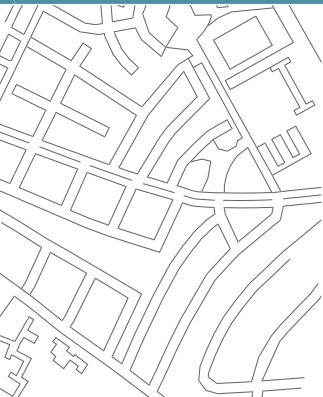




EFFECTIVENESS OF PLANNING LAW IN SUB-SAHARAN AFRICA

URBAN LEGAL CASE STUDIES | Volume 8



UN**HABITAT**
FOR A BETTER URBAN FUTURE

CHAPTER 13	Luanda, Angola	101
CHAPTER 14	Lubumbashi, Democratic Republic of Congo	107
CHAPTER 15	Nakuru, Kenya	111
CHAPTER 16	Ndola, Zambia	117
CHAPTER 17	Oyo, Nigeria	123
CHAPTER 18	Port Elizabeth, South Africa	129
REFERENCES		136

Several people have generously contributed in various capacities and have enriched this study:

Yared Girma (Ethiopian Institute of Architecture, Building Construction and City Development), Patience Osei-Nyarko (Accra Metropolitan Assembly), Arusha City Council, Adiaratou Thiam (Mali National Observatory of Cities); Daviz Simanga, Eugênia Júlia, Manuel Armando and Peter van Tongeren (Municipality of Beira); Emmanuel Adeleke (Nigerian town planner); Linah Dube and Dylan Weakley (City of Johannesburg); Lesley Mashiri (Student at University of Witwatersrand); Schalk Potgieter (Nelson Mandela Bay Metropolitan Municipality); The Kampala Capital City Authority; Vincent Rwigamba, (Rwanda Housing Authority); Fred Mugisha (City of Kigali); Edward Kyazze (Rwanda Ministry of Infrastructure); Jean Claude Pombo (DRC Ministry of Urbanism and Habitat); UN-Habitat DRC Office; Princesse Samba (Architect and Urban Designer - Kinshasa); Jacques Nebambi (Professor at the University of Kinshasa de Lovanium); Cesar Nkuku and Robert Tunda (University of Lubumbashi); Ana Bragança and Luís Macedo (UN-Habitat Angola Office); Allan Cain (Development Workshop Angola); Nakuru County Ministry of Lands, Housing and Physical Planning; and Ndola City Council.

EDITOR'S NOTE

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

13 LUANDA, ANGOLA



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

A. URBAN AREAS

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

The General Masterplan of Luanda 2018 establishes a *de facto* urban growth boundary through land use zoning. The average population density within the growth boundary is 5,126 per people per km².¹³⁰ According to the national

¹³⁰ The following factors have been considered. The population of Luanda was 6,760,444 in 2014, increasing at an average annual rate around 3.1% since 2016 and is expected to reach 8,247,688 in 2019. (National Statistics Institute, 2016). The area of the growth boundary as defined in the plan is 1,608.97 km².

demographic projections, within the current urban boundary (1,608.97 km²), Luanda will reach an average population density of 10,483 people per km² by 2050. At this time, the annual population growth rate will be 2.0%. Given these projections, it will take Luanda until 2069 to reach an average population density of 15,000 per km² within the growth boundary. Few developments extend beyond the growth boundary despite non-urbanized areas still present within the boundary.

B. URBAN PLANS

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

100% of the area within the growth boundary is covered by the General Masterplan of Luanda, 2018. Of the plans currently in force¹³³, the oldest plan is 8 years old while the most recently approved is 8 months old. The average age is 5 years.

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

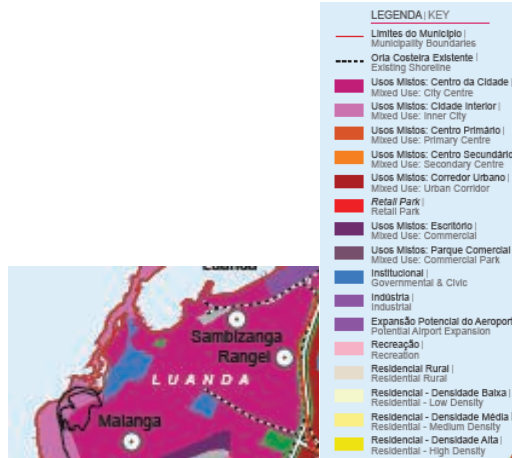
¹³¹ Article 57.

¹³² Article 78.

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

Site 1: CITY CENTRE

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



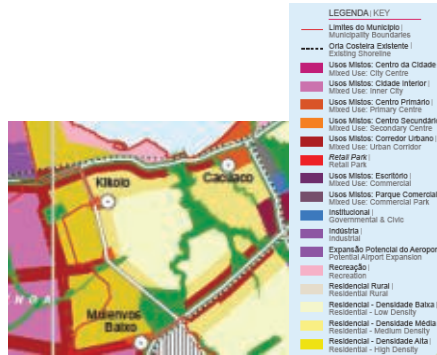
Source: © Provincial Government of Luanda



Source: © UN-Habitat

Site 2: KIKOLO

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



Source: © Provincial Government of Luanda





Source: © UN-Habitat

C. LAND ADMINISTRATION

The size of land subdivisions that can be approved is 600 m²,¹³⁴ but the commune of Zango, applies 200 m². The number of land subdivisions that have been approved in the past 12 months could not be ascertained. The records of acquisition of land for public purposes within the growth boundary, either voluntary or compulsory, in the last five years could not be identified.

D. INSTITUTIONAL FRAMEWORK

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

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

¹³⁵ Instituto de Planeamento e Gestão Urbana de Luanda (IPGUL).

IPGUL has 97 professional staff, with 15 technicians conducting the enforcement of development control which is limited to works over 1,000 m² and 4-storey buildings. The municipal administrations carry out the other forms of enforcement. Luanda municipality has 25 technicians for this function. The number of administrative actions to enforce development control within the past twelve months could not be ascertained.

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

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