

Enforcement of Development Control for the Planned Public Open Spaces in Tanzania

Public open spaces play vital role in social life of the community and they can be regarded as a shared resource in which experiences and value are created. The availability of playgrounds, public parks and recreation facilities are of great importance to the daily life of the society. It has been observed that in a number of Planning Authorities the planned public open spaces are not used as intended and not developed. The aim for this audit was to assess whether President's Office - Regional Administration and Local Government through the Planning Authorities effectively enforce Development Control for the planned Public Open Spaces. The audit also includes the Ministry of Land, Housing and Human Settlement Development (MLHHS) as a key stakeholder involved in the management of Public Open Spaces. The audit covered a period of five years (2011/12 to 2015/16). Data was collected from seven (7) Planning Authorities based on six (6) geographical zones (Coastal, Lake, Eastern, Southern Highlands, Southern and Northern zones)

Main Audit Findings

Registration and issuance of title deed for planned public open spaces

The audit noted that most of the Planning Authorities have not initiated process for registering planned public open spaces despite provision of Circulars and reminders requiring doing so. It was revealed that majority of the available public open spaces in visited Planning Authorities were not registered and had no title deeds. Enforcement of development control plans for the planned Public Open Spaces In all visited Planning Authorities, the audit noted that the planned public open spaces were used contrary to the intended or planned purpose. For instance, in Dodoma Municipality under Capital Development Agency (CDA), it was observed that more than 90 percent of the planned public open spaces had been encroached /changed use. The audit team was not shown any contractual agreement between CDA and developers of such areas.

Conduction of inspections of the planned public open spaces

The audit noted that there are no inspections conducted by the Planning Authorities in order to ensure that the planned public open spaces are well maintained and protected according to the agreement for those being developed by private developers. System used for recording and tracking information on encroachers The system used on recording and tracking of information on encroachers was noted to be inadequate as there was no clear method used by the visited Planning Authorities. Most of the Planning Authorities use Ward Executive Officers (WEOs) to report on encroachers by sharing with them the Town Planning drawings. Despite this practice the audit team questioned on whether the **WEO's** had the skills needed for those drawings. The planning authorities have no database concerning encroachers which is the base for taking decisions.

Main Audit Conclusions

The President's Office - Regional Administration and Local Government have no plans and strategies in place that ensure Planning Authorities initiate and process required title deeds and ensure proper enforcement of development control plans for the planned public open spaces.

There are no inspections conducted by Planning Authorities in order to ensure protection, maintenance and taking appropriate actions against encroachers for the planned public open spaces. The procedures used for tracking and recording of information on encroachers are not adequate due to reliance on information from WEOs. Moreover, there is ineffective mechanism to communicate land information with officials at lower levels.

Main Audit Recommendations

Based on the audit findings and conclusion reached the following are recommendations to the President's Office - Regional Administration and Local Government (PO-RALG):

- 1) Establishment of strategic plans by PO-RALG to ensure registrations and provisions of title deeds for all the planned public open spaces;
- 2) PO-RALG to ensure that the planning authorities in the protections of public open spaces should be hinged on the result matrices where the variables of control of the planned public open spaces are measurable through OPRAS;
- 3) PO-RALG to institute control and information system which links all the machineries involved in issuing business licenses, water supply viii and electricity to dishonour applications for such services by the voracious defaulters of public open spaces;
- 4) PO-RALG to issue a directive to LGA to introduce a department of landscape architecture and urban design which will deal with public open spaces, urban beatification, urbanism and landscape architecture in towns and cities. This will involve the public open spaces, urban green spaces, green belts, road corridors, rivers, sea shore, marshlands and site of specific importance (if any);
- 5) PO-RALG should ensure that planning authorities conduct inspections of public open spaces and submit quarterly reports to PO-RALG;
- 6) PO-RALG should make follow ups of the implementation of the measures taken against the defaulters at least quarterly and document a prepared report;
- 7) PO-RALG should ensure that communities are sensitized to know the roles of public open spaces socially, economically and environmentally and thus compelled to respect, protect and use as intended and report any malpractices to WEOs;
- 8) PO-RALG should sensitize Local Government Authorities to make sure that through collaboration with communities, public open spaces are planned, designed and evaluated;
- 9) PO-RALG should shift from mere protection of public open spaces to deployment of public open spaces for improved urban economy, urban efficiency, urban effectiveness and enhanced environment conditions.
- 10) PO-RALG should make sure that LGAs impart WEOs with skills in TPDrawings reading and reporting to the Planning Authorities; and
- 11) PO-RALG should make sure that there is established digital database of public open spaces in website owned by planning authorities which are publicly accessible for exchange of notes and experiences.