need to do so arises during the implementation period. The review of the Guidelines shall take on board policy and legal changes, evaluation undertaken by the Office every five (5) years and the suggestions proposed by stakeholders during Guidelines implementation.

CHAPTER FIVE

FINANCING DEVELOPMENT CONTROLS FUNCTIONS

5.1 Introduction

Financing urban development control requires adequate resources to facilitate monitoring and evaluation of actual developments. Lack of financial resources and equipment hinders development control.⁷⁹ Failure to enforce development control is, certainly, costly. The cost is directly linked to informal settlement upgrading and resettlement. Therefore, it is expedient for the planning authorities to prioritize development control in terms of availing fiscal resources to conduct control and tap into its revenue potential. Development control may by itself yield some revenues.

5.2 Sources of Finance of Development Control

Fiscal resources to finance development control can be derived from various sources. This includes local government authorities' internal sources of revenue and more particularly, one detailed under The Urban Planning Act, CAP. 355 and Regulations made thereunder, government subvention, private sector and development partners.

5.2.1 Development Charge

Development of any nature carried out or to be carried out on land must receive approval from the planning authorities. The approval may manifest itself through the provision of a building permit or planning consent.⁸⁰ Developers shall present applications to the planning authorities for a grant of building permit or planning consent and any amendments to the existing permit or consent must be approved.

Also, planning authorities must collect development charges for any applications filed to them for change of use and sub-division of land. According to law⁸¹, a development charge may be levied on the owner of the land concerning which consent is made or approval is granted; or the person who is applying for the grant

⁷⁹ ICLEI Africa (2022), Financing Urban Plans and Infrastructure, Training Module 5; Part of the Training Modules Developed from the Urban Planning and Development Control Strengthening Program under the Dar es Salaam Metropolitan Development Project

⁸⁰ Section 46(1), The Urban Planning Act, CAP. 355

⁸¹ Section 46(2), The Urban Planning Act, CAP. 355

of consent or approval. The planning authorities should not grant planning consent or approval unless they content themselves that the development charge is paid.⁸²

Planning authorities should apply part or wholly of the monies from development charges for conducting development control activities. These includes a **change of use, sub-division** and planning consent. According to The Guidelines for Issuance and Management of Building Permits in Local Government Authorities, 2018⁸³, local government authorities should use fees collected from applications for building permits for the purpose of processing building permits; and conduct regular site inspections to ascertain if the construction complies with the approved drawings.

5.2.2 Betterment Charge

Government deeds towards the construction or establishment of, or improvement effected to, a development project in certain areas impact land values. Land value appreciates or is likely to appreciate because of expenditure incurred in whole or in part by the government or a corporation. Where the value of any parcel of land has increased as a result of such development, the Minister may by Order published in the Gazette, declare such areas to be a betterment area.

The Urban Planning Act⁸⁴ takes cognizance of any scheme undertaken by the government on land increasing the value of properties in the area in which a scheme applies. **Planning authorities may, in three years after completion of the scheme charge betterment fees from owners or occupiers of properties whose value has increased. They should prepare by-laws stating the percentage to be charged on the increased amount. The authorities may use wholly or part of the sums of money collected for development control activities.**

Yet, preceding any resolution to charge betterment fees, planning authorities should in consultation with the Chief Valuer define and establish the market value of the land immediately after undertaking such improvement or project and the market value of such land three years after such improvement or project. The betterment

⁸² Section 46(3), The Urban Planning Act, CAP. 355

⁸³ Page 13 and 17 of the Guidelines

⁸⁴ Section 70(1), The Urban Planning Act, CAP. 355

charges of a parcel of land situated in the betterment area may be calculated at a certain percentage of the increase in the market value of the land.⁸⁵

5.2.3 Scrutinization Fee

Any applications for the building permit presented before the planning authorities should be accompanied by drawings (building plan) and other documents.⁸⁶ Before issuing the permit to the applicants, a team of experts appointed by the Council Director is required to scrutinize such drawings and documents to ascertain if they accord to the existing laws, guidelines, standards and development requirements.

In connection with that, The Guidelines for Issuance and Management of Building Permits in Local Government Authorities, 2018⁸⁷ requires planning authorities to impose and collect two types of fees, namely, scrutinization fee for reviewing the drawings and building permit fee. All these fees must consider the complexity of the building, use of the building, nature of the building and the plot density. Part of the such scrutinization fees may be used for financing development control functions.

5.2.4 Contravention Fee or Penalty

Development on land must ensure that buildings are structurally sound and do not risk the safety or lives of the people and environment and that natural resources are managed and preserved to meet the needs of present and future generations.⁸⁸ Regulation and control of urban development manifests itself through laws, regulations, plans and some guidelines issued by the government from time to time.

Urban developers must comply with the letters of such instruments and those who fail to observe the rules whether knowingly or otherwise should be condemned to pay contravention fees. For instance, carrying out development within the planning area, change or variation of land, and lastly, sub-division of land without applying before the planning authorities and others to obtain the desired approvals. This is

⁸⁵ Section 7, The Land Betterment Charges Act, CAP. 353

⁸⁶ Regulation 124(1)(b), The Local Government (Urban Authorities) (Development Control) Regulations, 2008

⁸⁷ Page 13 of the Guidelines

⁸⁸ Barugahare B. J. (2019); Challenges of Development Control in Kampala City, Uganda; Journal of Environmental and Earth Science, Vol. 9, No. 4 of 2019

fined under the provisions of Section 34 of The Urban Planning Act, CAP. 355. The monies from such fines and penalties should finance development control activities. **Council Directors for each LGAs should determine amount of fine on each area and category of breach of condition and review their by laws to enforce payment .**

5.2.5 Property Rates and Land Rent

The Local Government Finances Act, CAP. 290⁸⁹ and The Local Government Authorities (Rating) Act, CAP. 289 empowers local government authorities to collect property rates from rateable properties situated within their respective areas. Also, The Land Act, CAP. 113 provides for collection of land rent⁹⁰ and thus, require the holder of a right occupancy to pay annual rent.⁹¹ For augmenting development control activities at the council and lower local government, part of the proceeds from property taxes and land rents should be kept and maintained for the purpose.

5.2.6 Land Sale Transaction Fee Managed by Mtaa and Village level

Planning authorities should initiate registration of informal land transactions held at the mtaa and village levels. This service should be charged registration fees. Part of the fees paid to facilitate this transaction may be retained at this level for follow-ups and reporting of any urban development activities taking place within the given area.

Implementation of this guideline requires Planning authorities (LGAs) to formalize all informal land sale transaction fees and initiate registration of all land transactions conducted at the mtaa/village levels. Based on as decision of Council Director, Mtaa and Village government will charge not more than 10% of value of plot which is on sale to support development control activities.

Thus, with this guideline, Mtaa/Village Executive officer shall keep all records about land transactions, including the plot size, owner, neighbours and selling price using **specified Format Form Na.-1-Daftari la usajili wa mauzo ya ardhi**. Each LGA shall

⁸⁹ Section 6, The Local Government Finances Act, CAP. 290

⁹⁰ Section 33, The Land Act, CAP. 113

⁹¹ Section 33, The Land Act, CAP. 113

review their bylaws to accommodate informal land transaction fees as official payment, in which part of the charge remains to LLGAs to support the enforcement and motivation of LLGAs staff.

5.3 Revenue Sharing for Development Controls

Given the current practices, it is suggested that the distribution of revenue from different sources for financing development controls should be as shown in Table 4.

Table 4: Sources of Revenue and Distribution for Development Control

Own Sources Revenue		DCT	Lower Level
1	Planning Consent Application Fees	20%	20%
2	Building Permit Application Fees	20%	5%
3	Change of Use Application Fees	20%	10%
4	Land Subdivision Application Fees	20%	10%
5	Contravention Fees	20%	20%
6	Property Tax	20%	5%
7	Land Rent	20%	5%
8	Billboards Advertisement	20%	5%

For the purpose of creating financial autonomy, DCT should be assigned a sub-vote in the plan and budget. This will undeniably facilitate the allocation of monies for all important activities which relate to monitoring and reporting of urban development.

5.4 Facilitate Collection and Sharing

For the purpose of facilitating the collection of charges and fees as well as sharing of different revenue, local government authorities should enact by-laws. The by-laws shall state categorically the amount of monies to be paid, the time within which such payment should be made and the manner of making such payment. Also, the by-laws should provide payment of fines and penalties for defaulters. In respect of sharing, the by-laws shall provide the amount to be taken to ward and mtaa level.

CHAPTER SIX

APPLICATION OF INFORMATION AND COMMUNICATION TECHNOLOGIES IN UNDERTAKING DEVELOPMENT CONTROL

6.1 Introduction

Given the unprecedented rate of urbanization that most towns, municipal and cities are currently facing, Information and Communication Technology (ICT) can play an important enabling role in controlling and regulating urban development. Given this fact, planning authorities should, therefore, recognize the role of technology and adopt it as the most effective, economical and timely means of monitoring, collecting and reporting various development control activities within their respective areas.

ICT embraces digital tools and platforms such as urban planning software and data management systems that facilitate data collection, analysis and reporting. Through urban planning software, Planners can use zoning, land use planning and simulation modelling to create sustainable development plans. Data management systems entail centralization of databases and cloud-based platforms to facilitate efficient storage and retrieval of urban planning data and support evidence-based decision-making.

6.2 GIS Mapping and Analysis

In light of the pressure of rapid development, an information system, which keeps and displays data of planning applications for administrative use and facilitates planning at a strategic level, is important. Development control involving analyzing the appropriateness of planning applications needs relevant data. Applications will be assessed in terms of current development scenarios, land information, planning conditions and design. Also, the assessment will particularly focus on the availability of public facilities and utilities. Hence, GIS is needed for development control to: -

- a. Analyze development strategies in terms of the roles and functions of towns and cities to account for policies outlined by the government.
- b. Provide information to assess the implications of planning applications upon the provision of social and community facilities.
- c. Identify the potential land available for development.

- d. Identify restricted and reserved area, including areas exposed to high hazard levels or at significant risk from natural hazards, such as flooding, storm surge, tsunamis, sea level rise and coastal inundation, landslides, rockslides, debris and mudflows, gully erosion and sinkholes, earthquakes and areas with liquefaction potential, as well as environmentally sensitive areas, natural wind corridors and areas with high infiltration potential.
- e. Identify areas prone to development pressure to ease control and monitoring.
- f. Facilitate technical evaluation of planning applications by displaying data on land use, plot ratio, transport system etc. used by other agencies.
- g. Show information on development status, surrounding developments, available infrastructures and other planning requirements.

GIS mapping should include disaster and climate risk layers to inform development control decisions. These data should be updated regularly and used to guide development restrictions in high-risk areas and to design interventions that enhance climate and disaster resilience.

Initial discussion of applications: GIS enables Planners to advise the applicants on the feasibility of the proposed development. It provides some important information relating to the current development strategies, provision of development plan, status of development, planning restrictions and other matters related to the proposed site.

- i. Registration of applications:* formal planning applications must be registered and reviewed. Later, planning authorities must key in information contained in the application. Spatial data in the applications must resemble to base map.
- ii. Objections on development:* for change of land use, the proposed development should receive objections from adjacent landowners. Planning authorities can use GIS to identify, list owners and display changing development scenarios of the related area to be used as a platform for deciding the said objections.
- iii. Decision on applications:* before making-decision, Planners must inspect sites; and verify a planning evaluation report filed to them. Planners can efficiently do this if they have access to relevant data, i.e. road systems and land status. Planning authorities should use GIS to access such information and facilitate

data analysis by defining the potential and constraints of the proposed development and assisting Planners in generating development alternatives.

- iv. Updating:* for effective development control using GIS, planning authorities should continuously update and maintain the planning information. Once the decision is pronounced, the spatial and attribute database should be updated.

6.3 Data Collection

6.3.1 Data Standardization

Data shall be collected from planning authorities as well as utility and road agencies. They possess data crucial for efficient urban management. Yet, this data is often dispersed and not digitized. The Guidelines stress data collection in a digital format.

The approach for centralized and digitized data entails collection and identification of the data sources in planning authorities, utility and road agencies, and conduct an inventory of current data formats. Next, creation of a systematic process to convert non-digital data into a digital format. This is followed by developing a unified digital database that integrates all the digitized data. This process may be facilitated through the implementation of national spatial data infrastructure or joint mapping platform.

6.3.2 Remote Sensing

Remote sensing aid collection of satellite imagery and aerial photography for urban development. They are used to prepare base-map, plans and acts as a monitoring tool. For development control, planning authorities should use remote sensing for: -

- a. Facilitating the identification of unauthorized urban developments;
- b. Easing historical analysis of urban growth trends for future planning;
- c. Supporting the identification of hazard prone areas and evaluation of urban areas affected by disasters and climate shocks.
- d. Facilitating the detection of extreme heat hot spots and assessment of Urban Heat Island effect.
- e. Providing valuable insights into land use changes, encroachments and illegal developments; and
- f. Controlling urban expansion by monitoring of extensive urban growth cost-effectively.

6.4 GPS and Location-Based Services

The Global Positioning System (GPS) technology enables accurate mapping of infrastructure, utilities and informal settlements to facilitate interventions.

6.5 Mobile Apps and SMS Alerts for Citizens

Mobile applications and Short Message Service (SMS) alert enable citizens to actively participate in development control and report unplanned developments. Planning authorities should use them to control and regulate any urban development by: -

- a) Reporting incidences i.e. unauthorized constructions, encroachments, or environmental violations to ward, mtaa or council administration.
- b) Taking photos and delivering them to ward, mtaa and council administration as evidence of the reported incidents.
- c) Delivering feedback on reported incidences to citizen and informing them about the progress of their inquiries.

6.6 Interoperability of Systems

Development in planning areas need approval of planning authorities. Developers must apply for building permits and planning consent.⁹² Property owners whose value has increased from a scheme held by the government may pay betterment charges.⁹³ A breach of development conditions attracts payment of contravention fees.⁹⁴ For facilitating the collection of such monies, planning authorities should: -

- a. Integrate urban planning and land management system with TAUSI⁹⁵ to ensure collection of development and betterment charges, property tax, rent, scrutinization and contravention fees.

6.7 Real-Time Data Collection

Information and Communication Technology (ICT) tools offer adequate room for the collection of real-time data for development control activities. It provides a current

⁹² Section 46(2), The Urban Planning Act, CAP. 355

⁹³ Section 70(1), The Urban Planning Act, CAP. 355

⁹⁴ Section 34, The Urban Planning Act, CAP. 355

⁹⁵ A new system for collection of LGAs own sources revenue formerly the Local Government Revenue Collection Information System (LGRICIS)

view of ongoing development and enables urgent action against unauthorized activities. Planning authorities should use real-time data for: -

- a) Facilitating tracking and progress of planned infrastructure projects; and
- b) Facilitating the identification of hotspot areas experiencing rapid growth.

6.8 Data Analytics and Artificial Intelligence

Data analytics and Artificial Intelligence (AI) are instrumentally that are employed in predicting urban growth patterns and guiding development control. For effective implementation of planning, authorities should employ data analytics and AI for: -

- a) Analyzing historical data to predict future urban growth trends;
- b) Identifying areas, which are prone to social and environmental risks;
- c) Monitoring development activities if observes prevailing zoning; and
- a. Allocating resources by earmarking the priority areas for infrastructure development and public service.

ANNEXES

1. APPLICABLE FORMS/FOMART FOR DEVELOPMENT CONTROL GUIDELINE

Form Na. 1-Grienvience registration form/format at Mtaa/Village level

Na	Aina ya Lalamiko	Mlalamikaji	Hatua zilizochukuliwa

Form Na. 2-Land transaction form/format at Mtaa or Village level

Na	Jina la Muuzaji na mmunuzi wa kiwanja	Ukubwa (upana na urefu)	Mashahidi walioshuhudia

Form Na. 3-Register for public spaces form/format at Mtaa/village and ward Level

Na	Jina la eneo la wazi na wadau wanalitumia kwa sasa	Ukubwa (upana na urefu)	Matumizi ya sasa