



LYSON LAW GROUP
Advocates & Legal Consultants

LAWS AND REGULATIONS GOVERNING

URBAN PLANNING AND LAND USE

IN THE UNITED REPUBLIC OF TANZANIA

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1.0. INTRODUCTION



This article is designed to address some of the laws and regulations governing urban planning and land use in the United Republic of Tanzania and is intended to provide a guiding framework for planners and developers carrying out projects in urban areas.

Among other things, planning laws in Tanzania govern land use, urban development, and environmental management. These laws aim to ensure sustainable development, orderly urbanization, and the protection of natural resources. Here are some key components and laws related to planning in Tanzania.

Due to the industrial revolution, urban areas are experiencing an increasing and uncontrolled influx of hundreds and thousands of people from rural areas, an experience that has led to the government taking action to protect the welfare of urban living populations. Epidemics, plagues, fires, and blocked roads are an imminent danger to every community.

Primarily there are six categories of human settlement according to the Urban Planning Act, 2007 these are:

i. Minor settlement. (Trading centers)

This refers to a settlement that serves as a trading center according to the level of services available in accordance with the Minor Settlements Act, Cap 102. It must have at least five shops, a dispensary, market place, a school, and a post office.

ii. Townships

The Back Law Dictionary defines a township as a division of territory or the civil and political subdivision of a country. In order to qualify as a township a minor settlement must have at least 10,000 people. In addition, there has to be a health center, a secondary school, market place, a primary court, and not less than 20 licensed retail shops. It should either be a ward or a division headquarters.

iii. Towns

Per the Urban Planning Act, of 2007 a town must have a population of at least 30,000 people. And to sustain 50% of its annual budget. It must also have the services of a secondary school, hospital 50 licensed shops, police station, and divisional headquarters.

iv. Municipalities

To qualify to be a Municipality a town must have at least 100,000 people, 30% of the population employed in the non-agricultural sector. Additionally, it must have a manufacturing industry and several small industries. It must be able to sustain at least 70% of its annual budget. It must have a higher order of services ranging from education, health, and cultural services which serve beyond the administrative boundaries of the municipality.

v. Cities

To qualify as a city the Municipality should have a minimum population of 500,000, self-sustaining of at least 95% of annual budget. This is in addition to the normal qualifications of a Municipality and has some symbolic importance eg cultural significance or some historical value.

vi. Mega Cities

To be a mega city it must have a population of at least 4,000,000 people and should be self-sustaining. In addition, it must possess all requirements for city status.

Below are the most relevant Laws and Regulations governing urban planing and land use:

1. Urban Planning Act, No 8, 2007

Different scholars ascribe different meanings to the term planning depending on context. This Act provides for the orderly and sustainable development of urban areas.

It outlines the processes for preparing and approving urban planning schemes, development control, and the establishment of planning authorities.

The Act has designated every, Municipal Council City council and township authority as a planning authority in respect of its area of jurisdiction.

2. Land Use Planning Act, No 6, 2007

This Act establishes guidelines for land use planning at national, regional, district, and village levels. For this study, planning is defined as a human activity followed by action to fulfill a rational choice.

The fundamental principles of urban land use and planning include making serviced land available for shelter and human settlements, development in general to all sections of the community including women, youth, the elderly, disabled, and disadvantaged; improving] the level of the provision of infrastructure and social services for sustainable human settlement development; facilitate the creation of employment opportunities and eradication of poverty; and promote a balanced development of a clearly defined hierarchy of settlements in promoting human settlement development; It includes the preparation of land use plans, the roles of different planning authorities, and the need for public participation in the planning process.

Based on the above, it is apparent that holding a leased timeshare interest does not necessarily imply "fractional ownership" of the underlying property. According to the American Resort Development Association (ARDA), the trade association for the timeshare industry, "fractional ownership" is usually associated with the luxury segment of vacation properties that offer more service and amenities, and is sold in intervals of more than one week and less than full ownership. The concept of fractional ownership has also been extended to other assets, such as private jets and recreational vehicles.

3. Environmental Management Act, Cap 191, R.E,2021

This Act aims to provide for and promote the enhancement, protection, conservation, and management of the environment. The EMA recognizes the responsibility of line Ministries in performing planning and environmental functions. It mandates environmental impact assessments (EIAs) for proposed developments and integrates environmental considerations into planning and development processes. Environmental laws provide for various conservation controls. The controls are largely intended to uphold the various planning regulations that are in force. Measures under environmental laws such as conservation orders, designation of conservation of beaches, water fronts, wet lands, fragile ecosystems towards planning controls. Others include restoration and easement orders.

4. Local Government (Urban Authorities) Act, 1982

This Act governs the establishment and administration of urban local authorities. It grants urban authorities the power to make by-laws, control development, and manage urban services and infrastructure.

In terms of compliance with enforcement plans, It has been stated that law enforcement occupations and activities are stressful due to the many negative psychosocial outcomes once development plans have been approved it must be complied with in their entirety.

In the event that the plan is not complied with the law has put in place different mechanisms to be used in enforcing the plan. Unless the planning authority states otherwise no development shall take place on the land if it does not conform to the development plan.

5. Village Land Act, Cap 114, R.E,2019

This Act governs the management and administration of village land. It provides for the establishment of village land councils and village adjudication committees and outlines procedures for land allocation, use, and dispute resolution in rural areas.

In relation to village land the, Land Use Act designates the Village Council as the Village Land use Planning Authority for each respective village. Section 22 of the Village Land Use Planning Act,2007 mandates the village council as the planning

authority at the village level. Its composition, functioning, and processes are provided for under sections 12 and 13 of the Village Land Act. In that regard it has the responsibility to carry out the following:

- (a) Prepare a detailed land use plan for implementation in its respective area of jurisdiction.
- (b) Ensure that the objective of the Village Land Act is achieved.
- (c) Secure the orderly and environmentally sustainable development in the village.
- (d) Ensure productive use of village land.
- (e) Preserve village land resources including forests and wildlife, and
- (f) Review and evaluate all applications for land within the village to determine the extent of its conformity with the approved land use plan and advise the village assembly accordingly.

6. Land Act, R.E, 2019

This Act provides for the management and administration of land in general. It classifies land into three categories: general land, reserved land, and village land. It also establishes the Land Commission and outlines procedures for land allocation, acquisition, and tenure security.

However, it is important to note that, while under the Land Act, land includes the surface of the earth and earth below the surface and all substances other than minerals or petroleum

forming part of or below the surface, things naturally growing on the land, buildings and other structures occurring on the land but for purposes of planning the definition is a bit restrictive.

7. National Housing Corporation Act, Cap 295, 1990

The National Housing Corporation is the outcome of the decision of the Government to dissolve the Registrar of Buildings through an Act of Parliament No. 2 of 1990 which vested its responsibilities with NHC.

This Act provides for the responsibilities of NHC as including provision of facilitating the provision of building materials, business building contractors' construction of houses for sale, construction of houses as part of an approved scheme, and development of the housing sector among others. It includes provisions for housing standards, the development of affordable housing, and the establishment of the National Housing Corporation.

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8. *Building Regulations*

These regulations set standards for construction and building safety. They include guidelines for building permits, inspections, and compliance with safety and environmental standards. Regulation 6 of GN 505/1960 excludes any attempt to absolve an applicant who obtains consent under any Act of parliament from applying for other permits that may be required under any other law. Therefore, a permit obtained under these regulations and the Act does not exempt one for applying for permits required under other laws. Generally, the process of application for the permit procedure in Dar es Salaam has been noted to encompass the following key steps:

- (a) Verification of land ownership
- (b) Scrutiny fee estimation and Submission of architectural and structural drawings to the respective authority for scrutiny.
- (c) Site inspection and report writing done by a planner or an architect.
- (d) Scrutiny of the drawings to see if they meet the planning requirements.
- (e) Submission of the site inspection reports to the town planner in charge for cross-checking.
- (f) Sending the documents to the city council land officer for land ownership checkup
- (g) Re-sending the documents to the town planner for final processing.
- (h) From the city or town planner the documents are sent to the city engineer for dispatch to the other relevant departments such as fire, health, sewerage etc.
- (i) The documents are thereafter sent to the relevant authority for approval or rejection.

2.0. PLANNING AUTHORITIES

- I. Ministry of Lands, Housing and Human Settlements Development: Oversees national land use planning and housing development.
- II. National Land Use Planning Commission: Responsible for coordinating land use planning activities at all levels.
- III. Urban and District Councils: Local authorities that implement planning laws and manage urban and rural development within their jurisdictions.

3.0. CHALLENGES IN THE IMPLEMENTATION OF PLANNING LAWS

Capacity and Resource Constraints: Limited technical and financial resources can hinder effective planning and implementation.

Urbanization Pressures: Rapid urbanization presents challenges in managing land use and providing adequate infrastructure and services.

Coordination Among Authorities: Effective planning requires coordination among various government agencies and stakeholders, which can be challenging.

These laws and regulations are crucial for guiding the development of Tanzania's urban and rural areas, ensuring sustainable growth, and protecting the environment.

4.0. CONCLUSION

Urban land planning boils down to how we use the space available to us and Kocatas has been quoted saying that,

“All living things are either directly or indirectly soil-dependent for survival. In other words, soil is a natural space in which all plant and intra-soil living things survive and a natural resource by which food is provided.”

The need for doing so is obvious, not only because of the trends so far observed about the unregulated growth of urban areas but also due to the pressure associated with population influx that has manifested itself in urban areas in the recent past. These factors lead to the diminishing of natural resources and the growth of irregular urban centers along with hampering agricultural lands. land use planning is therefore now a broad-ranging area of law that is all-encompassing with different dimensions.

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