

COUNTY ASSEMBLY OF SIAYA



COUNTY ASSEMBLY OF SIAYA

THIRD ASSEMBLY-SECOND SESSION

COMMITTEE ON LANDS, PHYSICAL PLANNING, SURVEYING AND HOUSING

REPORT ON THE ANALYSIS OF THE PHYSICAL AND LAND USE
DEVELOPMENT PLANS FOR OELE BEACH, UWARIA AND BAR KANYANGO
RURAL CENTRE.

MARCH 2023

Contents

PREFACE3

Mandate of the Committee.....3

Membership of the Committee.....4

Acknowledgement.....5

BACKGROUND INFORMATION.....6

INTRODUCTION.....7

SYNOPSIS OF THE PLAN8-9

PROPOSED AMENDMENTS9-10

COMMITTEE RECOMMENDATIONS.....12

PREFACE

Hon. Speaker

Mandates of the committee

The Sectorial Committee on Lands, Physical Planning, Surveying and Housing is established pursuant to provisions of Standing Order No. 200 (5) and is mandated to:-

- a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- b) Study the program and policy objectives of departments and the effectiveness of the implementation.
- c) Study and review all legislation referred to it;
- d) Study, assess and analyse the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- e) Investigate and enquire into all matters relating to the assigned departments as they may deem necessary and as may be referred to them by the House;
- f) Vet and report on all appointments where the Constitution or any law requires the House to approve, except those under Standing Order 195(committee on Appointments); and
- g) Make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

Additionally, pursuant to the Second Schedule of the Standing Order, the committee oversees the departments of; Lands, Physical Planning, Surveying and Housing and is mandated to deliberate on; -

all matters related to Lands, Housing, Settlement, County Planning and development including statistics, Land Survey, mapping, boundaries and fencing, electricity and gas reticulation.

Membership of the Committee

Hon. Speaker,


The Committee as currently constituted by this House comprises of the following Honorable Members;

- | | |
|--------------------------|------------------------|
| 1. Hon. James Otare | -CHAIRPERSON |
| 2. Hon. John Apodo | -V/ CHAIRPERSON |
| 3. Hon. Samuel Siguru | -Member |
| 4. Hon. Gordon Onguuru | -Member |
| 5. Hon. Bismark Olango | -Member |
| 6. Hon. Felix Okumu | -Member |
| 7. Hon. Sylas Madingu | -Member |
| 8. Hon. Alice Odhiambo | -Member |
| 9. Hon. Andericus Odongo | -Member |

ACKNOWLEDGEMENT

The Committee is grateful to the offices of the Hon. Speaker and the County Assembly Clerk for support received as it discharged its mandate. The Committee is also grateful to the C.E.C in charge of Lands Department together with his technical officers who provided the necessary information needed by the Committee during the analysis and compilation of its report.

It is therefore my pleasant duty and privilege, on behalf of the Committee on Lands, Physical Planning, Surveying and Housing and as required by Standing Order 200(5) (g) as read together with the Second Schedule of the Standing Order, to present to this House, the Committees' report containing its recommendations on the Analysis of the Zoning Plans for Bar Kanyango , Uwaria and Oele Beach Rural Center for consideration and approval.

SIGNED..........DATE.....25/3/2022.....

HON.JAMES OTARE-MCA, CHAIRPERSON

COMMITTEE ON LANDS, PHYSICAL PLANNING, SURVEYING AND HOUSING

Background Information

Hon. Speaker, the Committee received the Draft Plan for Bar Kanyango, Uwaria and Oele Beach Rural Center from the Lands Department for approval pursuant to the provisions in the Physical and Land Use Planning Act No.13 of 2018 Section 45-55. The purpose of the plans includes zoning; guiding and coordinating the development of infrastructure; regulating land use and land development; providing a framework and guideline on building and works development in the market center as well as a framework for coordinating various sectoral agencies.

The process of urbanization in rural centers is still an evolving phenomenon. However, urban populations are growing at a faster rate. Urban areas are important for National growth and prosperity since they are centers for transformation, commerce, industry, housing and governance. Their management therefore through land use planning is fundamental in preparing the urban areas to perform these roles in a more efficient and effective manner.

Oele Beach came up as a result of the fishing activities in the area. Fishermen came from various parts of the country to carry out fishing as an economic activity. They in turn became residents of the area hence construction of various residential units that could be used by their families.

In Uwaria, the effects of rapid and uncontrolled urbanization have led to uncontrolled developments along the beach leading to encroachment of the lake reserve. There is no provision for the basic infrastructures such as access roads, sanitation facilities drainage facilities and waste disposal facilities.

In Bar Kanyango, the rapid and unregulated rate of urbanization has led to uncontrolled development in Bar Kanyango causing encroachment into road reserves and interfering with the little bit of order the area had before the increased population .The market does not have clearly demarcated boundaries hence the surrounding private properties are slowly being turned into small and medium commercial enterprises .This sprout of commercial ,industrial, residential properties has caused unchecked urban developments.

INTRODUCTION

Problem Statement

The effects of rapid and uncontrolled urbanization have led to uncontrolled developments along the Oele beach and Uwaria rural center leading to encroachment of the lake reserve. There is no provision for the basic infrastructures such as access roads, sanitation facilities, drainage facilities and waste disposal facilities and these cause adverse effects on the environment and aesthetics of the beach fronts.

The rapid and unregulated rate of urbanization has led to uncontrolled development in Bar Kanyango causing encroachment into road reserves and interfering with the little bit of order the area had before the increased populations. The market does not have clearly demarcated boundaries and hence the surrounding private properties are slowly being turned into small and medium commercial enterprises. This of commercial, industrial, residential properties has caused unchecked urban developments that lead to environmental degradation as the basic infrastructure such as sewerage system, adequate water and waste disposal are not planned and provided for.

There is need therefore for planning interventions to be carried out in the markets. Order needs to be relieved so that even as people get into the center and use the lake as a source of income, sustainability is ensured. Due to its potential, the County Government intends to develop a spatial framework that would guide the development that is currently being executed on the space in order to achieve convenience, equity and harmony among other principles of planning for the purpose of optimal land use.

Objectives of the Plans

The overall objective of the zoning plans is to provide a guideline for the development of Bar Kanyango, Uwaria center and Oele Beach ensuring order and compatibility of current and future land uses.

The specific objectives of the zoning plan are:

- I. To identify and map out the issues affecting the users of the market center
- II. To assess the challenges faced by both the market traders and the community and opportunities of the surrounding
- III. To provide for security of tenure

- IV. To ensure effective revenue collection through land rates
- V. To provide a tool for development control through a participatory planning process.

LEGAL AND CONSTITUTIONAL FRAMEWORK

- **The Constitution of Kenya 2010** provides a foundation for town and city planning services.
- **The Kenya Vision 2030** is the current long term development blue print covering the period 2008-2030. All planning in Kenya should therefore be guided and informed by the national aspirations and goals as outlined by the Vision 2030 which is to be implemented in successive five year Medium-Term Plans.
- **Physical and Land Use Planning Act, 2019** gives the responsibility of preparing County Physical and Land Use Development Plans to the County Director of Physical and Land Use Planning within their respective Counties.
- **County Government Act, 2012** seeks to give effect to Chapter 11 of the Constitution and provide for powers, functions and responsibilities of County Governments to deliver services and to provide for other connected purposes.
- **Urban Areas and Cities Amendment Act 2019**-provides guidelines for the classification of towns and cities in the order of rural area, local center, market Centre and an urban center depending on the population and the facilities that are available in the above mentioned areas. The Municipality and towns are expected to operate within the framework of an integrated development planning.
- **Environmental Management and Coordination Act-** provides for establishment of an appropriate legal and institutional framework for the management of environment and for matters connected therewith.

OELE BEACH

Oele beach is located in Bondo Constituency, North Yimbo Location, Usigu Division. Its proximity to Lake Victoria makes it predominantly a fishing zone with fish Banda as some of the land marks in the area.

Oele Beach is continually expanding both in size and population, rapidly causing a transition of good agricultural land to built-up commercial spaces. These, if not well planned might cause threats to not only the environment and the water ecosystem but also to the economic profits gained from farm produce.

According to the Urban Areas and Cities Act, Oele Beach is a market Centre, based on the present functions and services provided.

Contents of the Plan

The plan contains the following features:

- An expansion of the fish Banda
- Solid waste management site
- Modern market shade site
- A boat landing area
- An open air market beside market shades
- Market access roads and walk roads
- Modern toilets construction site
- 6 by 12 plots provision
- A market ring road

Planning Issues in Oele Beach

- **Insecure land tenure for allotted plots-** There is no land designated for industrial activities. There are however small Juakali activities that include bicycle repairs and flour milling.
- There is no designated bus park.
- **No recreational facilities-** No designated space of stadium and social hall site or any other green spaces such as public gardens and playgrounds. School play fields are used as play grounds.
- **No designated space for fire Station-**There is need for a fire station to serve the beach.
- **Land Tenure-** the market is on public land, however the parcel has not been planned and surveyed and there are no clear internal boundaries for the place. Access roads have been encroached by developments.

- No water supply
- Inadequate land to provide for public facilities
- Encroachment on roads and access lanes

The beach is continually expanding both in size and population, causing a transition of good agricultural land to built-up commercial spaces. These if not well planned might cause threats to not only the environment and the water ecosystem but also to the economic profits gained from farm produce.

BAR KANYANGO

Bar Kanyango local center is the main center for Bar Kanyango Sub-Location which is in Central Yimbo Location, Yimbo East Ward, Bondo Sub-County.

It is a market center that is nucleated 15km off the Usenge –Kisumu highway and is served by a 20metre road reserve. The local centre is enclosed by two ring roads.

The market is on public land, however the parcel has not been planned and surveyed and there are no clear internal boundaries for the place.

The rapid and unregulated rate of urbanization has led to uncontrolled development in Bar Kanyango causing encroachment into road reserves and interfering with the little bit of order the area had before the increased population.

Salient Features in the Original Plan

The plan contains the following features:

1. An expansion of the market entrance.
2. An allocation for solid waste disposal site
3. Site for modern pit latrine
4. Parking space
5. Unopened roads
6. Sites where street lights need to be located within the market and its premises

Amendments by the Committee

The committee in consultation with the area member of County Assembly for Yimbo East Ward and the CECM-Lands made the following amendments.

- That the plan be amended to provide space for additional toilets in the market.
- That the plan be amended to provide for sites for trees and parking areas.

Justification for the Amendments

- The additional facilities will be able to serve a bigger population.

UWARIA CENTER

Uwaria market centre is located along Kisian- Bondo-Usenge road off Usigu Centre. It is located on the shores of Lake Victoria. The market is on public land and is managed by the County Government of Siaya Uwaria. Those with plots have been issued with lease deeds for plot owners.

Contents of the Plan

- Demarcation of the riparian reserve ,30metres from the beach to allow for boat landing, tourism activities and expansion of the fish Banda.
- A 6metre ring road that is to divert animal traffic towards the lake for watering, this would assist in minimizing commotions, preventing animals from dirtying the market.
- Construction of a toilet within the market to serve the people
- Recreation area

Amendments by the Committee

- Elimination of all plots
- Provision of recreation area of 15metres along the lake shore
- Provision of a fish market
- Provision of riparian reserve of 30 meters

Justification for the Amendments

- The beach is small and cannot accommodate numerous commercial activities
- Promotion of recreation and tourism along the beach
- Promotion of fish business by having a fish market
- Riparian reserve was omitted in the plan

GENERAL COMMITTEE RECOMMENDATION

Having examined and discussed the Draft plan for Bar Kanyango, Uwaria Center and Oele Beach the Committee wishes to make the following final recommendation;

- I. That the Plan for Bar Kanyango and Uwaria Rural Centre from the Lands, Physical Planning, Surveying and Housing Department be approved with amendments.
- II. That the plan for Oele Beach be approved as was presented before the Committee.