

Study on Implementation of  
Integrated Spatial Plan for  
The Mamminasata Metropolitan Area

## SECTOR STUDY (16)

### **INSTITUTIONAL STUDY**

KRI International Corp.  
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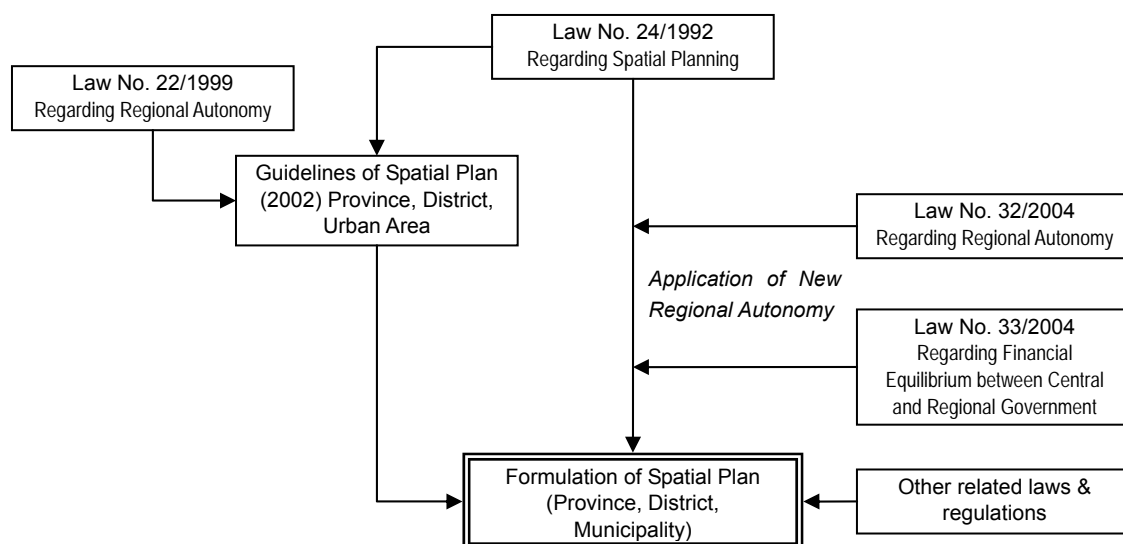
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## 1 OVERVIEW OF INSTITUTIONAL SETTINGS

### 1.1 Legislation

#### 1) Legal Basis of Spatial Plan

Formulation of a spatial plan is based on the Law No. 24/1992 and Guidelines for the relevant spatial plan (province, district, urban area). Because “the Regional Autonomy” is in effect since 2001, the principle of the regional autonomy (Law No. 32/2004) is to be incorporated into the spatial plan. Following figure represents the laws and regulations related to spatial planning.



**Figure 1.1: Basic Legislation Regarding Spatial Planning**

Relevant laws and regulations (government regulation, provincial regulation) are also referred to. Basic legislation on the spatial plan for Mamminasata can be classified into regional autonomy, organizations, and spatial plan and they are summarized in the following table.

**Table 1.1: Basic Legislations Related to Spatial Planning (Selected)**

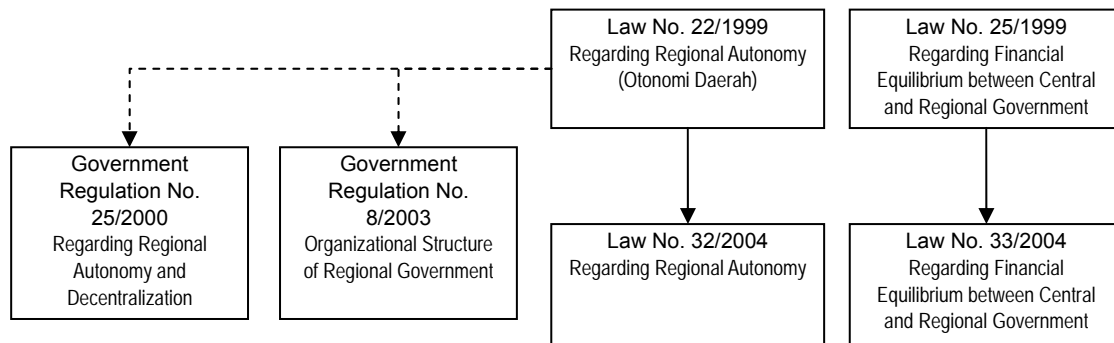
Issue	Scale	Type	No.	Year	Subject	Explanation
Regional Autonomy	National	Law	22	1999	Regional Administration	Replaced by Law No. 32/2004
Regional Autonomy	National	Law	25	1999	Financial Equilibrium between Central and Regional Government	Replaced by Law No. 33/2004
Regional Autonomy	National	Law	32	2004	Regional Administration	
Regional Autonomy	National	Law	33	2004	Financial Equilibrium between Central and Regional Government	
Regional Autonomy	National	GR	25	2000	Authorities of Central Government and Provincial Government as Autonomic Area	
Regional Autonomy & Organization	National	GR	84	2000	Regional Apparatus Organization Guideline	Replaced by GR No.8/2003
Regional Autonomy & Organization	National	GR	8	2003	Organizational Structure of Regional Government	
Organization	National	MD-MHA	147	2004	Regional Spatial Plan Coordination Agency [BKPRD]	
Organization	Provincial	GD-SS	860-XII	2003	MAMMINASATA Metropolitan Development Coordination Board [BKSP-MM]	
Organization	Provincial	RR-SS	21	2001	Regional Development and Planning Agency [BAPPEDA]	
Organization	Provincial	RR-SS	16	2001	Provincial Dinas of Spatial Planning and Settlement	
Spatial Plan	National	Law	24	1992	Spatial Planning	Under revision
	National	MD-MSRI	327/KPTS/M	2002	Stipulation of 6 (six) Guidelines in Spatial Planning	
Note:						
GR	Governmental Regulation			MSRI	Ministry of Settlement and Regional Infrastructure	
RR	Regional Regulation			MHA	Ministry of Home Affairs [DEPDAGRI]	
PD	Presidential Decree			MPW	Ministry of Public Works [Department PU]	
MD	Ministerial Decree			SS	South Sulawesi	
GD	Governor Decree					

## 2) Legislations regarding Regional Autonomy

### (1) Trend of Decentralization

The Law No. 22/1999 (Regional Autonomy) and Law No. 25/1999 (Financial Equilibrium between Central and Regional Government) were enacted in 1999 and enforced in 2001. They are considered to be initial step of decentralization. The government regulations have also been issued to guide the execution of the said laws.

The Law No.22/1999 and Law No. 25/1999, however, have been replaced by the Law No. 32/2004 (Regional Autonomy) and Law No. 33/2004, respectively. Under the new laws, the central government and provincial government regained some authorities previously given to district/municipality.



**Figure 1.2: Legislation Regarding Regional Autonomy (Selected)**

(2) Law No. 22/1999 and Law 32/2004 on Regional Autonomy

According to the Law No. 32/2004, authority of province over district/municipality, in general, has increased by controlling personnel affairs and budget. The district/municipality budgeting and personnel matter, therefore, requires approval from province. Major changes made in the Law No. 32/2004 are:

- (i) Demarcation of mandatory affairs between province and district/municipality is clarified to the effect that province gains control over district/municipality through budget and personnel approvals.
- (ii) Termination of district/municipality government heads requires approval of the provincial and central government, enabling province to manage district/municipality.
- (iii) Direct election of heads of regional government agencies (province, district and municipality),
- (iv) Central government can dismiss such officials in case of corruption or other acts deemed to be a threat to national security,
- (v) Regional development plan, including stages and general procedures is specified.
- (vi) A number of other changes to limit the powers of district and municipality. In particular, regional leaders will not be allowed to issue regulations that contradict to the central government policy.

(3) Law No. 25/1999 and Law No. 33/2004 on Financial Equilibrium between Central and Regional Governments

This law governs the financial proportion and its management between central government and the regional administration. However, in September 2004, a new Law No. 33/2004 was approved to replace the Law No. 25/1999. Key points of the revised law are:

- (i) Some increase in the amount of property and property transfer taxes paid from central government to provincial and local administrations,
- (ii) A small increase in oil and gas revenues received by the central government is paid from the central government to provinces and local administrations (some oil and gas producing provinces have complained about inadequate increases),
- (iii) Provinces may issue bonds with approval of the Ministry of Finance and DPRD (House of Regional Representative), but the central government will not guarantee for such bonds.

(4) Government Regulation (PP: Peraturan Pemerintah) No. 25/2000 on Autonomy and Decentralization

This government regulation, based on the Law No. 22/1999, intends to define the central government authority and regional authority as autonomous region. Relevant provisions include:

- (i) Provincial authority as an autonomous region shall cover the authority in the field of public administration which crosses or covers two or more district/municipality (Article 3, Clause (1)), including macro plan and control of regional development, training of certain sectors, allocation of potential human resources, research within provincial area, management of regional port, control of living environment, promotion of trade and culture/tourism, handling of contagious diseases and plant pests as well as the provincial spatial plan,
- (ii) Besides the authority referred to in Article 3 Clause (1) province may conduct the authority which is not and has not been performed by the district/municipality. (Article 3 Clause (3)), if minimal services should be performed by a district / municipality,
- (iii) If province cannot perform the authority referred to in Article 3 Clause (3), province shall delegate this authority to the government (Article 4, Paragraph (i)),
- (iv) Authority of district/municipality in a certain field and certain part of obligatory authority may be performed by province according to the agreement between the district/municipality and the province (Article 3 Clause (4)),

Authority of the spatial plan and public works sectors between the central government and province is summarized in the table below. Major authority of the central government is to establish standard and requirements, while the provincial government has authority on the operational aspect including licensing and supporting work.

**Table 1.2: Demarcation of Authority between Central and Provincial Governments**

	<b>Government</b>	<b>Province</b>
Spatial Plan	<ul style="list-style-type: none"> <li>a. Establishing national spatial plan based on the spatial plan of district/municipality and province.</li> <li>b. Establishing criteria for planning of watershed ecosystem territory on the river basin.</li> <li>c. Regulation on spatial plan for the territorial water, 12 (twelve) miles outside the territorial water</li> <li>d. Facilitating cooperation for cross provincial spatial plan.</li> </ul>	<ul style="list-style-type: none"> <li>a. Determination of provincial space based on the agreement between province and district/municipality.</li> <li>b. Surveillance on the implementation of spatial plan.</li> </ul>
Public Works	<ul style="list-style-type: none"> <li>a. Establishing standard for structure and infrastructure of developed area and management system of construction work/service.</li> <li>b. Establishing standard for development of construction of civil and architecture building.</li> <li>c. Establishing standard for development of regional structure and infrastructure consisting of irrigation, dam, bridge, road along with their branches and freeway.</li> <li>d. Establishing requirements for determination of status, class and function of road.</li> <li>e. Regulating and establishing status of national road.</li> </ul>	<ul style="list-style-type: none"> <li>a. Establishing standard for the management of inter district/municipality surface water resources.</li> <li>b. Licensing the building of inter district/municipality freeway.</li> <li>c. Providing support/aid for inter district/municipality cooperation in the development of structure and infrastructure, consisting of irrigation, dam, bridge, road along with their branches and freeway.</li> <li>d. Providing support/aid for the management of inter district/municipality surface water resources. The implementation of exploitation and maintenance of irrigation and drainage canal along with its supplemental structures from the intake structure to model/sample canal of 50 meters long from tapping structure.</li> <li>e. Issuing license to renovate or break buildings, canals, structures and infrastructures of inter district/municipality public works.</li> <li>f. Issuing license to build, renovate, or break other buildings, including buildings in, on, or across the irrigation canals, unless buildings mentioned in letter e.</li> <li>g. Execution of building and maintenance of inter district/municipality main irrigation canal and its supplemental structures.</li> <li>h. Arrangement of plan for irrigation water supply.</li> </ul>

### 3) Legislation and Guidelines regarding Spatial Plan

#### (1) Law No. 24/1992 on Spatial Planning

The “Law No. 24/1992 on Spatial Planning” is a base of spatial planning at national level, region level I (province), and region level II (district/municipality), on which to base the national, provincial, district/municipality plans.

The Law is composed of principles/objectives, plan/utilization/monitoring (function of areas, level of planning, classification of areas (rural area, urban area, special area), spatial planning (planning level, period, map scale), and guidance. The contents are summarized below.

#### (a) Principles and objectives

Principles and objectives of the spatial plan are summarized as following.

**Table 1.3: Principles and Objectives of Spatial Planning**

Principles (Article 2)	Two principles are addressed for the Spatial Planning as shown below, <ul style="list-style-type: none"> <li>✓ Utilization of space for all interests in an integrated effective and efficient, harmonious, balanced and sustainable way,</li> <li>✓ Transparency, justice, equality, and legal protection</li> </ul>
Objectives (Article 3)	<ul style="list-style-type: none"> <li>✓ The realization of an environmentally sound spatial utilization based on the Archipelagic Concept and National Resilience,</li> <li>✓ The realization of spatial utilization as protection areas and cultivation (including agriculture and urban) areas,</li> <li>✓ The achievement of quality spatial usage in order to: <ul style="list-style-type: none"> <li>• achieve and intelligent, noble, and prosperous life for the nation,</li> <li>• achieve and integrated utilization of natural resources and man-made resources by considering human resources,</li> <li>• increase the utilization of natural and man-made resources in an efficient, effective, and appropriate way to improve the quality of human resources,</li> <li>• embody the protection function of space and prevent as well overcome negative environmental impacts, and</li> <li>• embody the balance between prosperity and security interests.</li> </ul> </li> </ul>

#### (b) Planning

The spatial plan shall cover on land area, sea area, and air space. The guidance on spatial plan specified under the law is summarized as follows.



**Table 1.4: Outline of Law 24/1992 on Spatial Planning**

	<b>National</b>	<b>Region Level I (Province)</b>	<b>Region Level II (District/Municipality)</b>
Territory (Article 9)	Land area, sea area, air space	Land area, sea area, air space	Land area, sea area, air space
Spatial Utilization (Article 14)	Transport system, utility network, water management system, land use, water use, air use, natural resources use	Transport system, utility network, water management system, land use, water use, air use, natural resources use	Transport system, utility network, water management system, land use, water use, air use, natural resources use
Spatial Plan (Article 19)	National Spatial Plan	Province Region Level I Spatial Plan	District/City Region Level II Spatial Plan
Map Scale (Article 19)	Minimum scale 1:1,000,000	Minimum scale 1:250,000	District: minimum scale 1:100,000 City: minimum scale 1:50,000
Period	Duration: 25 years Review/amendment: every 5 years (Article 20)	Duration: 15 years Review/amendment: every 5 years (Article 21)	Duration: 10 years Review/amendment: every 5 years (Article 22)
Authority (Article 24)	Minister	Governor (Head of Region Level I)	Regent/Mayor (Head of Region Level II)

(2) Revision of Law No. 24/1992

Revision of the Law No.24/1992 started in 2002 or after the regional autonomy was in effect. It is planned to be finalized by the end of 2006. The draft law has been prepared by the Ministry of Public Works and now under discussion at Parliament. Several revised editions have been prepared, and the February 2005 edition is the latest (as of June 2006).

The needs for the revision are listed below.

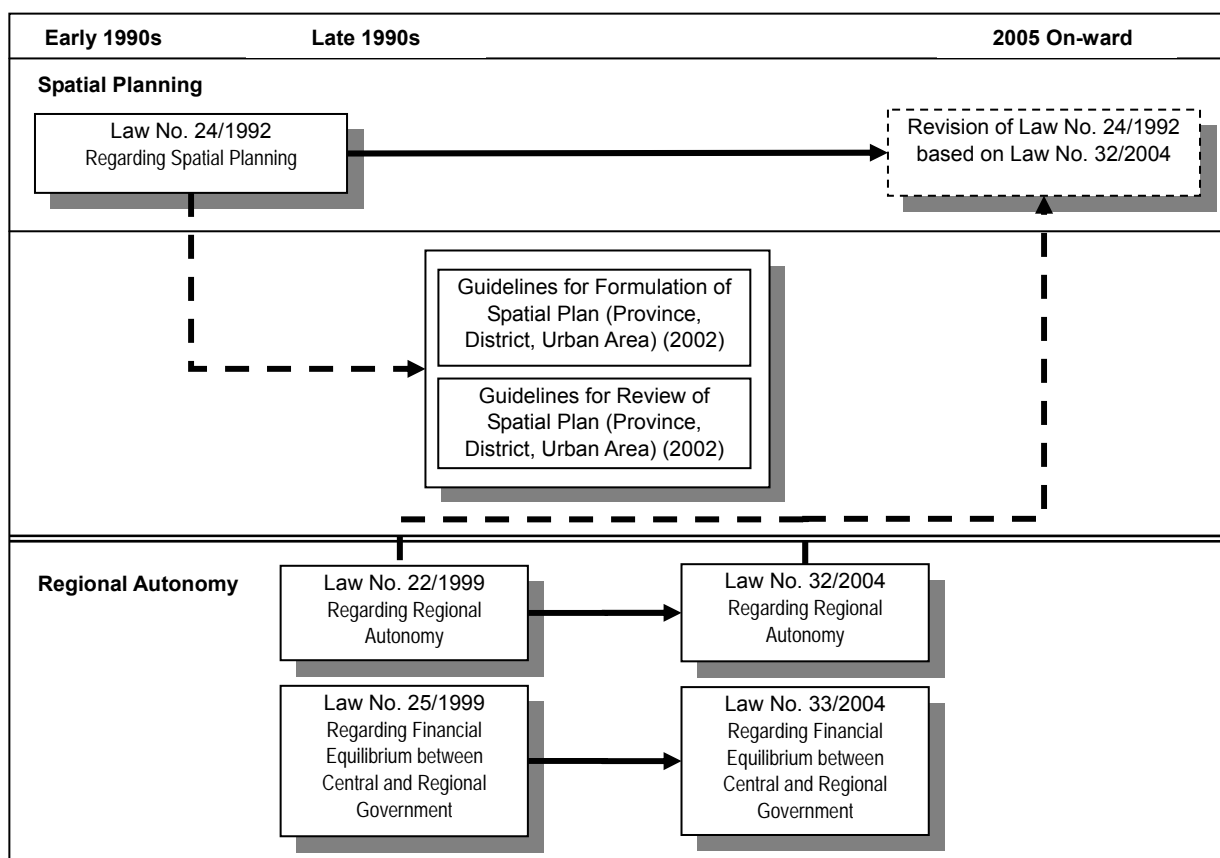
- Existence of Regional Autonomy, lack control on spatial utilization,
- Weak law implementation, declination of Law Authority (sanction),
- General Spatial Plan [RUTR] is used as instrument of wellbeing of local government (increase revenue: Local Own Revenue [Pendapatan Asli Daerah/PAD]).

Specifically, following issues are considered to be weak under the Law No. 24/1992.

- Norm (value) is not well structured,
- Sanction of violation is low,
- Control of supervision is low,
- Institution is weak for implementation,
- Control of Central and Province is reduced (Implication of Governmental Law), and
- Regulations are not synchronized.

The following figure shows a chronological order of the spatial plan

laws/guidelines, regional autonomy and revision of the Law No. 24/1992.



**Figure 1.3: Chronological Orders of Legislation/Guidelines on Spatial Plan**

The revision started with structural change of regional governments. Under the Law, regional governments are classified into the Region Level I (province) and Region Level II (district/municipality). After the regional autonomy became effect in 2001, the structure of regional government was re-organized. Basic principle of spatial planning has been clarified under the revised law as follows.

**Table 1.5: Principle Changes of the Spatial Planning Law**

Article	Explanation
Right-Obligation of Public Community (Article 4-6, 12)	Strengthening arrangement of Right-Obligation of Public Community in spatial management [participation in planning process and obligation to obey spatial plan].
Control [Article 17-18]	Strengthening arrangement on control that covers license approval, supervision and disciplinary activities.
Penalties [Article 30]	Arrangement of criminal provisions on violation of spatial plan.
Institutions and Authority [Article 28-29]	Strengthening arrangement on central/regional authority in control of spatial utilization, establishment of inter-region/sectors spatial management.
Rights of traditional community [article 4]	More focus on maintaining traditional wisdoms in establishment of spatial plan.
Position of Island Spatial Plan [Article 20]	Integration of island spatial plan in operational of national spatial plan.
Strengthening Arrangement of Detailed Plan [Article 22A]	Strengthening arrangement of detailed plan as executions of spatial plan [RTRW].

The principle of regional autonomy has already been integrated into the field of the spatial plan prepared after regional autonomy is in effect, and the existing laws/regulations on technical matters such as protected area (Presidential Decree No. 32/1990), housing and settlements (Law No. 14/1992), land use (PP No. 16/2004), open space (Instruction, Ministry of Home Affairs No. 14/1988) are still in effect. These legislations should therefore be referred to in the formulation of spatial plan. (Impact of revision of the Law 24/1992 will be limited to the institutional aspect).

### (3) Guidelines for Spatial Planning

Ministry of Settlements and Regional Infrastructure (KIMPRASWIL) (now Ministry of Public Works) prepared six guidelines for spatial planning in 2002. They are:

- (i) Formulation of Spatial Plan for Province,
- (ii) Review of Spatial Plan for Province,
- (iii) Formulation of Spatial Plan for District,
- (iv) Review of Spatial Plan for District,
- (v) Formulation of Spatial Plan for Urban Area,
- (vi) Review of Spatial Plan for Urban Area

These guidelines have been prepared for utilization by regional government after the regional autonomy is in effect. The guidelines pay more attention to

technical issues, and the institutional aspect (organization and coordination) is less attended. Outline of the guidelines are summarized in the following tables. Since the guidelines are newly published, the Ministry of Public Works does not have a plan to reproduce the new guidelines after the enactment of Law No. 32/2004 and the new Spatial Planning Law is issued. The revision and update will be done in a form of “addition” or “annex”, if required.

**Table 1.6: Outline of the Guidelines (Formulation)**

	Province	District	City (Urban Area)
Objectives	As the reference in formulation of Spatial Plan for Provincial Area. The objective of this manual is to provide a reference for Provincial Government in formulating the spatial plan for provincial area. The manual covers the formulation of general and standard Spatial Plan for Provincial Area, which should minimally be fulfilled in the process of formulation of Spatial Plan for Provincial Area	As the reference in formulation of Spatial Plan for District Area. The objective of this manual is to provide a reference for District Government in formulating the spatial plan for district area. The manual covers the formulation of general and standard Spatial Plan for District Area, which should minimally be fulfilled in the process of formulation of Spatial Plan for District Area.	To improve and complement the existing standards and manuals on spatial plan and to function as literature and study, i.e. as the reference for spatial plan. To provide technical reference on the space and its management for various urban activities from the following aspects of review materials: i) Materials organized ii) Details of materials organized, and iii) Grouping of materials organized.
Contents	The manual constitutes the base in formulating Spatial Plan for Provincial Area ranging from preparation to the legalization process of Spatial Plan for Provincial Area as a regional regulation. i) General Stipulation (planning stage & definition, scale and time span) ii) Process and Mechanism in Formulation of Spatial Plan for Provincial Area, which explains community institution and participation in the process of formulation and legalization iii) Substance in Formulation of Spatial Plan for Provincial Area	The manual constitutes the base in formulating Spatial Plan for District Area ranging from preparation to the legalization process of Spatial Plan for District Area as a regional regulation. i) General Stipulation (planning stage & definition, scale and time span) ii) Process and Mechanism in Formulation of Spatial Plan for District Area, which explains participation in the process of formulation and legalization of Spatial Plan for District Area. iii) Substance of Data and Analysis on Spatial Plan for District Area iv) Substance of Spatial Plan for District Area	i) Structural Spatial Plan for Metropolitan Urban Areas; ii) Spatial Plan for City Area / General Spatial Plan for Urban Area; iii) Detailed Spatial Plan for Urban Area; iv) Technical Spatial Plan for Urban Areas / Planning on Building and Environment Arrangement.
Legal Reference	- Law No. 24/1992 regarding Spatial Plan - Law No. 32/1999 regarding Regional Autonomy	- Law No. 24/1992 regarding Spatial Plan - Law No. 32/1999 regarding Regional Autonomy	- Law No. 24/1992 regarding Spatial Plan - Law No. 32/1999 regarding Regional Autonomy

**Table 1.7: Outline of the Guidelines (Review)**

	Province	District	City (Urban Area)
Objectives	Spatial Plan for Provincial Area as agreed as by institutions from central and regional government are formulated as listed below. i) Definitions from content of Spatial Plan, ii) Stipulations relevant to the directions of Law No. 24 of 1992 concerning method of review, iii) Process of formulation and legalization, iv) Standard products and mapping of Spatial Plan.	Planning process constitutes a continuous process like a cycle. In this term, review is a part of the process to improve the spatial plan, which has already been formulated.	i) As the activities of monitoring, and analyzing, and improving the spatial plan for urban area. ii) To maintain suitability between development implementation or spatial utilization and the spatial plan, as well as the relation with control over.
Contents	i) Scope of activities, ii) Criteria on Typology of review for Spatial Plan for Provincial Area, iii) Basic concept of review, iv) Method of Review.	i) Basic Concept of Review, ii) Criteria to determine that Spatial Plan for District Area needs to be reviewed, iii) Criteria to determine typologies of review on Spatial Plan for District Area, iv) Analysis on performance and capacity of Spatial Plan for District Area in accommodating changes of policy, aims/ objectives of development, dynamic development, and as planning instruments, v) Analysis on relation between external factors and development policy as well as structure of spatial utilization, vi) Typology and method of review on Spatial Plan for District Area, vii) Method of legalization of plan already revised.	i) Criteria to determine that the spatial plan for urban area needs to be reviewed, ii) Analysis on performance of spatial plan for urban area, iii) Evaluation on spatial plan for urban area in accommodating the changes of policies, aims and objectives of development, dynamic development, and as planning instruments, iv) Analysis on relation between external factors and development policies as well as structure of spatial utilization, v) Method for review on spatial plan for urban area, vi) Method for plan legalization, vii) Institutions in charge of review on spatial plan for city/urban area.
Legal Reference	- Law No. 24/1992 regarding Spatial Plan	- Law No. 24/1992 regarding Spatial Plan	- Law No. 24/1992 regarding Spatial Plan

## 1.2 Regional Organizations (Spatial Planning)

### 1) Organizations Responsible for Spatial Planning

Among the regional governments, BAPPEDA (Regional Development Planning Agency) and Dinas Spatial Planning (Tata Ruang) are main organizations responsible for spatial planning. In Mamminasata, province and regencies have BAPPEDA and Dinas Spatial Plan, except for Makassar in which three Dinas, namely Dinas Housing and Urban Planning (Cipta Karya), Dinas Transportation (Bina Marga), Dinas Building Management (Tata Bangunan) exist instead of one Dinas Spatial Planning (As of June 2005, Cipta Karya and Bina Marga were combined and became Dinas Public Works). General function of BAPPEDA and

Dinas Spatial Planning is summarized follows.

**Table 1.8: Function of BAPPEDA**

Items	Description
Legal Basis	<ol style="list-style-type: none"> <li>1. Law No. 22/1999 Law No. 32/2004, article 150(2): <i>The regional development planning as referred to paragraph (1) shall be prepared by the regional administration in a province, district/municipality according to their authorities as carried out by the Regional Development Planning Agency.</i></li> <li>2. Regional Regulation [Provincial or District] defines formation of BAPPEDA</li> <li>3. Regional Head Decree defines job descriptions of BAPPEDA</li> </ol>
Main Duty	<ul style="list-style-type: none"> <li>- To study, formulate and prepare development/planning policies, such as: Strategic Plan [RENSTRA]; and Development Plan [RPJP, RPJM, RPJPD]</li> <li>- To prepare the annual development budget</li> <li>- To assess development implementation as materials for preparation of next planning policies.</li> </ul>
Explanation	<p>Each District BAPPEDA of Makassar, Maros, Gowa and Takalar has different way to arrange their divisions, yet there are similarities in sector wise, which covers sectors of Economic and Socio-culture, Infrastructure and Facilities, as well as Research and Development.</p> <p>BAPPEDA has authority in arrangement of regional development budget, with contribution of suggestions from Dinas, under coordination of Regional Secretary.</p> <p>Provincial BAPPEDA of South Sulawesi has little contribution in determination of district [District/]Municipality spatial plan. Nevertheless, District BAPPEDA should coordinate with Provincial BAPPEDA whenever:</p> <ol style="list-style-type: none"> <li>1. there is project of provincial/national important [e.g: special zones];</li> <li>2. trans district development planning program</li> <li>3. Project that requires provincial budget.</li> </ol>

**Table 1.9: Function of Dinas Spatial Planning**

Items	Description
Legal Basis	<ol style="list-style-type: none"> <li>1. Law No. 22/1999, article 62</li> <li>2. Law No. 32/2004, article 124</li> <li>3. Regional Regulation [Provincial or District] defines formation of Dinas</li> <li>4. Regional Head Decree defines job descriptions of Dinas</li> </ol>
Main Duty	<ul style="list-style-type: none"> <li>- To prepare and execute spatial plan [RTRW: Spatial Plan &amp; RDTR: Detail Plan]; (In case of Makassar, Dinas Building Management is responsible)</li> <li>- To prepare Technical Policies [as dissemination of Spatial Plan Documents];</li> <li>- To issue license and permit on building, construction, land use.</li> </ul>
Explanation	<ul style="list-style-type: none"> <li>- Within area of Mamminasata Metropolitan Area, each district has different structure of Dinas.</li> <li>- Services in spatial management are under one body which is known as Dinas of Spatial Planning and Settlement, for each district of Maros, Takalar and Gowa. This Dinas provides one-roof services.</li> <li>- In case of Makassar City, services are still divided into 3 (three) different Dinas, thus more inter Dinas coordination is required.</li> <li>- For Provincial Dinas of Spatial Planning and Settlement, the tasks cover trans-districts projects executions.</li> </ul>

## 2) Organizations in the Mamminasata Area

### (1) Regional organization for spatial planning

Eleven organizations (two organizations at the province level and nine at the district/municipality level) are involved in spatial planning as summarized in the table below.

**Table 1.10: Organizations Responsible for Spatial Planning in the Mamminasata Area**

Government	Organizations (No. of staff)	Division for Spatial Planning (No. of Staff)
South Sulawesi Province	i) BAPPEDA South Sulawesi (126) ii) Dinas Spatial Planning South Sulawesi (228)	Spatial Management and Program Division (27)
Makassar Municipality	i) BAPPEDA Makassar (63) ii) Dinas Housing and Urban Planning (Cipta Karya), Makassar (60) iii) Dinas Transport (Bina Marga) (85) iv) Dinsa Building Management (Tata Bangunan) (82) As of June 2005, ii) and iii) are combined and has become Dinas Public Works	Program and Evaluation Division (6)
Maros District	v) BAPPEDA Maros (27) vi) Dinas Spatial Planning, Maros (45)	Spatial Planning Division (8)
Gowa District	vii) BAPPEDA Gowa (42) viii) Dinas Spatial Planning, Gowa (49)	Spatial Management and Building Control Division (10)
Takalar District	ix) BAPPEDA, Takalar (21) x) Dinas Spatial Planning (25)	Spatial Planning Division (4)

### (2) Institutional arrangement for regional organizations

After the Law No. 22/1999 was enacted, regional governments started to reorganize in accordance with Government Regulation (PP: Peraturan Perundang) No. 84/2000, issued as a general guideline to implement the Law No. 22/1999, including criteria for regional institutions, position, tasks and functions of provincial/district/municipality agencies and organizational structure, which resulted in a much greater variety of the organizational structure. PP No. 8/2003, then, was issued to replace PP No. 84/2000 as a guideline of regional government organization structuring.

Local governments are now in a process of re-structuring their organizations based on the instruction in this PP. In the Mamminasata, Makassar Municipality is under process of reorganization based on PP No. 8/2003. Rests of the regional governments still maintain a previous structure.

**Table 1.11: Instruction for Organization Structuring**

<b>Governor</b>	<b>Mayor/Head of District</b>
<ul style="list-style-type: none"> <li>- Secretary</li> <li>- Up to 10 Head of Dinas</li> <li>- Up to 8 Balai (Technical Implementation Unit)</li> <li>- Head of Security Unit</li> </ul>	<ul style="list-style-type: none"> <li>- Secretary</li> <li>- Up to 14 Dinas</li> <li>- Up to 8 Balai (Technical Implementation Unit)</li> <li>- Head of Security Unit</li> </ul>

3) **Regional Coordination Agency**

In addition to the organizations in each district/municipality, a regional coordination agency plays some roles in spatial planning. A coordination board has already been established for Mamminasata. The Ministry of Home Affairs also tries to establish a regional development coordination agency.

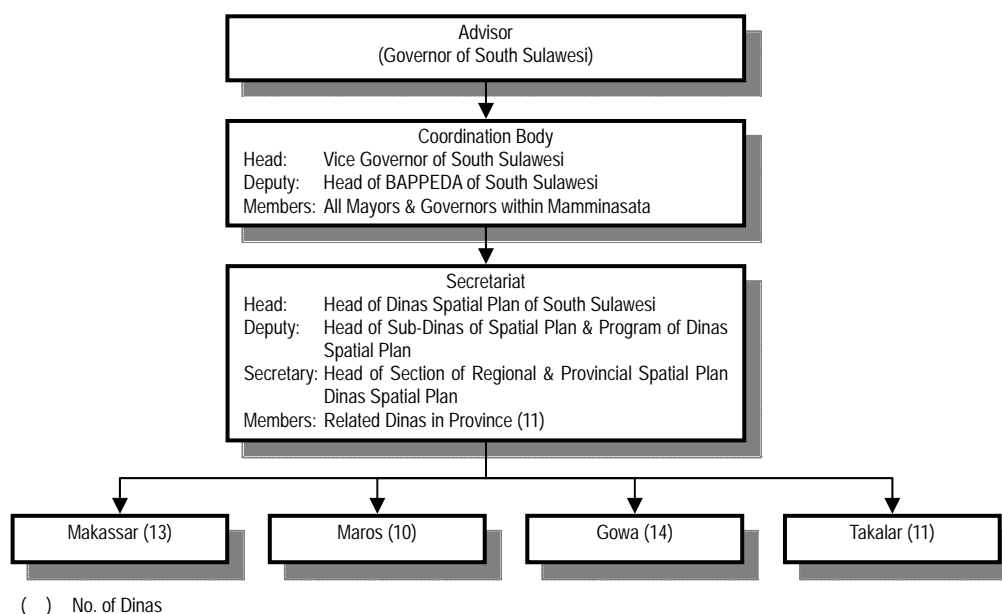
(1) **Mamminasata Metropolitan Development Coordination Board: BKSPMM**

In Mamminasata, the “Mamminasata Metropolitan Development Coordination Board (BKSPMM)” was established under the Governor’s Decree No. 860-XII-2003, issued in pursuit of the Provincial Regulation No. 10/2003 (Perda) for the formulation of the Mamminasata Metropolitan Area.



**Table 1.12: Function of BKPSMM**

Items	Description
Legal Basis	<ol style="list-style-type: none"> <li>1. Law No. 24/1992 regarding Spatial Planning</li> <li>2. Law No. 22/1999 regarding Regional Autonomy</li> <li>3. Law No. 25/1992 regarding Financial Equilibrium between Central government and Regional Government</li> <li>4. Provincial Regulation No. 44/2001 regarding Spatial Planning of South Sulawesi Province</li> <li>5. Provincial Regulation No. 10/2003 regarding Spatial Planning of Mamminasata Metropolitan Area</li> </ol>
Main Duty	<p>To carry out control and supervision on spatial utilization within the Mamminasata Metropolitan Area</p> <p>Main tasks are:</p> <ul style="list-style-type: none"> <li>- To make inventory of facts/data in order to settle trans-district matters and find its solution,</li> <li>- To identify inter-district issues,</li> <li>- To analyze and formulate measures of every field that requires cooperation,</li> <li>- To socialize or disseminate development plan to each regional government, community, and stakeholders,</li> <li>- To carry out inter-regional development coordination, integration and synchronization,</li> <li>- To control agreed inter-regional development activities,</li> <li>- To deliver result of cooperation activities to the respective District Heads/Mayor within Mamminasata, Governor, and Central Government every three months.</li> </ul>
Explanation	<ul style="list-style-type: none"> <li>- Upon formulation of the Mamminasata Area, all regional government heads signed MOU regarding the cooperation for Mamminasata Area development.</li> <li>- Since establishment of BKSPMM, operation is weak and practical discussion has not been conducted.</li> <li>- In order for efficient promotion of the Mamminasata Area Development, capacity of BKSPMM has to be strengthened.</li> </ul>



**Figure 1.4: Organization Structure of BKSPMM**

(2) Regional Development Coordination Agency (BKPRD)

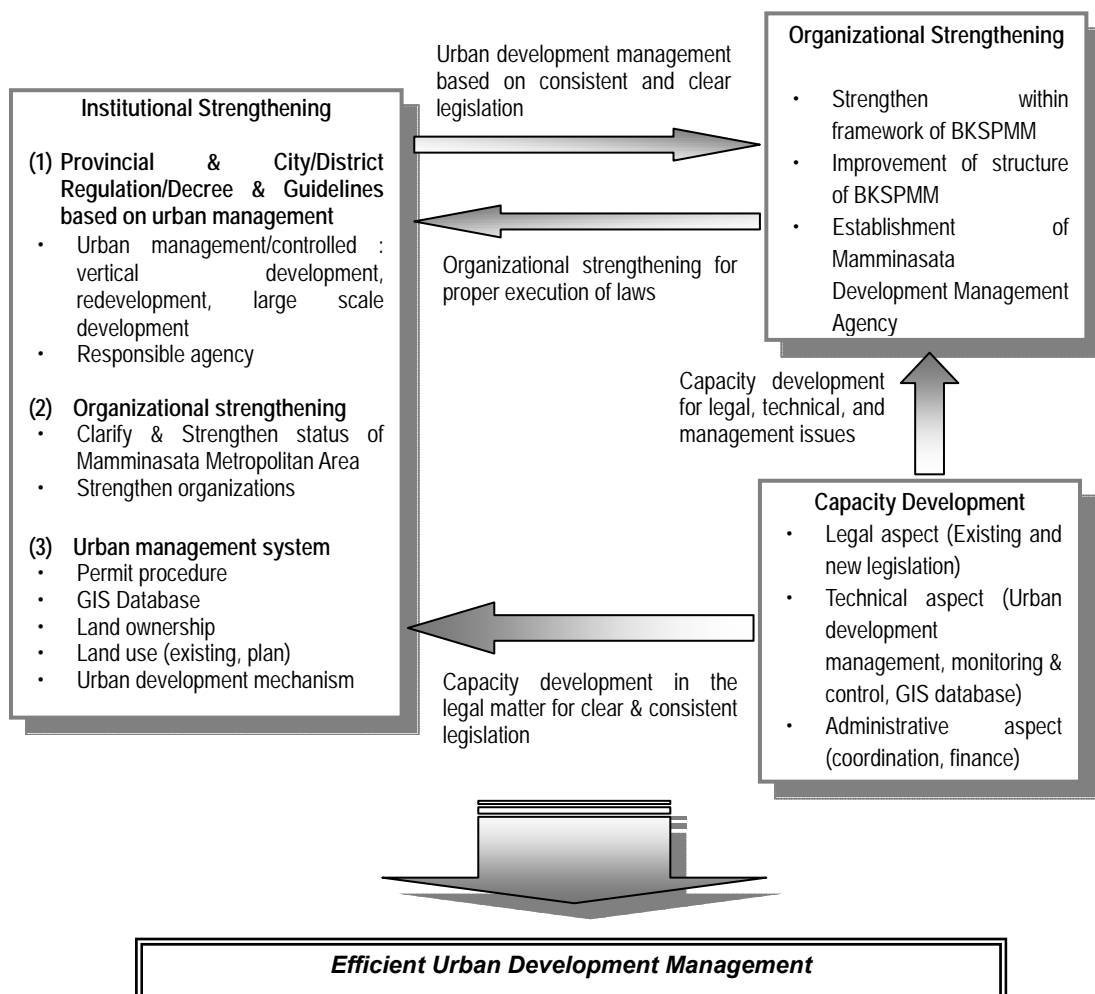
In addition to the organizations in each district/municipality, there is a coordination agency for spatial planning organized under the Ministry of Home Affairs (Minister's Decree No. 147/2004). It is called the Regional Development Coordination Agency (BKPRD). Since the Decree is newly issued, its execution has just started.

**Table 1.13: Function of Regional Coordination Agency (BKPRD)**

Items	Description
Legal Basis	MD-MHA No. 147/2004 on Regional Development Coordination Article 3 <i>(2) Formation of BKPRD is stipulated by Governor.</i>
Main Duty	To coordinate, synchronize and synergize regional spatial management.
Explanation	<p>For both provincial and district BKPRD, the agency is divided into three main divisions, which are:</p> <ul style="list-style-type: none"> <li>a. Spatial Planning Working Group</li> <li>b. Spatial Utilization Control Working Group</li> <li>c. Secretariat</li> </ul> <p>These divisions show BKPRD has tasks in controlling planning process and executions of planning documents.</p> <p>The Decree does not mention authority of BKPRD to control BAPPEDA or Dinas, yet explanation of functions of BKPRD show strong coordination role of BKPRD on BAPPEDA and Dinas.</p> <p>Several of those functions are as follow:</p> <p>Article 12</p> <ul style="list-style-type: none"> <li><i>b. To coordinate preparation of district/municipality Spatial Plan</i></li> <li><i>c. To coordinate preparation of district/municipality Detailed Spatial Plan</i></li> <li><i>f. To make optimal establishment of disciplinary acts, supervision [observation, evaluation and reports] and license approval on spatial utilization</i></li> </ul> <p>BKPRD also collect complaints from public society in accordance to violations of spatial management, as stated in article 14(d)</p> <p>Other important role of BKPRD is to integrate public participation in this coordination board, which is stated in article 18</p> <p><i>For formulation and policy making of regional spatial plan, Provincial and/or district BKPRD may invite Professional Organization, academia, Business Community and Public Society.</i></p> <p>Until now, BKPRD has not been fully implemented in several districts.</p>

## 2. ISSUES AND STRATEGY

In order to efficiently implement Mamminasata development, institutions and functions have to be strengthened together with proper capacity development. Following chart illustrates a relation of institution/organization/human resources strengthening strategies.

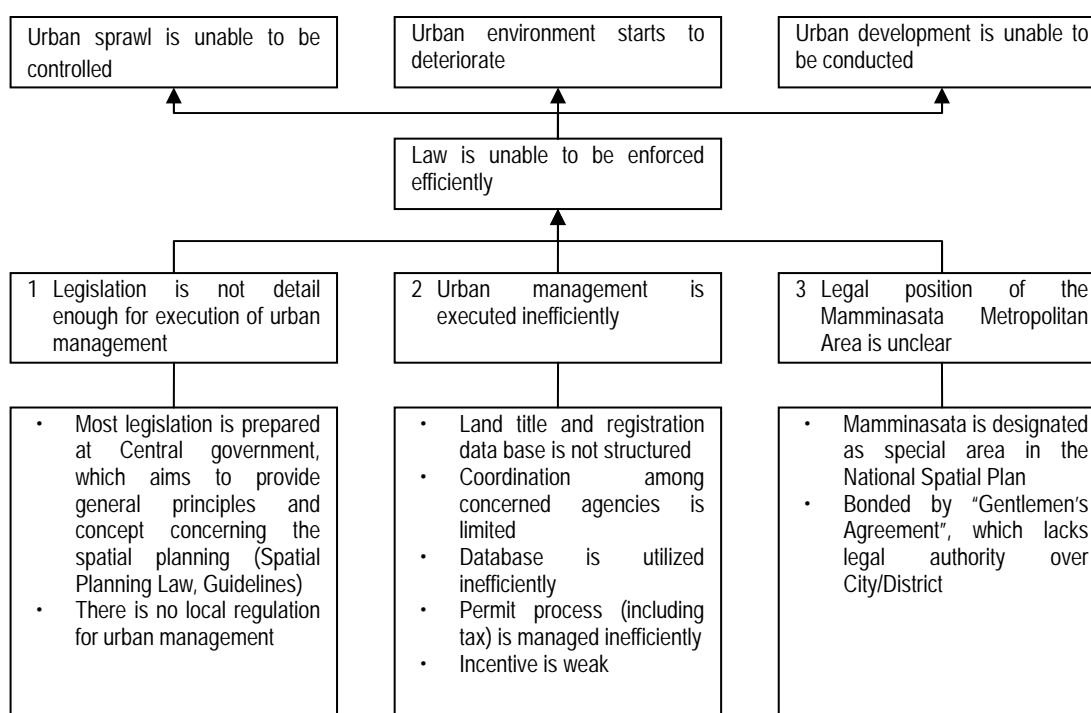


**Figure 2.1: Institution/Organization/Human Resources Strategy Scheme**

## 2.1 Legislation

### 1) Issues on Legislation

Clear and detailed legislation is prerequisite for urban development and management. Existing legislation on urban management is mainly prepared at the central government level showings the general concept and directions. Urban management has therefore been executed inefficiently. A legal position of the Mamminasata Metropolitan Area is also unclear.



**Figure 2.2: Problem Structure of Institutional Issues**

#### (1) Legislation is not detail enough for the execution of urban management

Basic concept of spatial planning is instructed in the Spatial Planning Law (Law No. 24/1992), which is under the process of revision by the Directorate General of Spatial Planning, Ministry of Public Works. Guidelines have been issued to supplement the Spatial Planning Law.

The Spatial Plan Law and guidelines define the protected area and development area (including agricultural area), as well as the development priority on the 1:50,000 scaled map, showing the land use guidance. The lining of the land use, however, is not clear at this level. According to the guideline, detail plan on the scale of 1:5,000 has to be prepared on the basis of the spatial plan, but most

regional governments are in a process of formulating a spatial plan without detail plan on such a scale.

In addition to the Law and guidelines, other Ministries issue legislation directly or indirectly related to spatial planning. For instance, forestry management is a responsibility of the Ministry of Forestry, and a tourism facility is under the responsibility of the Ministry of Tourism. In addition, the Ministry of Public Works is trying to issue more than 40 guidelines for spatial planning though six guidelines have only been prepared. Even though the legislation is prepared at the central government level, the legislation with specific rules and conditions at the local level is yet unavailable.

Because of unclear legislative instruction, laws can not be properly enforced, leading to undesirable urban development (e.g. urban sprawl and environment deterioration.) Local legislation should be provided, particularly at regional level, specifying detail direction and control to be followed.

## (2) Urban management is executed inefficiently

Urban management for land registration, database management, coordination among related agencies and permitting process, has not been efficiently executed.

Land registration should have data on the land owner, exact location and size of the land for taxation and urban development. It is still done manually. Since the data are not available at hand, urban development can not be managed effectively. Database on the land ownership has to be established on a proper map, ideally by GIS (Geographic Information System). Further, coordination among stakeholders in urban management is necessary, particularly with residents who are directly affected by urban development.

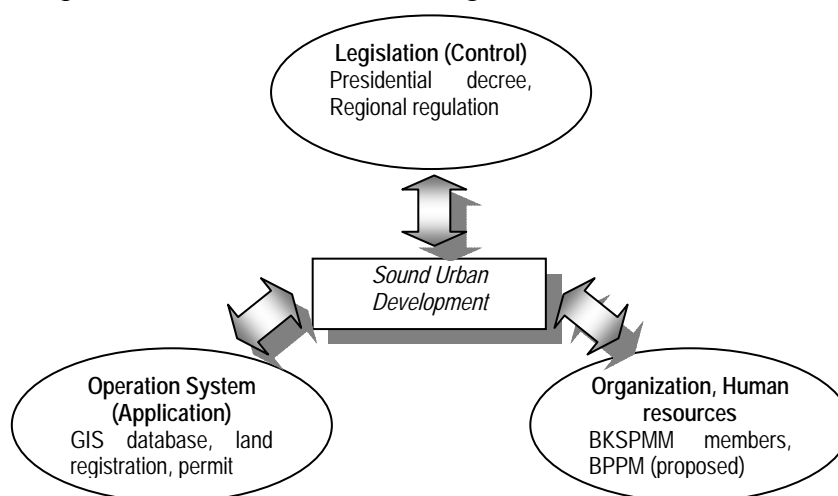
## (3) Legal position of the Mamminasata Metropolitan Area is unclear

According to the Regional Autonomy Law and Spatial Planning Law, province and district/municipality have to prepare its development plan. Since the execution of the decentralization policy in 1999, the status and authority of the central government and regional government have changed. The updated Regional Autonomy Law (Law No. 32/2004) has been issued, but the spatial planning law and other related legislation have not been revised to be consistent with the Regional Autonomy Law, particularly the process of spatial planning stipulation and the agency responsible for stipulation.

In addition, the status of the metropolitan area is not specified either in the Regional Autonomy Law or in the Spatial Planning Law. Consequently a hierarchy of the metropolitan area is unclear, which leads to conflict among the regional governments in terms of superiority and jurisdiction of the plan. The legal position of the metropolitan area should be clarified in the law and guidelines.

## 2) Strategy for Institutional Strengthening

Institutional arrangement is a prerequisite for Mamminasata development management. Implementation of the proposed Spatial Plan has to be supplemented by proper legislation, particularly at the provincial level, in order to appropriately coordinate and control interests at district level under inter-regional common development goal. Institutional strengthening aims to achieve effective urban management with “management and control” by proper organization with proper manpower as shown in the following.

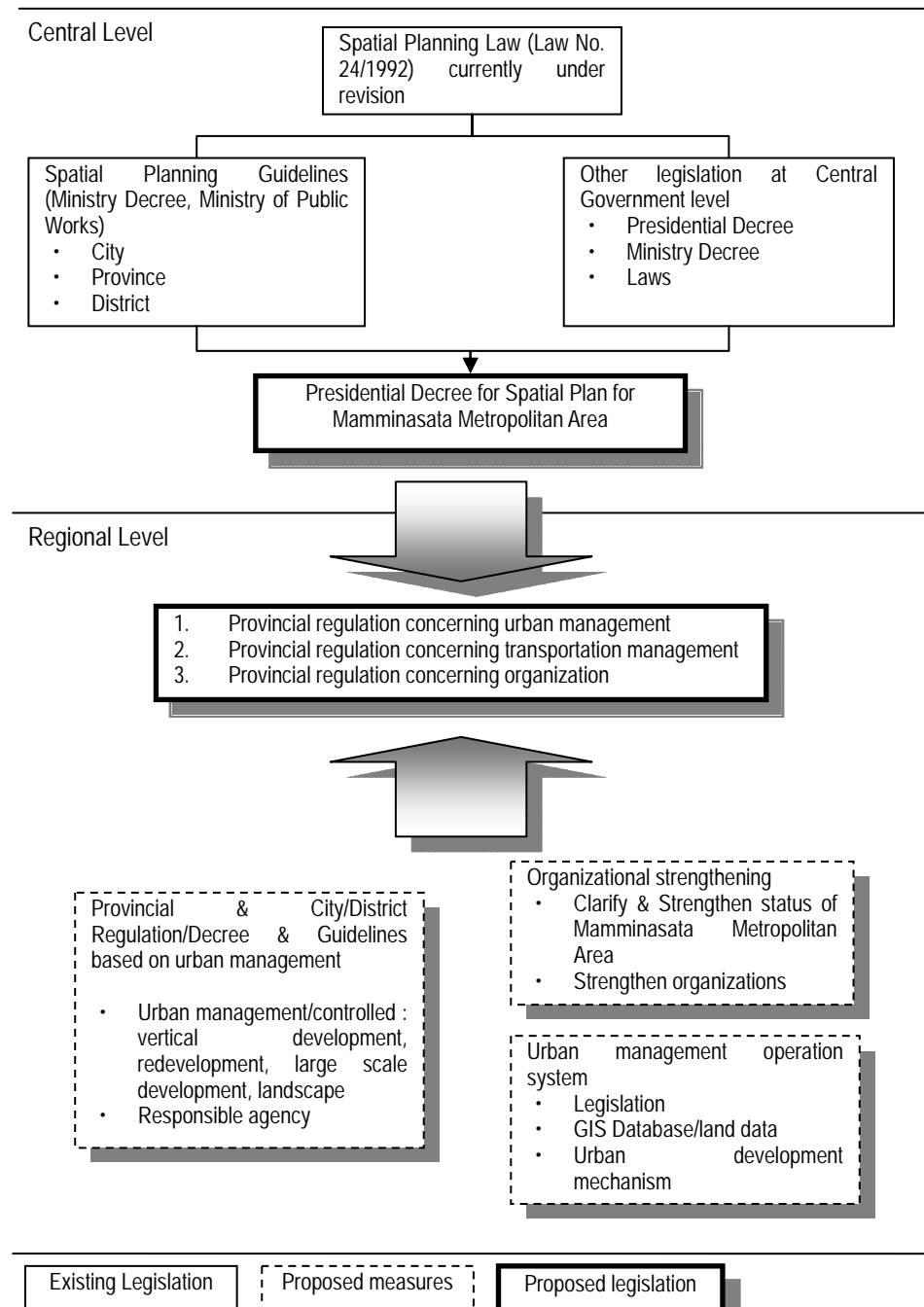


**Figure 2.3: Institutional Strengthening Concept**

Following aspects shall be covered under the institutional strengthening.

- (i) Presidential Decree stipulation for spatial plan for the Mamminasata Metropolitan area;
- (ii) Organizational strengthening and legal status of the Mamminasata Metropolitan area;
- (iii) Regional regulation for management of zoning and Area; and
- (iv) Urban management operation system.

Strategy to address legislation issue is shown in the figure below.



**Figure 2.4: Strategy to Address Legislation Issue**

(1) Presidential Decree stipulation for spatial plan for the Mamminasata Metropolitan area

Mamminasata Metropolitan Area is a “special area”, designated under the

National Spatial Plan. Legal status of the Mamminasata Metropolitan area in the regional governments and its authority shall be defined under the Presidential Decree.

In order to ensure successful implementation of the Mamminasata spatial plan, a Presidential Decree should better be promulgated. The Decree will specify the spatial utilization strategy, control strategy, institutional arrangement, and monitoring. In order to promote efficient implementation with appropriate authority, organizational establishment for urban management also needs to be clearly defined.

The contents of the Decree are proposed as follows.

- General provision
- Policy and Strategy
- The Integrated Spatial Plan of Mamminasata Metropolitan Area
- Spatial Utilization Strategy
- Institution and Inter Regional Coordination
- Spatial Utilization Control Strategy
- Society Involvement and Improvement
- Other provision
- Investigation

Presidential Decree is important for implementation of urban development because it acts as guidance of spatial planning from which regional regulations are prepared to manage and control zoning. In addition, institutional arrangement is to be specified so that responsible agency and its functions become clear.

## (2) Provincial Regulation Concerning Urban Management

Spatial Planning Law is prepared at the central government level. In order to manage and control urban structure that is unique to the Mamminasata area, some legislations have to be enacted by the provincial government. Such legislation includes, land use, landscape, urban greenery, building specification, infrastructure and utility (water supply, sewerage, road).

Based on the Presidential Decree, legislation for urban management is to be formulated to show development guidance. The legislation is to appropriately regulate development activities in respective zone and area designated under land use zoning. General direction for land use regulation is proposed as shown in the following.



**Table 2.1: General Direction for Urban Planning Zone**

<b>Zone</b>	<b>Area</b>	<b>Definition</b>
Urban Planning Zone	Promotion Area [Cat. 1]	<ul style="list-style-type: none"> <li>• Area of high urbanization (Makassar and Sungguminasa)</li> <li>• Urban development has to be well controlled to avoid further deterioration of urban environment.</li> <li>• Improvement of urban amenity (parks and green area) and efficient land utilization is the priority concern for the land use control</li> </ul>
	Promotion Area [Cat. 2]	<ul style="list-style-type: none"> <li>• Area where urbanization has begun recently (Maros &amp; Takalar)</li> <li>• Since urbanization level is still low, proper control shall be applied for urbanization</li> </ul>
	Control Area	<ul style="list-style-type: none"> <li>• Areas of low utilization such as swamp, inundation/flood prone area, green open space</li> <li>• Development activities are strictly regulated</li> </ul>
Semi-Urban Planning Zone	Agricultural Priority Area	<ul style="list-style-type: none"> <li>• The area where development activities are strictly regulated for the purpose to protect agricultural production.</li> </ul>
	Agricultural and Settlement Area	<ul style="list-style-type: none"> <li>• The area where urbanization has not begun and utilized either as agriculture or no utilization.</li> <li>• Urbanization with control measure is directed in this area New town, industrial zone, education/R&amp;D development area planned in this area</li> <li>• The area where development activities are allowed with a certain condition (type, scale, infrastructure)</li> <li>• This area will become “urban planning zone” in the future</li> </ul>
	Control Area	<ul style="list-style-type: none"> <li>• Areas of low utilization such as swamp, inundation/flood prone area, green open space</li> <li>• Development activities are strictly regulated</li> </ul>
Production Forest Zone	Afforestation Area	<ul style="list-style-type: none"> <li>• The hilly area surrounded by forest area and presently grass land</li> <li>• Create production forest with intensive afforestation</li> </ul>
Protection Zone	Protected Forest Area (Existing)	<ul style="list-style-type: none"> <li>• Existing forest area where should be protected.</li> <li>• Development activities are strictly regulated</li> </ul>
	Water-front Reserves	<ul style="list-style-type: none"> <li>• River, lakes, ocean area</li> <li>• Development activities are strictly regulated</li> </ul>

(i) Regulations for Urban Planning Zone

Makassar is designated as Urban Planning zone, Promotion Area (Cat. 1) and Control Area. In principle, any development is prohibited in the Control Area. Promotion Area (Cat. 1) is designated to promote efficient and effective land use. Urban Planning Zone, Promotion Area (Cat. 2) is applied to the existing urban centers in each district, except for Makassar, to establish urban areas with excellent urban amenity. Guidance for the land use control in this zone is summarized in the following table.

**Table 2.2: Land Use Control in Urban Planning Zone**

Area		Definition	
Promotion Area [Cat. 1]	Residential Area (Losari Beach area)	The residential and commercial mix use with low height. Only small scale shops are allowed. Building Coverage Ratio (%) : 30, 40, 50, 60 depending on location Building Volume (%): 50, 60, 80, 100, 150, 200 depending on location	
	Residential Area (Panakkukang Area)	The residential area with low and middle height. Mainly residential use only. Building Coverage Ratio (%) : 30, 40, 50, 60 depending on location Building Volume (%): 50, 60, 80, 100, 150, 200 depending on location	
	Commercial Area (along large road, Jl Petterani)	The commercial and business use. Building Coverage Ratio (%) : 60, 80 depending on location Building Volume (%): 400	
	Industrial Area	Only allows industry that is not harmful to environment Building Coverage Ratio (%) : 50, 60, 80 depending on location Building Volume (%): 80, 100, 150, 200 depending on location	
Promotion Area [Cat. 2]	Residential Area	The residential and commercial mix use with low height. Only small scale shops are allowed. Building Coverage Ratio (%) : 30, 40, 50, 60 depending on location Building Volume (%): 50, 60, 80, 100, 150, 200 depending on location	
	Commercial Area	The commercial and business use. Building Coverage Ratio (%) : 60, 80 depending on location Building Volume (%): 200	
	Industrial Area	Only allows industry that is not harmful to environment Building Coverage Ratio (%) : 50, 60, 80 depending on location Building Volume (%): 80, 100, 150, 200 depending on location	

It is also important to provide regulations on parks and green area. Following table shows the idea of the size of parks by the number of residents.

**Table 2.3: Regulations on Urban Amenity**

Land Use	Facility/Items	Development Target
Open space	Urban park: General park	Size: 10 ha Population: 100,000 persons
	Urban park: Athletic park	Size: 15 ha Population: 100,000 persons
	Residential park: medium scale	Size: 4 ha Population: 40,000 persons
	Residential park: small scale	Size: 1 ha Population: 10,000 persons
	Water front (river, lakes)	Utilization of exiting water area as a park or increase access.
Green area	Road, Parks, Open space	More than 20% of the new development area (including parks, street trees)

(ii) Regulations for Semi-urban Planning Zone (Agricultural and Settlement Area)

In the agricultural and settlement area, urban development can be allowed in the area only with development permits. In order to avoid uncontrolled urban development by small scale development, only large scale planned development is allowed in the area. The minimum development area will be 20 ha. New township will be developed under this control.

**Table 2.4: Land Use Control in Agricultural and Settlement Area (Semi Urban Planning Zone)**

Area	Definition	
Agricultural and Settlement Area	Residential Area	The residential and commercial mix use with low height. Only small scale shops are allowed. Building Coverage Ratio (%) : 30, 40, 50, 60 depending on location Building Volume (%): 50, 60, 80, 100, 150, 200 depending on location
	Commercial Area	The commercial and business use. Building Coverage Ratio (%) : 60, 80 depending on location Building Volume (%): 400
	Industrial Area	Only allows industry that is not harmful to environment Building Coverage Ratio (%) : 50, 60, 80 depending on location Building Volume (%): 80, 100, 150, 200 depending on location

(3) Provincial Regulation Concerning Transportation Management

Transportation management is indispensable for urban development. Legislation for transportation management should also be strengthened as part of urban management.

**Table 2.5: Legislation for Transportation Management**

Items	Description
Road Structure	<ul style="list-style-type: none"> <li>Promote user friendly road structure.</li> <li>Efficient road structure for automobiles and pedestrians.</li> <li>Landscape (trees, design) has to be defined.</li> </ul>
Traffic management	<ul style="list-style-type: none"> <li>Promote efficient road management by vehicle control and road utilization (separate lane for types of vehicle).</li> <li>Control route of pete-pete, becak, motor cycle, private vehicle, large vehicle. Some roads shall be prohibited from enter for a certain type of vehicle. Control by the function of the roads and the zoning in the urban area.</li> <li>Establishment of pedestrian only period (e.g. weekend) in designated area</li> <li>Control of street vendors.</li> <li>Proper management of traffic lights.</li> </ul>
Parking	<ul style="list-style-type: none"> <li>Control the parking along the streets which disturb traffic flow.</li> </ul>
Road signs	<ul style="list-style-type: none"> <li>Clear road sign not only for the local people, but also for tourists. Design and location have to be appealing.</li> </ul>
Barrier free	<ul style="list-style-type: none"> <li>Structure of road and traffic management that concerns socially handicapped people.</li> </ul>
Exhaust control	<ul style="list-style-type: none"> <li>Control exhaust from vehicle.</li> </ul>

In addition, it is important to adopt a new method of road construction, particularly regulation on land usage, because once the road plan is announced, people buy land to make profits which makes land acquisition and road construction difficult.

**Table 2.6: Usage of Land along New Trunk Road**

Items	Description
General	The purpose of this regulation is to protect the land speculation and to share the benefit from the increasing in value of the land along the new trunk road due to the new development, between government, as developer and the payer of the new road construction, and the land owner as the beneficiaries
Area to be applied	Both sides of 100 m width from the edge of the new trunk road
Type of usage	It will be categorized and for agriculture/forest, housing commercial/offices, industry and others
Right to use land	The proprietary rights of the land owner shall be kept while the rights of usage of the land shall be handed over to the government after the development of the new trunk road. However, the right usage will remain with the present owner if there is no alternation in his usage of the land. In case of the succession to the legitimacy, the right of usage shall be allowed to succeed.
Transfer of the land	When the land owner at present hand over the land to the third person (s) after the x months prior to the announcement of the development plan (herein after is called as "x day"), the right of the usage of the land shall belong to the government automatically.
Benefit from the transferring of the land	When the owner transfer the land after "x day", the business tax shall be charged to the owner at present against 50% of the balance between the sale price and the public assessment value before "x day", and against the balance between the sale price and the purchased price for the new

Items	Description
	purchaser of the land

(4) Provincial Legislation Concerning organizational strengthening

Improvement of BKSPMM and establishment of the Mamminasata Development Management Agency in the provincial government are proposed, which shall be stipulated as provincial regulation. Further, the “Mamminasata development task” is to be added in the job description of provincial government and city/district government. Provincial and city/district legislations (decree) regarding job description, personnel management, and authority have to be revised. Details are discussed in the Section 2.2 Organizational Strengthening.

(5) Urban management operation system

Improvement of development permit system

Development permit is an important system for urban management, which controls unwanted development and promotes sound development in accordance with the characteristics of designated zones and areas. Development application has to be screened by the regulation/guidelines provided for designated urban area. Transparent permitting system together with staff training has to be established. Permitting authority, whether province or district/municipality, has to be clarified for each urban management legislation.

Strengthening of land registration system

A proper land registration system is a mandate for urban development, which requires an accurate base map and database on land registration including land titling, size, and location. Since this type of land information is indispensable for urban development projects, a database system has to be established at the earliest. Establishment of database shall start with preparation of the base map, survey of land titling, then integrate other urban information such as public facilities and utility lines, which shall be managed by GIS (Geographic Information System).

Introduction of taxes to induce and control development

A way to control and manage urban development is to impose taxes depending on the land condition, which can also be used as an incentive to develop in accordance with the spatial plan. Conversion of agricultural area to settlement

area, settlement area along urban roads, and redevelopment of urban area need to have different tariff rates.

Tax exemption can also be applied for urban management. Since land transaction related tax for urban development is only BPHTB (land transaction tax), which is imposed when the land tile is transferred (usually 5% of land price), exemption on land transaction tax will not be effective. Tax exemption shall be considered for income tax and construction permit.

#### Strengthening of urban development mechanism

In order to promote urban development that will satisfy all stakeholders including residents, developer, and government, new urban management mechanism shall be applied. Such a mechanism includes “redevelopment method” and “land re-adjustment method”. Application of these methods for Mamminasata development shall be considered further with provincial government.

#### (6) Mamminasata development projects

In order to execute efficient management of Mamminasata development, proposed programs/projects should be clearly defined as Mamminasata and non-Mamminasata. Mamminasata programs/projects should be managed by provincial authority, and others by each city/district.

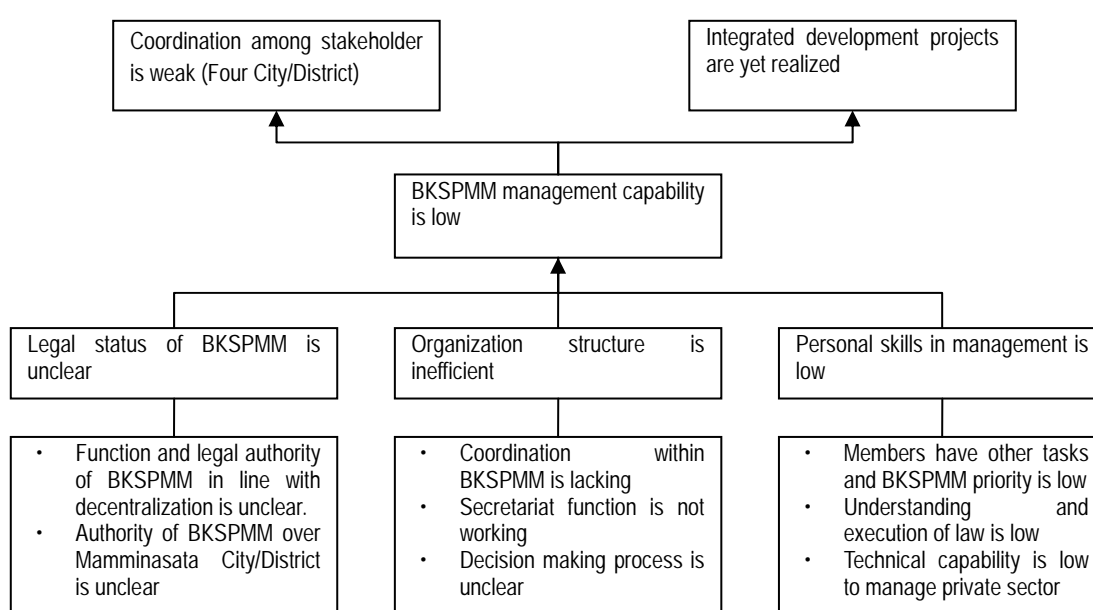
Criteria to be Mamminasata program/project are following.

- Inter districts (infrastructure, utility, green space)
- Strategically important to provincial development
- Strategically important to national development

## 2.2 Organizational Strengthening

### 1) Organizational Issues

BKSPMM is a main body for Mamminasata area development, and its strengthening will play a vital role in promoting efficient management of Mamminasata development. The issues to be addressed for BKSPMM strengthening is categorized into (i) legal status, (ii) organizational structure, and (iii) capacity building of personnel as shown in the following.



**Figure 2.5: Problem Structure for Organizational Issue**

#### (1) Legal status of BKSPMM is unclear

Legal status of BKSPMM is yet unclear under the regional autonomy law. The Law No. 32/2004 regarding regional autonomy states that “planning, utilization and supervision of spatial plan” is the authority of both province and district/municipality (Article 13, 14). Although four district/municipality have agreed to form the Mamminasata Area and the Governor’s Decree have been issued, details for the plan formulation and implementation are yet unclear including the authority endowed to province, district/municipality, financial responsibility, and method of coordination. In addition, since BKSPMM is established by the Provincial governor’s decree, legal authorization is weak. Function and legal status of BKSPMM are to be strengthened for better

management of BKSPMM.

(2) Organizational structure is inefficient

BKSPMM is not organized efficiently. BKSPMM tasks are specified under the Decree, but activity plan has not been well defined yet. Inefficiency is caused by a large membership, weak secretariat function, and weak decision making.

BKSPMM has large members (48 Dinas in district/municipality level, 11 Dinas in province level, heads of local governments, Governor/Vice Governor, BAPPEDA, and Dinas Spatial Plan) and it is not manageable effectively and a decision making process is unclear.

In BKSPMM, Dinas Spatial Plan functions as a secretariat. Even though Dinas Spatial Planning is responsible for regional spatial planning, its capacity is limited in the following points.

- Dinas Spatial Planning is one of Dinas in South Sulawesi province and not capable of coordinating all provincial Dinas for Mamminasata development, and
- Since Mamminasata development covers a wide range of sectors, Dinas Spatial Planning is unable to coordinate such wide sectors.

(3) Personal capability in management is low (Unclear responsibility)

Personal capability of BKSPMM management and urban development management is low due mainly to lack of skills and responsibility.

BKSPMM members are assigned by organizations, not by position in the organization. Whoever available in the organization, however, participates in discussion and no decision can be made. In addition, members have other tasks and are unable to concentrate on Mamminasata. To secure sustainable operation of BKSPMM, full time staff should be assigned with clear responsibility.

Skill level, both management and technical skills, is low. Management skill will include, sector coordination, inter-regional coordination and organizational management. Technical skill will include urban planning, urban development, and legal enforcement. Since BKSPMM members are government officials, their obligation as public officials should be properly executed, inclusive of control and management of the private sector.



2) Organization strengthening alternative

Four alternatives are proposed for organizational reform;

Alternative 1: Strengthening of Existing BKSPMM

Alternative 2: Improvement of BKSPMM structure

Alternative 3: Establishment of Mamminasata Development Agency as functional organization in the Provincial government

Alternative 4: Establishment of Mamminasata Urban Development Corporation

**Table 2.7: Summary of Alternatives**

	Alternative 1	Alternative 2	Alternative 3	Alternative 4
Organizational arrangement	Strengthening of existing BKSPMM	Restructuring and improvement of BKSPMM	Establishment of New Agency under provincial government	Establishment of Mamminasata Urban Development Corporation
New organization	No	No	<ul style="list-style-type: none"> <li>BPPM as Provincial government organization</li> <li>Establish Advisory committee with academic and private sector</li> </ul>	Mamminasata Urban Development Corporation as independent organization
Authority	Coordination function	<ul style="list-style-type: none"> <li>Coordination function</li> <li>Secretariat directly under governor</li> </ul>	<ul style="list-style-type: none"> <li>Stated in the Presidential Decree</li> <li>Control and monitoring of development</li> </ul>	Implementation of urban development project with PPP
BKSPMM	Improve capacity for existing organization	<ul style="list-style-type: none"> <li>Improvement of Secretariat</li> <li>Improvement of Coordination body</li> </ul>	<ul style="list-style-type: none"> <li>Improvement of Secretariat</li> <li>Improvement of Coordination body</li> </ul>	Does not apply

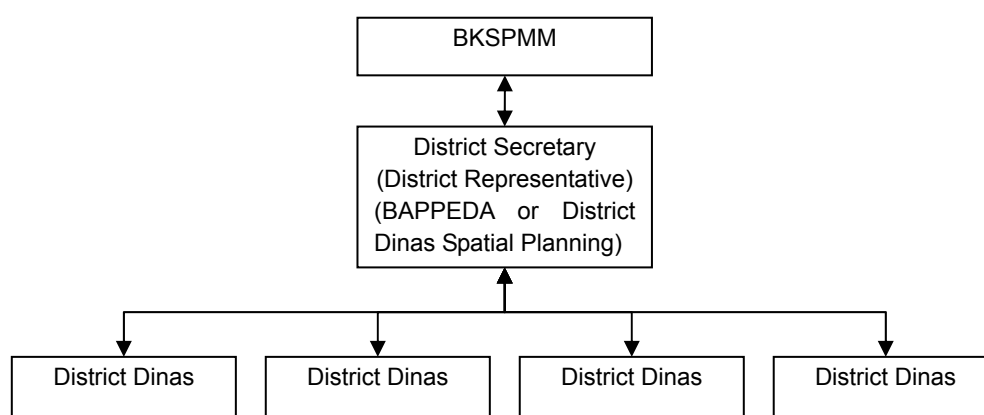
(1) **Alternative 1: Strengthening of Existing BKSPMM**

At the planning stage as well as solving issues of spatial development, the existing BKSPMM has managed more or less to function as the executing organization. In order to strengthen the management capability of BKSPMM for the implementation of the proposed plans, it is needed that the following measures be taken among others:

- (i) Members of the Coordination Body should periodically meet and take strong leadership in the coordinated execution of the spatial development plans.
- (ii) The secretariat should be reinforced by highly qualified and full-time experts specialized in management of the spatial development plans. Dinas

Spatial Planning should be empowered to coordinate and manage other Dinas at the provincial and district levels (11 at the provincial level and 48 at the municipal/district level).

- (iii) Members of BKSPMM at the municipal/district level should be streamlined and they should be well qualified in management of the spatial development plans which shall be supported by strengthening of district coordination and adding Mamminasata task in Dinas as shown below.



**Figure 2.6: Strengthening of Existing BKSPMM**

**District coordination** has to be strengthened for efficient discussion in BKSPMM. District matters shall be discussed within the district first, then bring the issue to BKSPMM for discussion at the Mamminasata level.

**Adding Mamminasata task in Dinas** (province & city/district) which are the BKSPMM members. Job description of BAPPEDA (city/district) and Dinas Spatial Planning does not specify the activities related to Mamminasata development. Adding the Mamminasata task in the member organizations will clarify the responsibility.

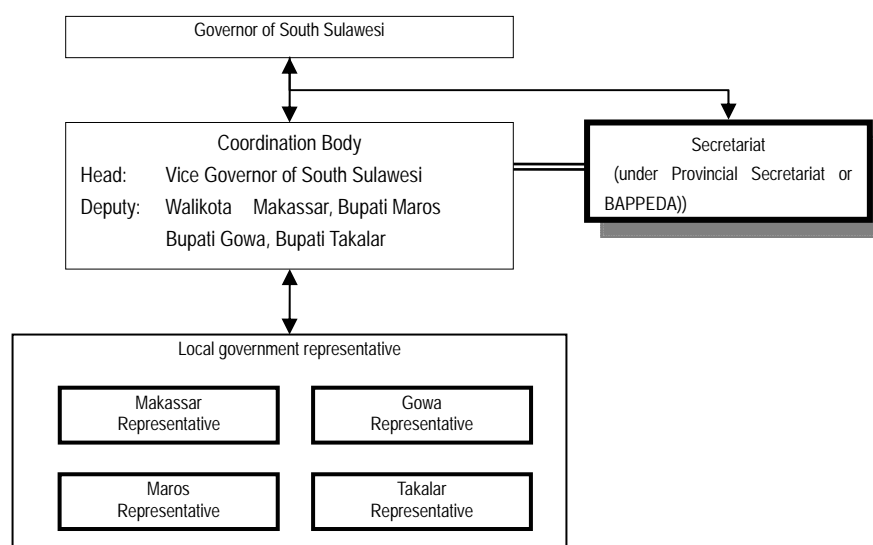
Stronger leadership and more practical coordination will be required in management. In view of the prevailing circumstances, it appears less viable to strengthen the capability of existing institutions concerned. Dinas Spatial Planning will not be capable of managing such a large number of provincial/district Dinas of diversified interests at the stage of implementation.

(2) **Alternative 2:** Improvement in BKSPMM structure

BKSPMM is to be improved so that efficient coordination and management (institutional, technical and financial) will be made by proper staff working exclusively for the spatial development plans. The management office will be set up under the policy of regional autonomy and the National Spatial Planning Law which is under revision by the Ministry of Public Works.

BKSPMM shall be reformed so that it will be composed of one chairman and four vice chairmen. Provincial Vice Governor constitutes to be Chairman, and heads of district/city from the Mamminasata Metropolitan Area (Makassar, Maros, Gowa, Takalar) will be Vice Chairman.

Its secretariat will be newly organized by highly qualified full-time staff under Provincial Secretariat or BAPPEDA. (For coordination and management, the secretariat will be organized at the higher level than the current Dinas Spatial Planning.). The local government representatives will also be reshuffled with more qualified personnel in a small number. A possible organization structure is illustrated below.



**Figure 2.7: Improved Organization of BKSPMM (Alternative 2)**

(3) **Alternative 3:** Establishment of Mamminasata Development Management Agency

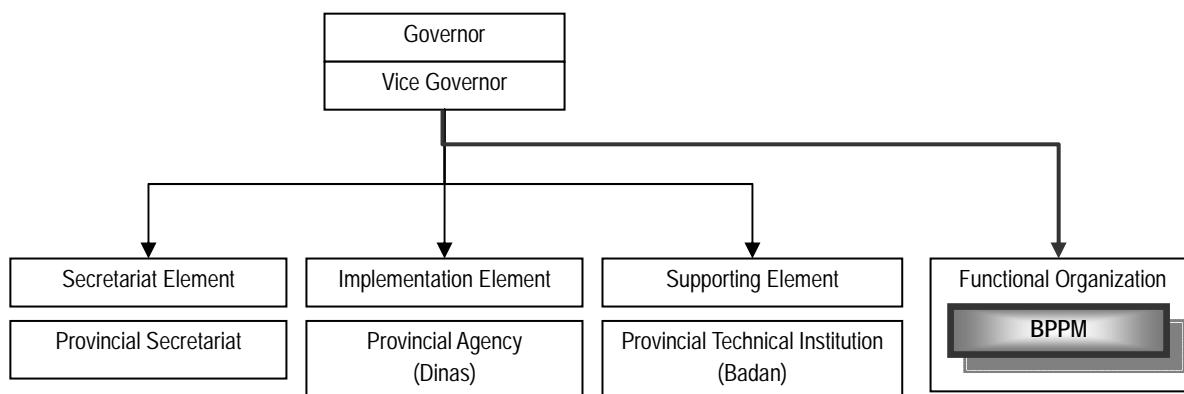
The Coordination Body of BKSPMM will remain, while a new office will be set up in the provincial government for the implementation management of the

proposed regional spatial development plans.

The third alternative is to establish “Mamminasata Development Management Agency (BPPM)” in the functional section of the provincial government so that authority of the Agency is strong enough to manage stakeholders.

Through the execution of JICA study on the formulation of the Mamminasata spatial plan, it has been recognized that a strong leadership is required for coordination and implementation of the inter-regency projects and programs. The management function should better be institutionalized within the provincial administrative organization.

BPPM will be newly staffed with several qualified experts in project/program management, programming and budgeting, financing, engineering and so forth. BPPM will also coordinate closely with the Coordination Body of BKSPMM. On the other hand, Dinas Spatial Planning will remain responsible for planning and monitoring of spatial development, and the spatial development offices at each regency will remain responsible for the execution of development plans in respective regency. Position of BPPM is illustrated in the figure below



**Figure 2.8: Mamminasata Development Management Agency as Functional Organization (Alternative 3)**

BPPM is composed of three division, (i) infrastructure & environment, (ii) legal & finance division, (iii) database/monitoring division with total of 10~15 staff. The head of the Agency shall be Echelon II, which is equivalent to Dinas Head and BAPPEDA head.

The main function of BPPM is management of Mamminasata development including implementation management, environmental management, project

finance, legal enforcement, and database management. Management of action plans is also the task of BPPM.

**Table 2.8: Task of Mamminasata Development Management Agency (Proposed)**

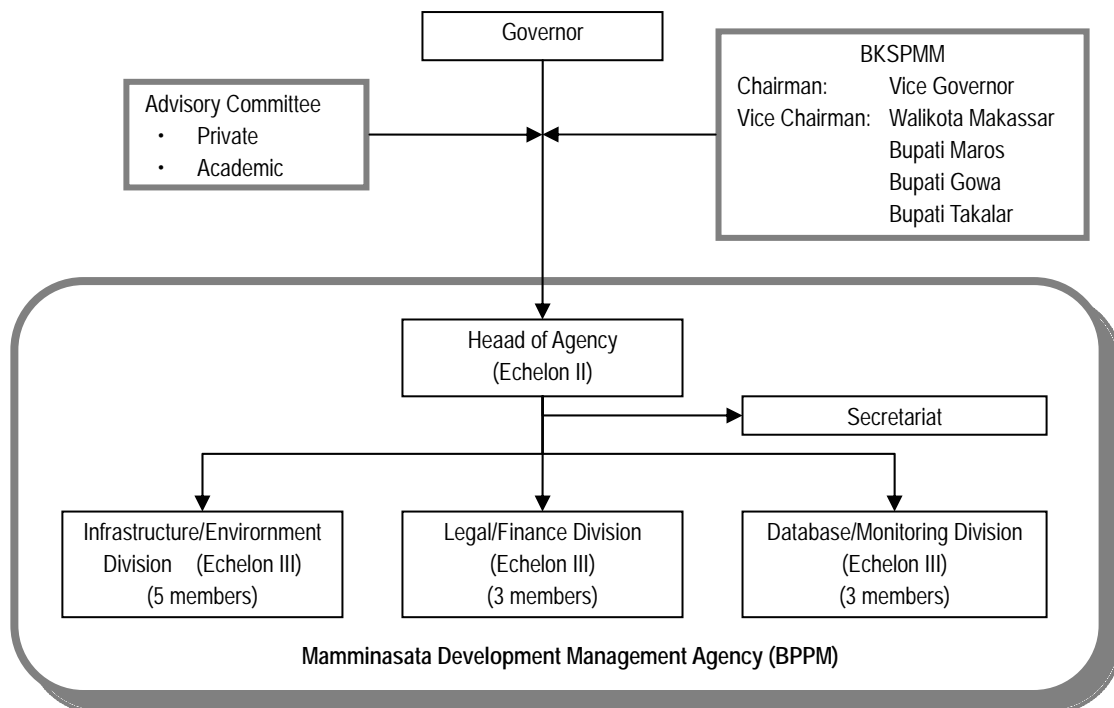
Position	Established as functional organization of South Sulawesi Government
Coverage	<ul style="list-style-type: none"> <li>• Management and control of urban development projects in the Mamminasata area and district/city projects that have impact on Mamminasata particularly infrastructure and environment</li> </ul>
Job description	<ul style="list-style-type: none"> <li>• Management of Mamminasata development implementation listed in Presidential Decree</li> <li>• Coordination of BKSPMM and other stakeholders (government, private, PMU)</li> <li>• infrastructure and environmental management, legal and financial management, and information system management and monitoring and control</li> </ul>
Staff	<ul style="list-style-type: none"> <li>• Full time competent staff (Total number of staff 10-15)</li> <li>• Specialist; Urban management, finance (project finance), environment, infrastructure, supporting staff</li> <li>• government or private staff</li> </ul>

**Table 2.9: Tasks of BPPM**

Function	Description
(i) Overall management of action plan implementation	<ul style="list-style-type: none"> <li>• Implementation management</li> <li>• Coordination with concerned organizations</li> <li>• Financial and physical management</li> </ul>
(ii) Infrastructure and environmental management	<ul style="list-style-type: none"> <li>• Plan and implementation management</li> <li>• Physical management</li> <li>• Environmental management</li> </ul>
(iii) Legal and financial management	<ul style="list-style-type: none"> <li>• Legislation preparation and enforcement</li> <li>• Public finance management (PPP, PFI, Concession, public investment)</li> </ul>
(iv) Information system management/ Monitoring and control	<ul style="list-style-type: none"> <li>• Information system management (monitoring and dissemination)</li> <li>• Mapping</li> <li>• Monitoring and evaluation of project implementation</li> </ul>

It is important that BPPM activities be monitored by the third parties (residents,, academic, private sector and others) for the purpose of securing transparency of the operation. Existing monitoring or supervision function of government activities shall include monitoring of BPPM activities.

In addition, “Advisory Committee” or “Advisory Board” will be newly established. The committee members are composed of private and academic sector and functions as consultation to Governor.



**Figure 2.9: Organization Structure of BPPM (Badan) (Alternative 3)**

(4) **Alternative 4:** Establishment of Mamminasata Urban Development Corporation

As the government organization starts to function as required and the development demand accelerates in the future, establishment of independent organization (e.g. Mamminasata Urban Development Corporation) needs to be considered. The main function of the corporation is implementation of urban development projects to provide comfortable living environment by providing basic infrastructure, particularly in the new town development area.

The corporation has to have independent status from the government organization particularly financial status has to be secured for sustainable organizational operation and sustainable urban development. The organizational structure, job description and financial structure shall be considered by BPPM and BKSPMM as the needs of the corporation arises.

3) Organizational development scenario

In the short and mid term time frame, combination of Alternative 2 and Alternative 3 is most desirable in view of the efficient and functional

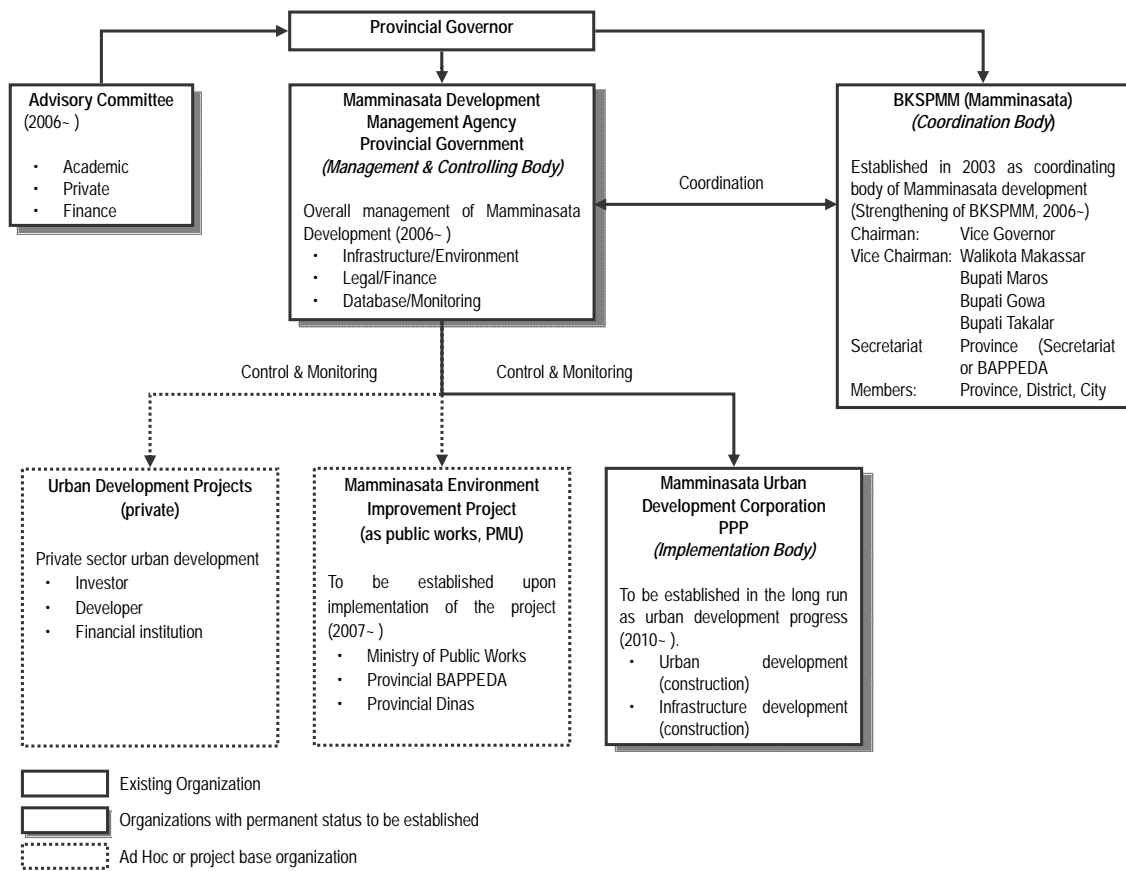
coordination/management as well as strong leadership that would be indispensable for the implementation of the Mamminasata spatial plan and the attainment of the “creative, clean and coordinated metropolitan area”.

In order to assign proper authority and the function of BPPM, the organizational establishment should be included in the institutional section of the Presidential Decree for the Spatial Plan for the Mamminasata Metropolitan Area. Since stipulation of the Presidential Decree is expected to take some time, BKSPMM with permanent staff has to be formed in the appropriate position in the provincial government. In the long term Alternative 4, Establishment of Mamminasata Development Corporation has to be considered. Organizational strengthening scenario is shown in table below.

**Table 2.10: Organizational Strengthening Scenario**

	<b>Short Term (2006~2010)</b>	<b>Mid to Long Term (2010~)</b>
Organization strengthening scenario	<ul style="list-style-type: none"> <li>• Strengthen BKSPMM function</li> <li>• Establishment of BPPM as functional organization in South Sulawesi Provincial government.</li> <li>• Establishment of Advisory Committee to promote Public Private Partnership</li> </ul>	<ul style="list-style-type: none"> <li>• Establishment of “Mamminasata Urban Development Corporation”, independent from government organization.</li> <li>• Public-private financed organization.</li> </ul>
Description	<ul style="list-style-type: none"> <li>• Main function of BPPM at this stage is to formulate necessary legislation, GIS database establishment, promotion of PPP and urban management capacity development.</li> <li>• Also close coordination with Project Management Unit (PMU) to be established for “Urban Environmental Improvement Project”</li> <li>• Provide capacity building for BKSPMM and BPPM</li> </ul>	<ul style="list-style-type: none"> <li>• Enhance public and private coordination in urban development such as joint investment.</li> <li>• Public-private financed organization.</li> </ul>

Organizational setting for Mamminasata development to be established by 2010 is illustrated in the following figure.



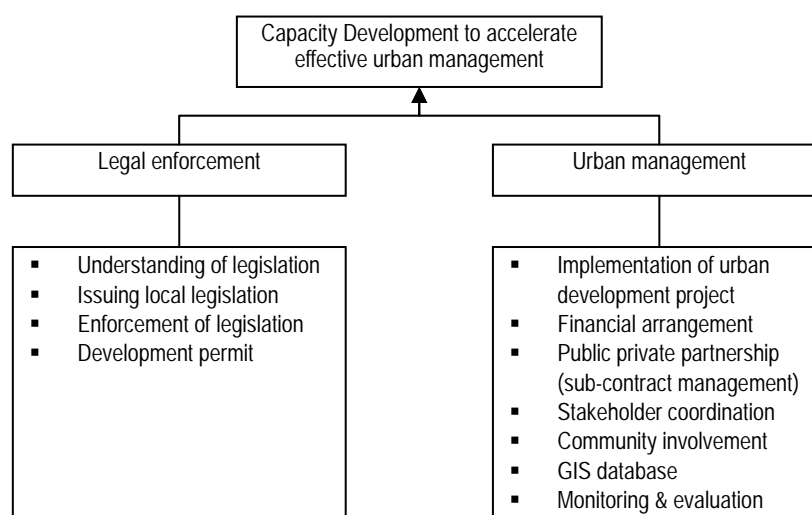
**Figure 2.10: Organizational Setting for Mamminasata Development**



### 3 HUMAN RESOURCES DEVELOPMENT PLAN (CAPACITY DEVELOPMENT)

#### 3.1 Needs for Capacity Development

As mentioned in the organizational strengthening strategy, “Personnel” capability plays a vital role in the implementation of Mamminasata development.. In general skills necessary for urban management is low, particularly legal enforcement and urban management such skills include project implementation, coordination, database management, and monitoring and evaluation.



**Figure 3.1: Needs for Capacity Development**

#### (1) Legal enforcement

Legal enforcement is a basis for urban management, and institutional strengthening has to be executed with the staff with legislation knowledge. In general, most government staff do not have enough knowledge on legislation, so execution of legislation is not properly managed, particularly the development permit process, which causes uncontrolled urban development. Skill development in understanding, formulation, and application of legislation has to be intensively conducted.

#### (2) Urban management

Even though characteristics of Mamminasata development can be defined as multi-sector and inter-regency, management and coordination of concerned agencies (BPPM, BKSPMM) and stakeholders is weak. Sub-contracting work also

is not managed properly. In addition, basic knowledge on management tools, such as GIS database management, is lacking.

### 3.2 Capacity Development Strategy

#### (1) Objective of the capacity development

In order to realize the spatial plan, the empowerment and capacity building of local administrations are vitally important. Deregulation and decentralization of the central government is in progress over the country. Local governments are expected to receive full benefit of decentralization so that the regional matter could be managed by its own staff.

Capacity development is provided to support strengthening of Mamminasata development management. Objectives of capacity development are to develop urban management system and to develop skills of responsible personnel for (i) securing environmentally sustainable urban development and (ii) provision of infrastructure necessary to promote economic activities.

#### (2) Capacity development strategy

Based on the urban development component and required skills, strategy of capacity development is set as following.

- (i) Establish strong legal base and legal enforcement for urban management
- (ii) Strengthen operation and management system, and
- (iii) Strengthening of organizational management

Capacity development scheme is shown in the following figure.

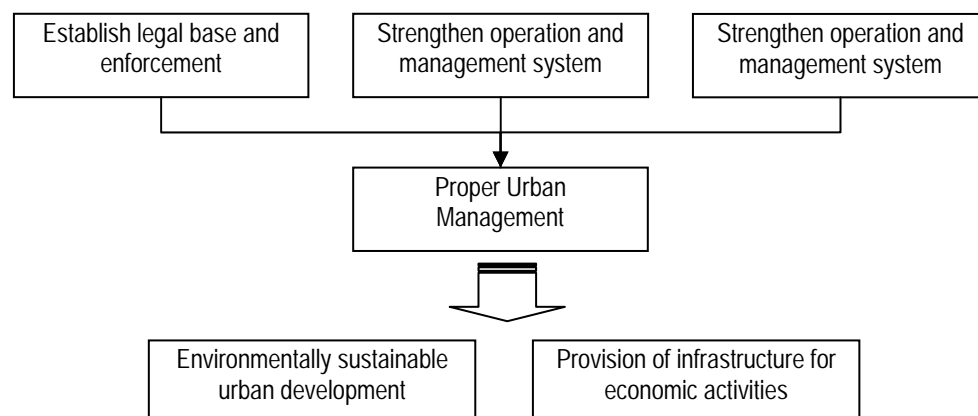


Figure 3.2: Capacity Development Objectives and Strategy

### 3.3 Capacity Development Method

#### (1) Importance of On-the-Job Training (OJT)

Several methods of training are available: lecture, OJT at site, OJT abroad, attending seminar, training at other agencies. The training method should be selected in due consideration of the character of training. A lecture will be suitable for training for teaching basic knowledge. OJT will be suitable for training operational activities, particularly in urban management.

For capacity development in urban management, OJT shall be a key method. Even governmental officials could get enough information from their jobs, the final result will depend on the circumstance of economic, natural and human conditions. These conditions are different from place to place, time to time, and we never face the same conditions as ever before. The only way to learn the situation would be the on-the-job training or experiences in other worlds.

There may be three ways to make it possible. One is to make them participate in suitable training courses offered by donors. Second is an exchange of human resources between the private and public sectors. Private fields usually have better system for management. Third is an exchange officials among municipalities, as well as between local government and central government.

#### (2) Sustainable capacity development

Capacity development is usually conducted in a form of lectures and workshops in a relatively short period, and monitoring and feedback is rarely conducted. In order to maximize the outcomes, capacity development should be conducted together with continuous feedback by trainees, by which sustainability could be secured. Following figure shows the example of sustainable capacity development.

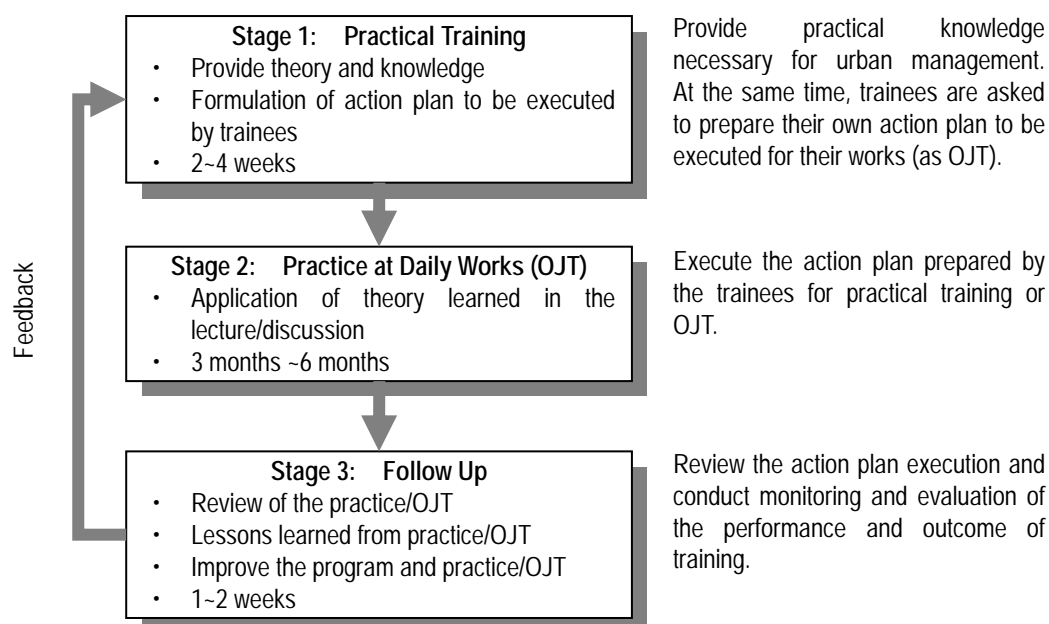


Figure 3.3: Capacity Development Scheme

### 3.4 Human Resource Development

Objective of human resource development is to develop urban management skills and create personnel who can be leaders in Mamminasata. Human resources development focuses on strengthening of implementation capability which covers (i) legal strengthening, (ii) coordination strengthening, (iii) land database strengthening, (iv) project finance strengthening, (v) environment management strengthening, (vi) transport management strengthening, and (vii) general administrative skills.

Target of human resource development is BPPM candidate staff, related field from BKSPMM and other technical organizations such as BAPPEDALDA and BPN.

No. 1 Legal strengthening	
Objective:	Clear legislation and strong enforcement is mandate for land use control. Legislation necessary for land use control has to be available and enforcement has to be strengthened
Justification:	There is no zoning regulation that shows clear guidance on land use control and existing legislation (law and regulation both at central government and regional government level) is not obeyed. In order to create urban environment unique to the Mamminasata Metropolitan area and strengthen land use control, legislation has to be prepared and enforcement activity has to be strengthened
Activities:	(i) Understanding of legislation

	(ii) Drafting of legislation (regional level) (iii) Clarifying enforcement measure including development permit (iv) Dissemination of legislation to stakeholder (BKSPMM, developer, private organizations)
Target group:	BPPM Provincial Secretariat (legal section) Dinas Spatial Planning (Province & District/City) BAPPEDA (Province & District/City)

<b>No. 2 Coordination strengthening</b>	
Objective:	Objective is to strengthen coordination between BPPM and BKSPMM in implementation of urban development
Justification:	Since implementation of urban development involves many stakeholders, government and non-government, coordination among them is important for efficient implementation.
Activities:	(i) Meeting arrangement (ii) Public relations (iii) Business administration (relevance, efficiency, effectiveness, accountability) (iv) Stakeholder participation (v) Community involvement (public consultation)
Target group:	BPPM BKSPMM Non-government organization

<b>No. 3 Land database management</b>	
Objective:	Objective of the database management is to establish land data base with standard format, strengthen database management including update, sharing, utilized for urban development.
Justification:	Database on land has to be available and has to be shared among stakeholders for urban management. Also database is scattered through a variety of organizations for different purpose, format is different, and data is not shared. It is necessary to prepare database with same format so that whoever needs data can have access to the data.
Activities:	(i) Preparation of maps covering Mamminasata Area (ii) Establishment of land use database (GIS, CAD, and other forms) with same format by combing the data from related agencies such as BPN, central and local government (iii) Database management (update, sharing)
Target group:	BPPM Provincial Secretariat (legal section) Dinas Spatial Planning (Province & District/City) BAPPEDA (Province & District/City) BPN BAPPEDALDA (Province & District/City)

<b>No. 4 Project finance strengthening</b>	
Objective:	Objective of the project finance is to strengthen financial capability for the Mamminasata urban development by introducing PPP and other project finance scheme.
Justification:	Mamminasata urban development requires a large amount of fund. Since

	government fund is limited, it is necessary to seek for the funds from private sectors or international donors. It is also necessary to consider self-finance urban development scheme.
Activities:	(i) Introduction of project finance scheme (ii) Public Private Partnership (PPP) (iii) Search for investment opportunity
Target group:	BPPM BAPPEDA

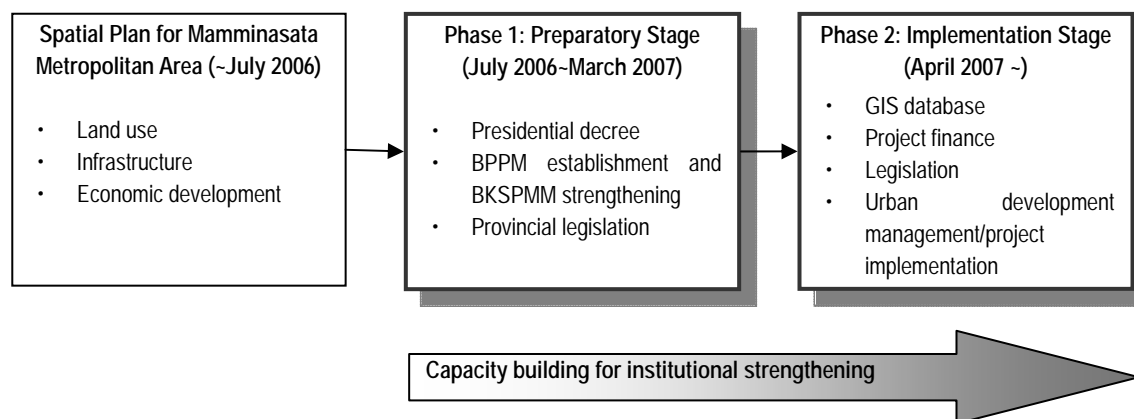
<b>No. 5 Environment management</b>	
Objective:	Objective of environment management is to improve natural environment such as air and water and also to improve urban amenity such as green space and parks.
Justification:	Urban environment is one of the most important issues in the Mamminasata urban development.
Activities:	(i) Environmental monitoring (air, water, solid waste) in urban area, coastal area and forest area (ii) Urban amenity improvement
Target group:	BPPM Dinas Spatial Planning (Province & District/City) BAPPEDALDA (Province & District/City)

<b>No. 6 Transport management</b>	
Objective:	Objective of transport management is to strengthen transport management and improve road development system
Justification:	Transport condition can not be solved simply by increase road network and capacity. Transport management including vehicle management, lane management, road development system shall be strengthen to reduce traffic congestion
Activities:	(i) Vehicle management (becak, petepete, automobile) (ii) Separate lane for different transport mode (iii) Traffic light management (iv) Road development system (land acquisition, tax)
Target group:	BPPM Dinas Spatial Planning (Province & District/City) Dinas Transport (Province & District/City)

<b>No. 7 General administrative skills</b>	
Objective:	Objective of administrative skills to improve computer, writing, and mathematics skills necessary for daily works
Justification:	Urban management requires data collection and most of which is available through internet. Mathematics skill is weak for many government officials. Basic mathematics needed for development management has to be provided.
Activities:	(i) Computer (word, excel, mapping, internet) (ii) Mathematics (iii) Monitoring and evaluation of urban development
Target group:	BPPM Dinas Spatial Planning

### 3.5 Action Program for Capacity Building

After formulation of Spatial Plan for Mamminasata Metropolitan Area, implementation arrangement has to be set up, which is composed of two stages, namely (i) preparatory stage and (ii) implementation stage as shown in figure below.



**Figure 3.4: Implementation Process**

Implementation of Mamminasata Spatial Plan can be realized only with proper legislation and proper human resources. Institutional base, in terms of legislation, organization, and human resources have to be strengthened and well prepared for urban development management and implementation of priority projects.

Capacity building has to be conducted intensively after the Spatial Plan is finalized to support implementation arrangement process, which is divided into two phases to follow implementation arrangement phases shown below.

#### Phase 1: Preparatory stage (July 2006 ~ March 2007)

Focusing on establishment of base for urban management and project implementation including establishment of Mamminasata Development Management Agency and drafting of provincial legislation.

#### Phase 2: Intensive capacity building for implementation stage (April 2007 ~ March 2010)

Focusing on establishment of urban management system (database, project finance, legal enforcement, environmental management),

management and control of urban development and implementation of projects.

The target of capacity building will be government officials, both BKSPMM and Mamminasata Development Management Agency (BPPM)

### **Phase 1: Preparatory stage (July 2006 ~ March 2007)**

Capacity building for this stage aims to support acceleration of Mamminasata Spatial Plan follow up activities for implementation of urban development. Phase 1 aims at establishing legal and organizational base and at preparing district/city spatial plans.

- Presidential Decree stipulation process,
- Establishment of BPPM including preparation of provincial regulation and recruitment,
- Drafting the regulations necessary for urban management (zoning regulation, old town development and new town development),
- Formulation of district/city plan based on the Spatial Plan for the Mamminasata Metropolitan Area, and
- Strengthening of the environmental management measures including preparation of environmental control, urban amenity management, and solid waste management.

### **Phase 2: Intensive Capacity Building (April 2007 ~ March 2010 )**

Capacity building for this stage aims to strengthen urban management capability. Intensive capacity building for urban management and control aims at establishing a management and control system to be executed by the new organization, BPPM including:

- Establishment of GIS data base covering whole Mamminasata area
- Setting up and promotion of project finance schemes including PPP (BOT, private, public, PFI, self-finance),
- Legal enforcement including zoning regulation, development permit, incentives,
- Environmental management including pollution control, urban amenity and



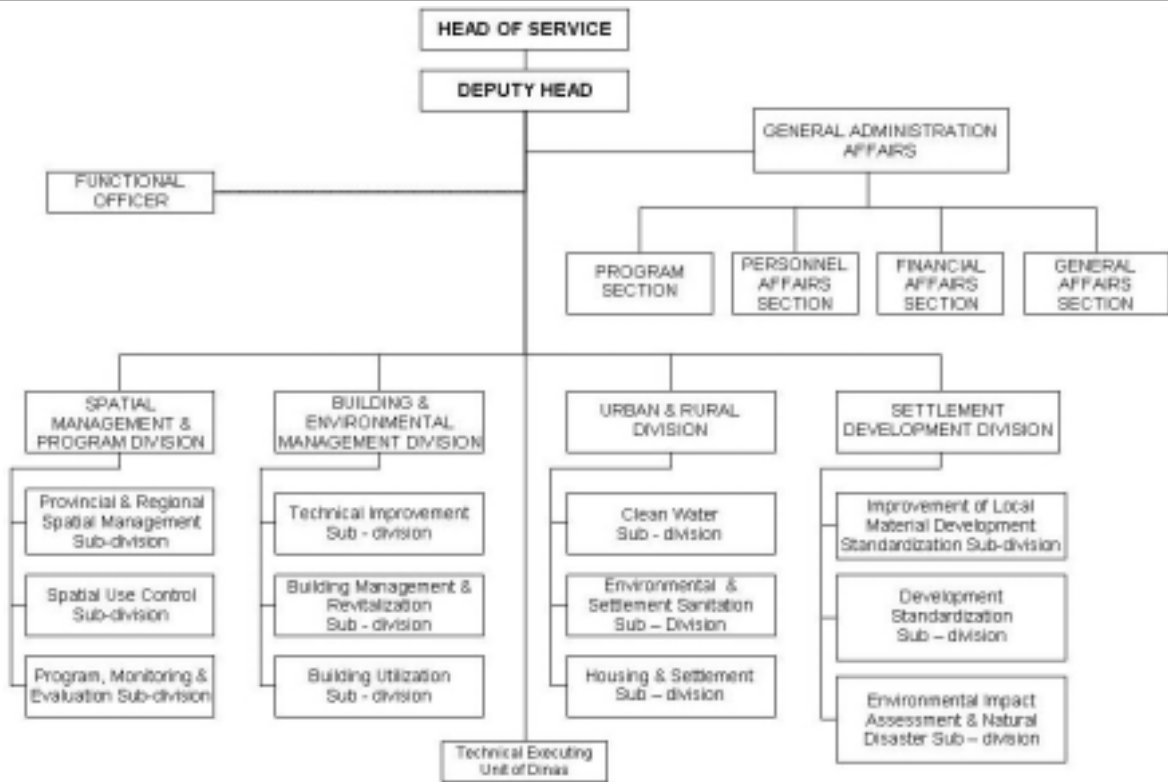
solid waste management which is continuing activities from the Phase 1 activities,

- Transportation management including traffic control, land acquisition and project implementation scheme,
- Monitoring and evaluation of urban development, and
- Coordination and enhancement of public consultation skills.

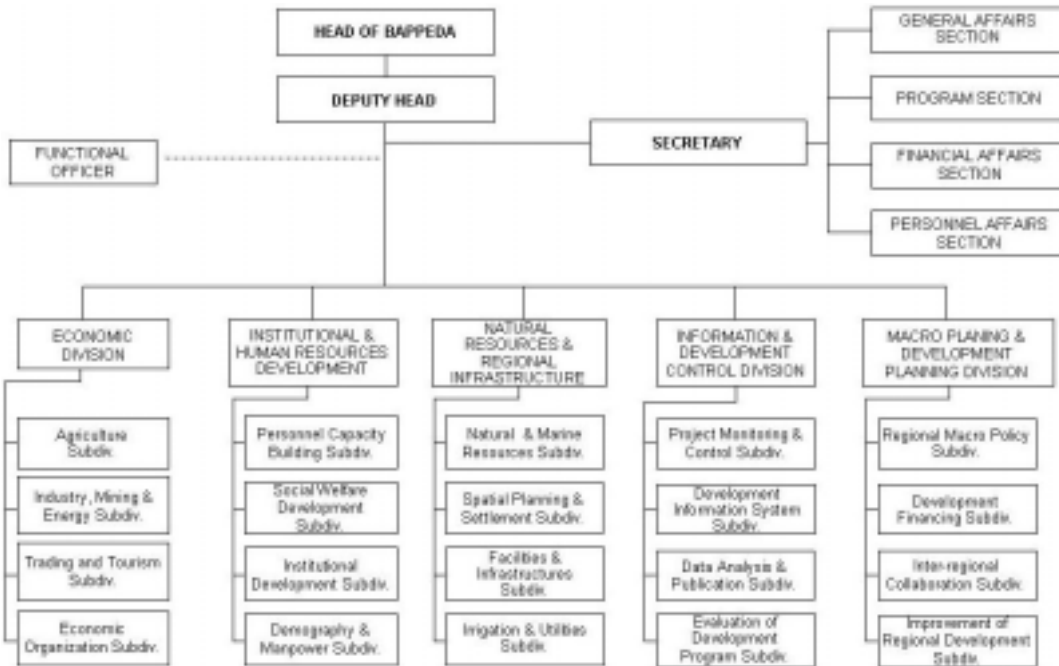


**Annex 1: Organizational Chart for Spatial Planning Related Government Organizations  
(Dinas Spatial Planning and BAPPEDA (Regional Development Agency))**

**ORGANIZATION CHART DINAS OF SPATIAL PLANNING & SETTLEMENT  
PROVINCE OF SOUTH SULAWESI**

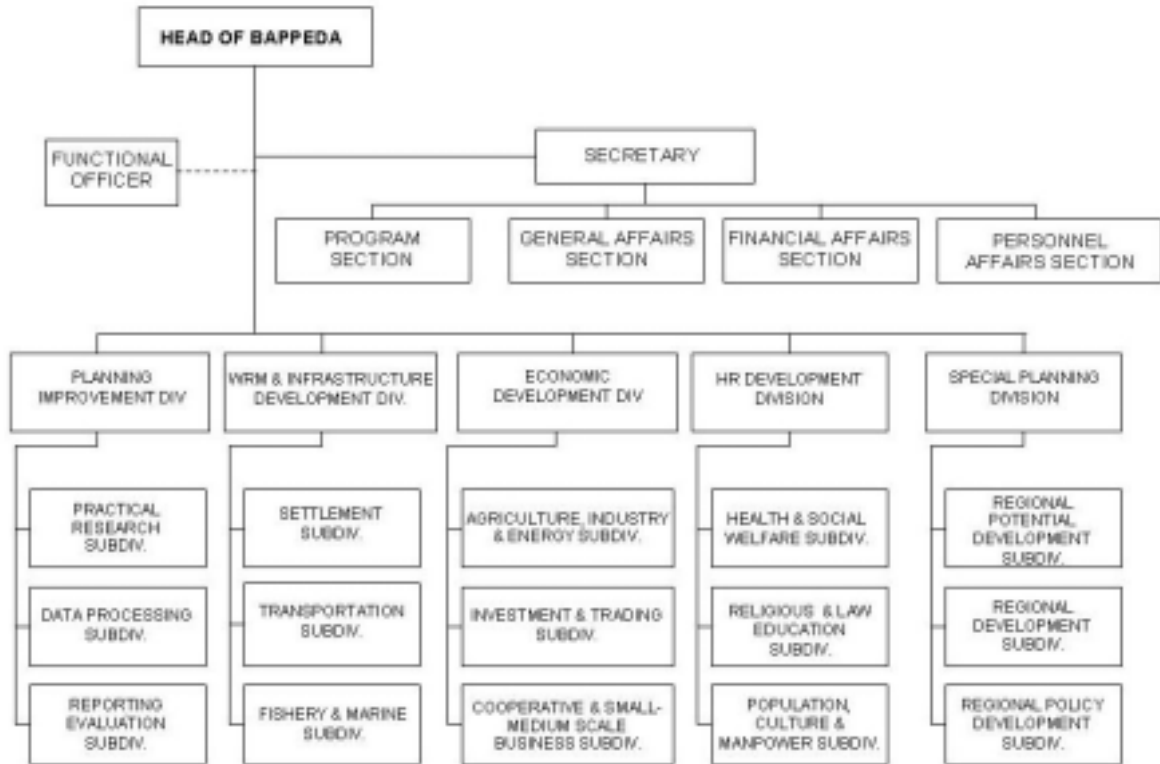


**ORGANIZATION CHART REGIONAL DEVELOPMENT PLANNING AGENCY  
PROVINCE OF SOUTH SULAWESI**

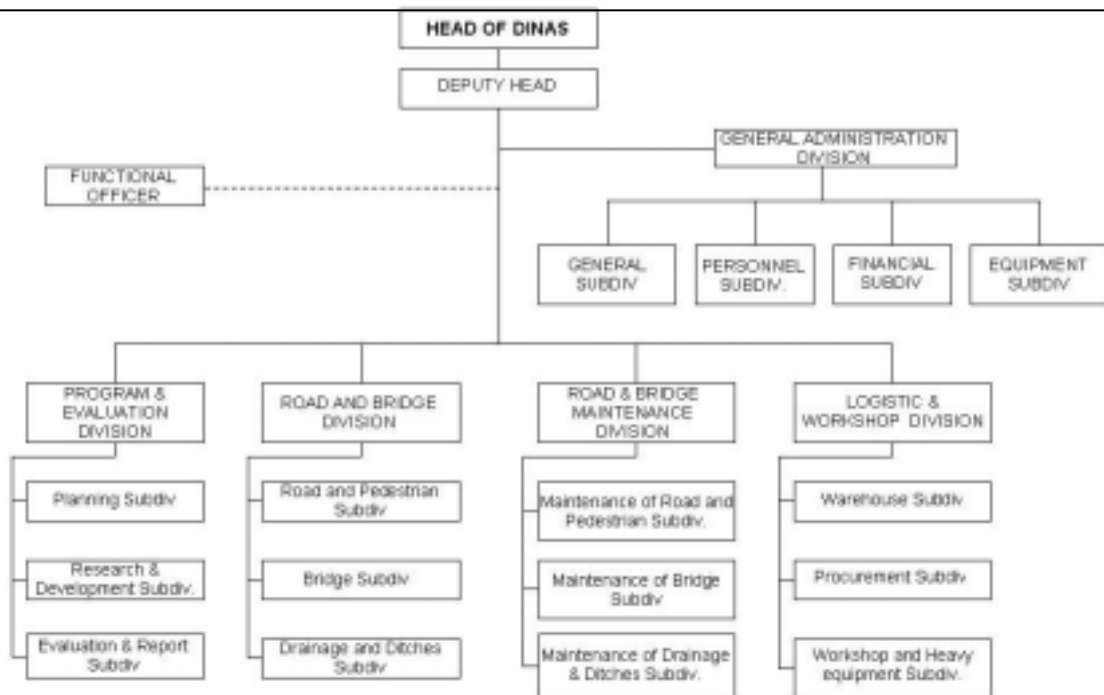


**ORGANIZATION CHART REGIONAL DEVELOPMENT PLANNING AGENCY**

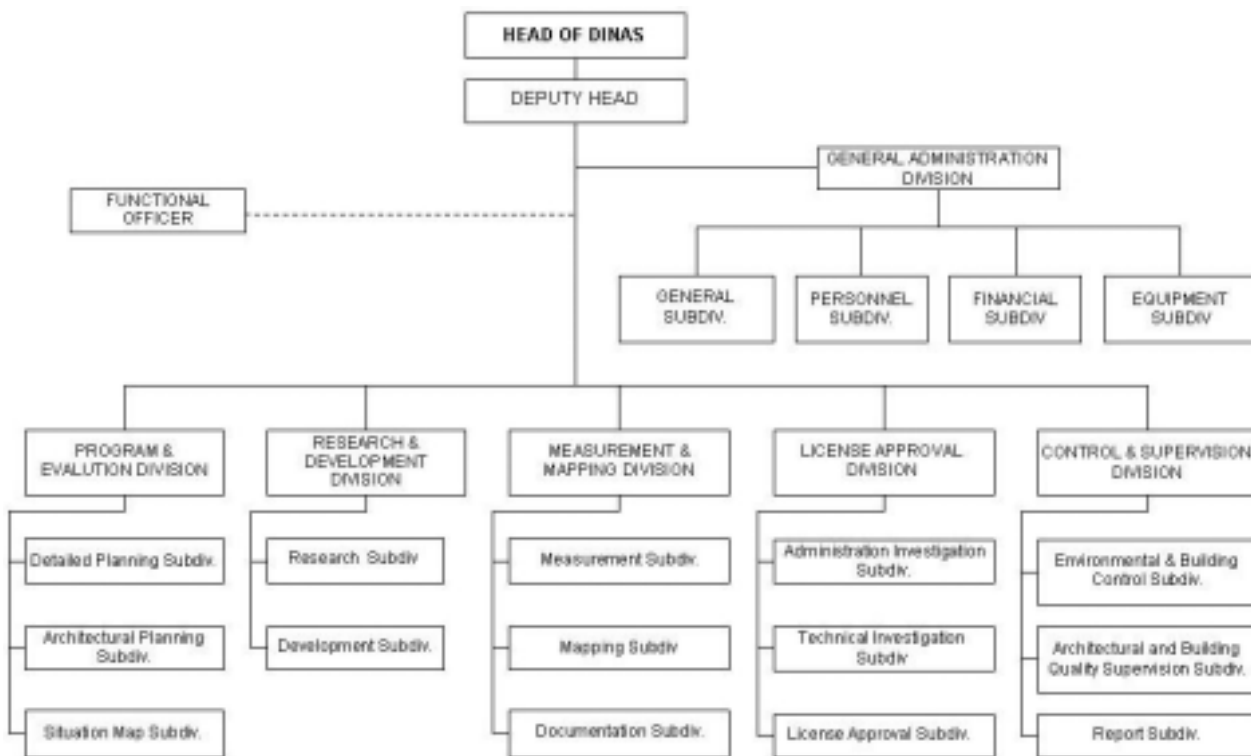
**MAKASSAR CITY**



**ORGANIZATION CHART DINAS BINA MARGA  
MAKASSAR CITY**

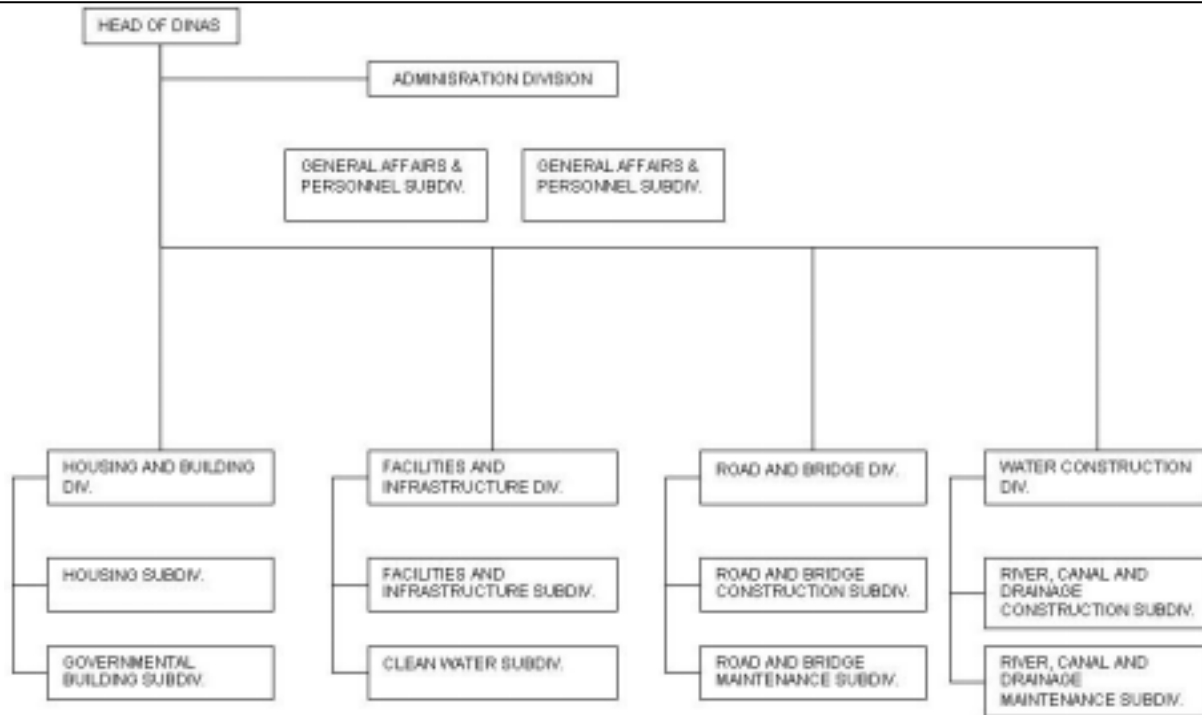


**ORGANIZATION CHART DINAS OF BUILDING MANAGEMENT  
MAKASSAR CITY**

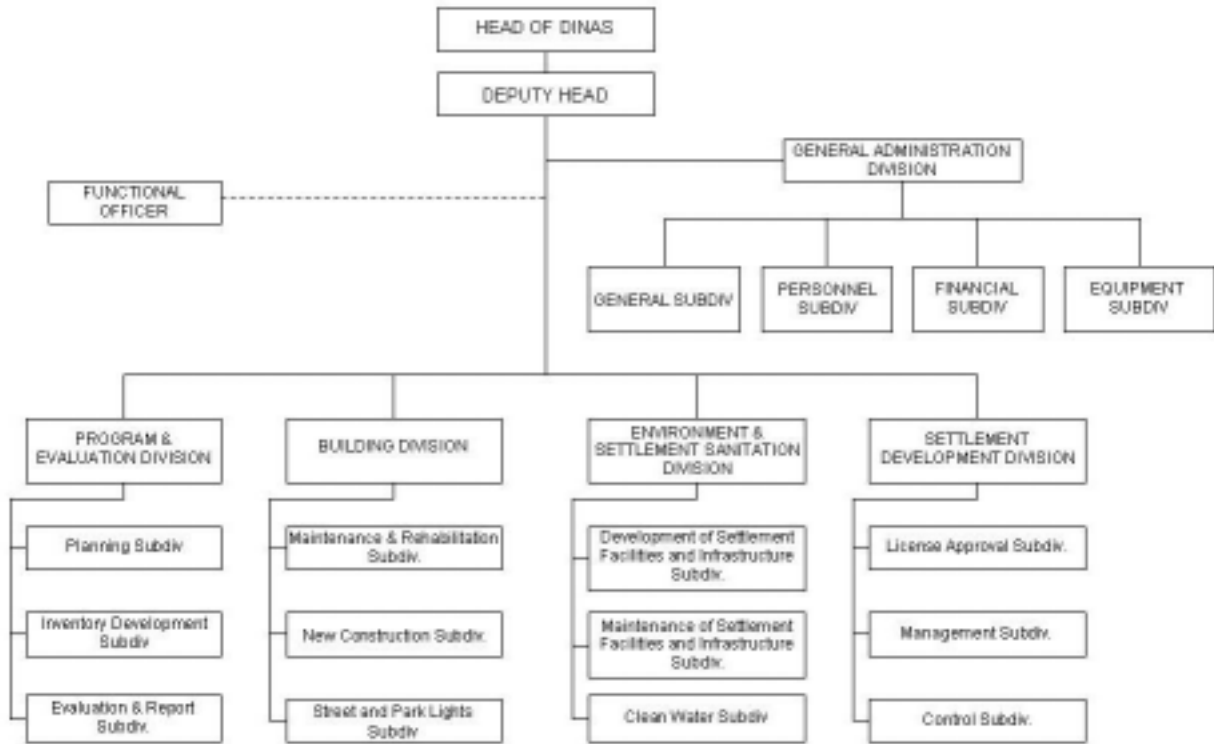


**ORGANIZATION CHART DINAS OF PUBLIC WORKS MAKASSAR**

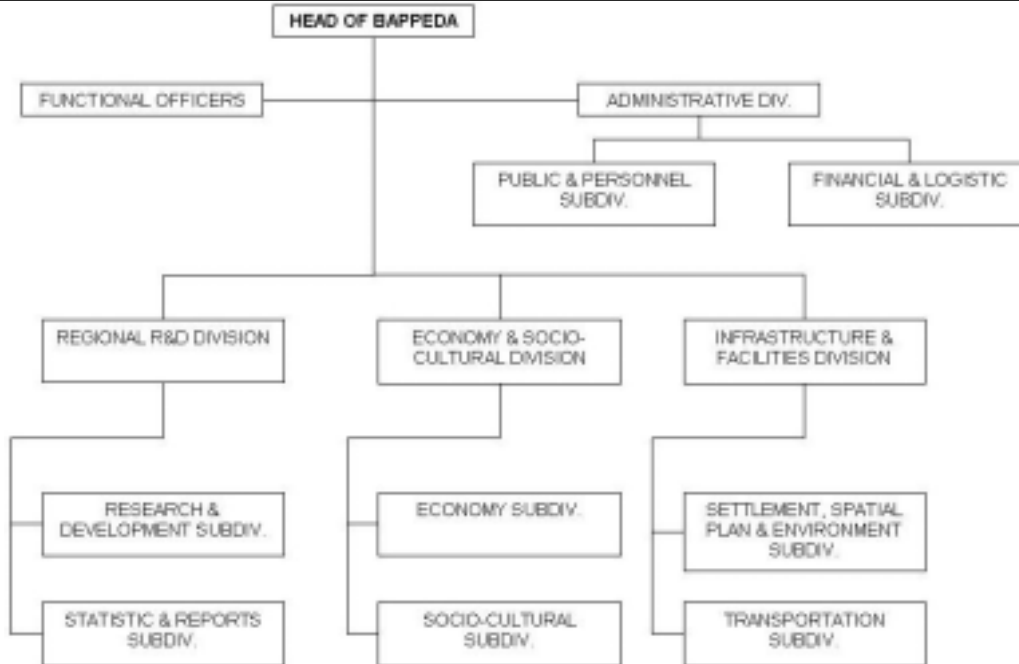
[Regional Regulation No. 25/2005]



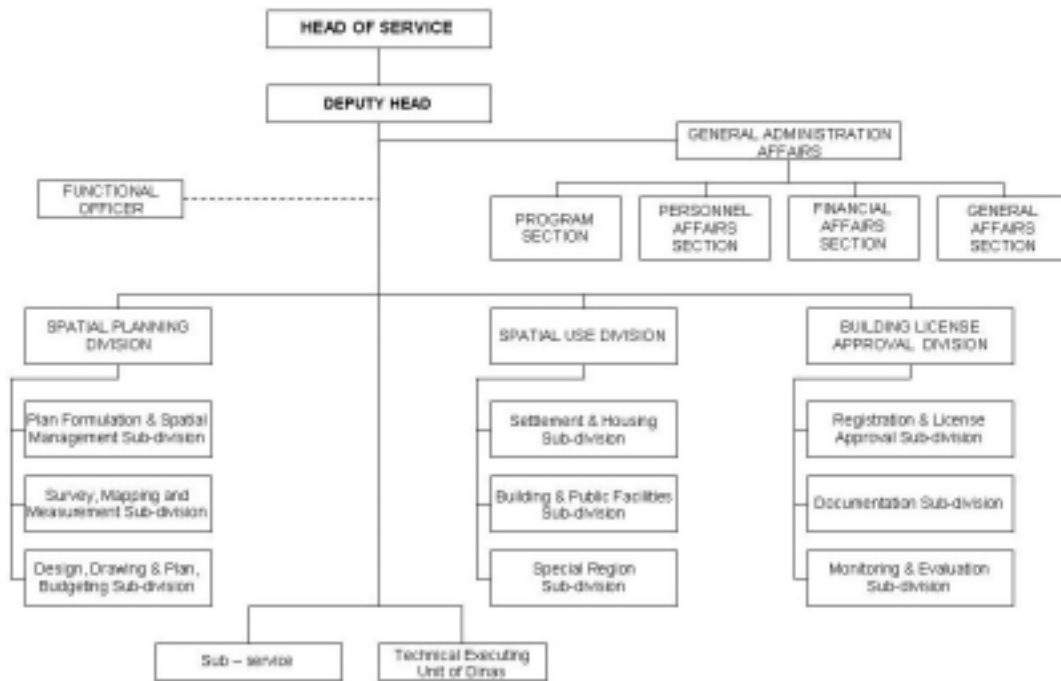
**ORGANIZATION CHART DINAS CIPTA KARYA  
MAKASSAR CITY**



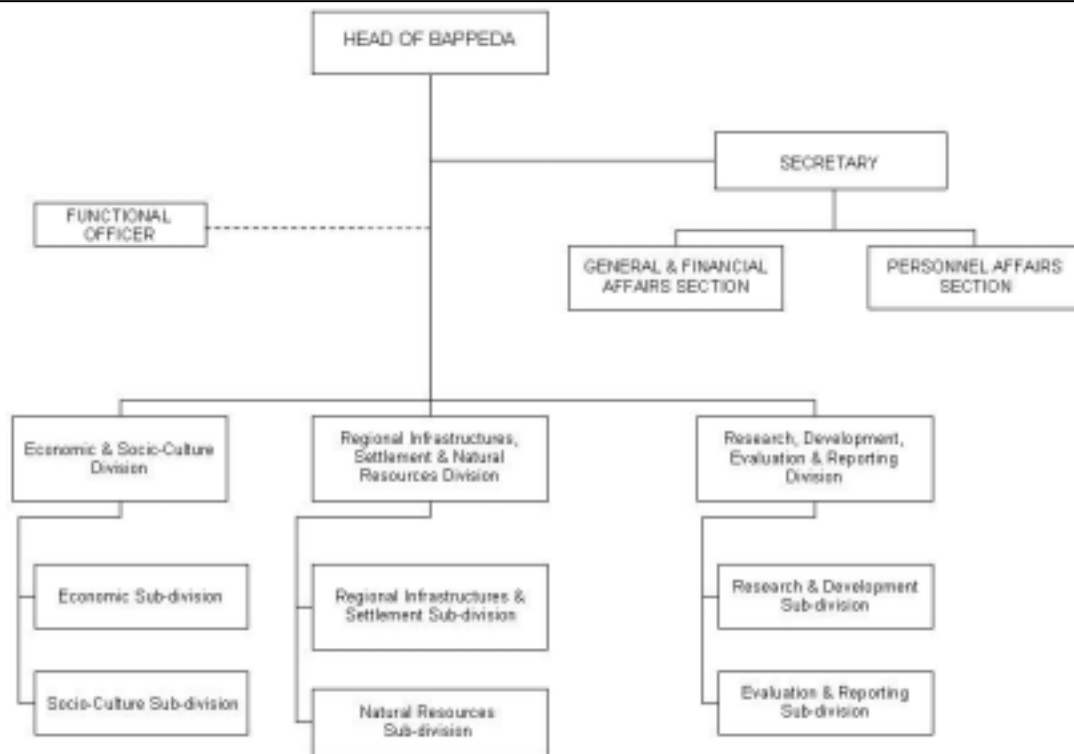
**ORGANIZATION CHART REGIONAL DEVELOPMENT PLANNING AGENCY  
 MAKASSAR CITY (effective: 22 June 2005)**



**ORGANIZATION CHART DINAS OF SPATIAL PLANNING & SETTLEMENT  
 MAROS REGENCY**

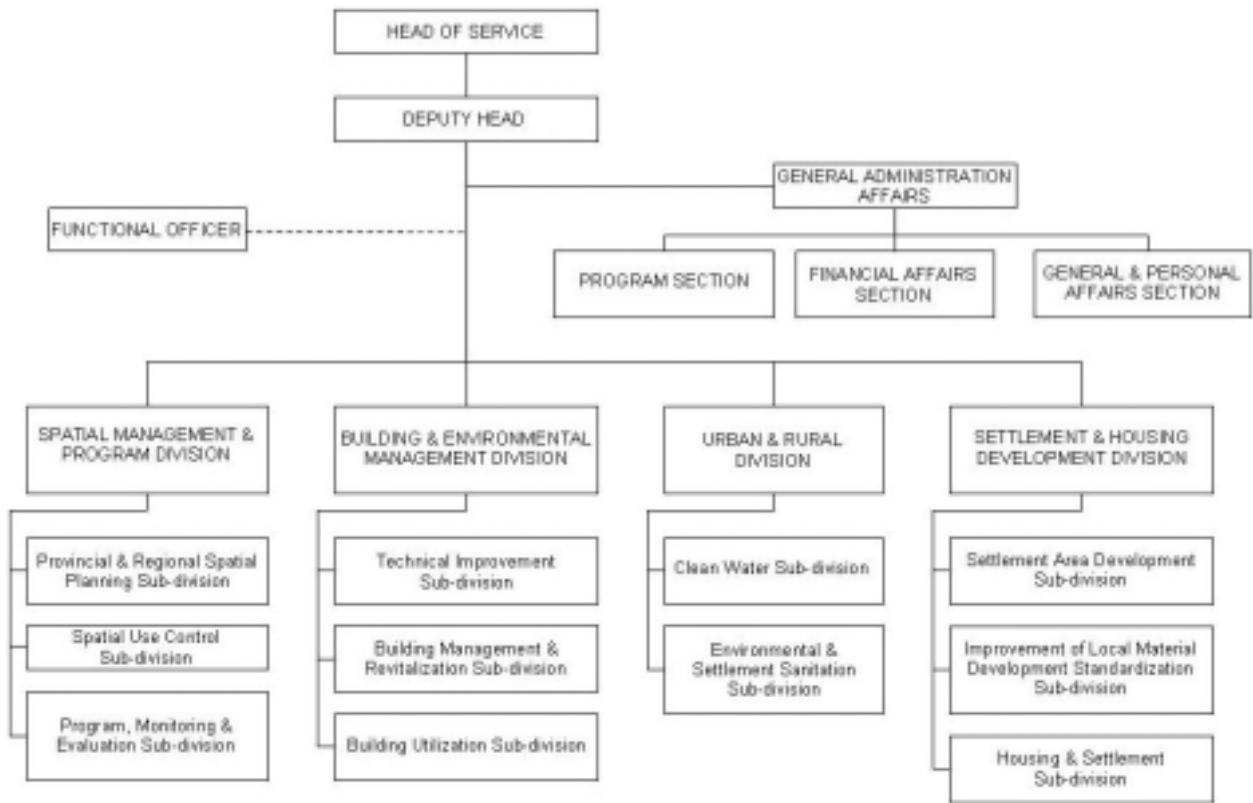


**ORGANIZATION CHART REGIONAL DEVELOPMENT PLANNING AGENCY  
MAROS REGENCY**

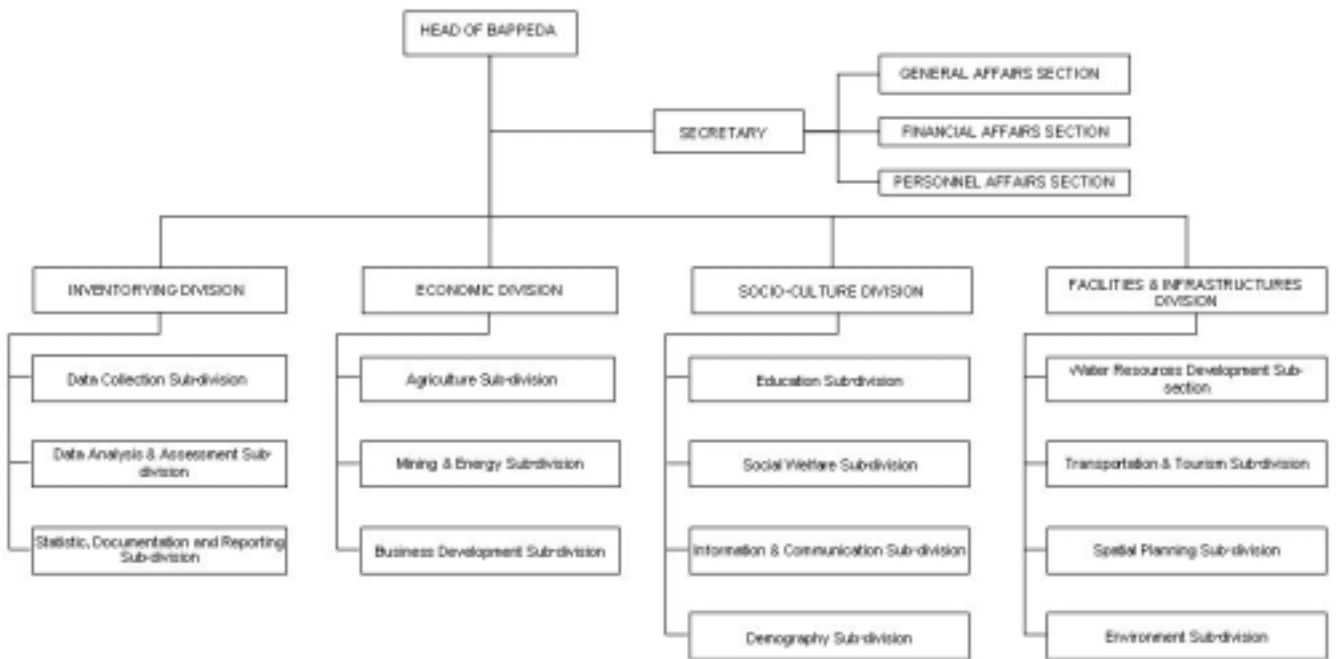


**ORGANIZATION CHART DINAS OF SPATIAL PLANNING & SETTLEMENT  
GOWA REGENCY**

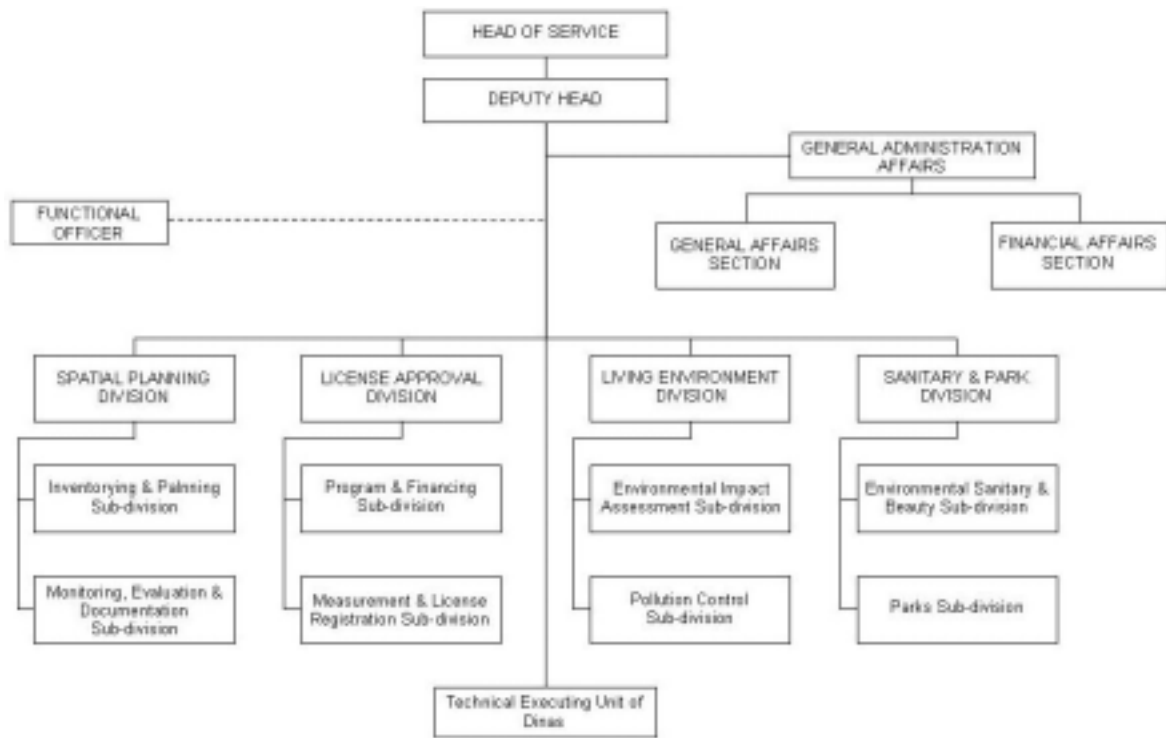




**ORGANIZATION CHART REGIONAL DEVELOPMENT PLANNING AGENCY  
GOWA REGENCY**



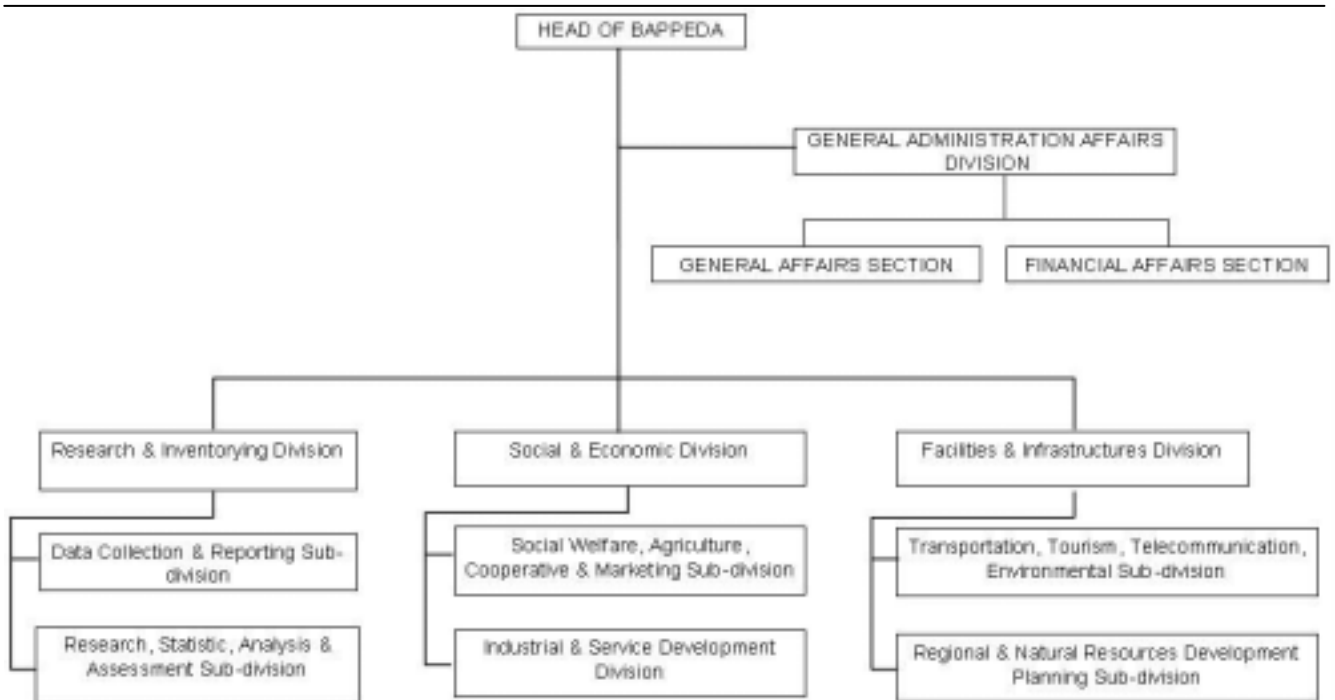
**ORGANIZATION CHART DINAS OF SPATIAL PLANNING AND ENVIRONMENT  
TAKALAR REGENCY**



**ORGANIZATION CHART RE**

**ORGANIZATION CHART REGIONAL DEVELOPMENT PLANNING AGENCY**

**TAKALAR REGENCY**



**Annex 2: Presidential Decree concerning Spatial Plan for Mamminasata  
Metropolitan Area**

**DRAFT**

**PRESIDENTIAL DECREE OF THE REPUBLIC OF INDONESIA**

**(NUMBER: \_\_\_\_ OF \_\_\_\_)**

**CONCERNING**

**SPATIAL PLAN OF METROPOLITAN**

**MAKASSAR, MAROS, SUNGGUMINASA, TAKALAR (MAMMINASATA)  
AREA**

**NATIONAL SPATIAL PLAN COORDINATION BOARD**

**SECRETARIAT OF TECHNICAL TEAM: DIRECTORAT GENERAL OF  
SPATIAL PLANNING**

**MINISTRY OF PUBLIC WORKS**

**DRAFT**

**PRESIDENTIAL DECREE OF THE REPUBLIC OF INDONESIA**

**(NUMBER: \_\_\_\_ OF \_\_\_\_)**

**CONCERNING**

**SPATIAL PLAN OF METROPOLITAN  
MAKASSAR MAROS SUNGGUMINASA TAKALAR (MAMMINASATA)  
AREA**

**With the Blessing of Almighty God**

**President of the Republic of Indonesia**

- Considering:**
- a. that based on Government Regulation Number \_\_\_\_ Year \_\_\_\_ concerning National Spatial Plan and Spatial Plan of Makassar, Maros, Sungguminasa and Takalar area are categorized as spatial plans of special areas, which require specific treatment;
  - b. that Makassar, Maros, Sungguminasa and Takalar area has been developing to become an integrated urban area which requires integrated management to handle any issues occurred due to development of the urban area;
  - c. that South Sulawesi Province has vision to makes the area becomes a notable region which relies on local independency particularly through development of Makassar, Maros, Sungguminasa and Takalar area as development activator in South Sulawesi Province;
  - d. that in relation with points a, b and c above, it is indispensable to regulate the spatial planning of Makassar, Maros, Sungguminasa and Takalar area with Presidential Regulation.

- In view of:**
1. Article 4 Clause (1) of the 1945 Indonesian Constitution;
  2. Law No. 5 of 1990 concerning Biological Natural Resources and the Ecosystems (State Gazette No. 1990/49 of 1990, Supplement to the State Gazette No. 3419);
  3. Law No. 24 of 1992 concerning Spatial Planning (State Gazette No. 115 of 1992, Supplement to the State Gazette No. 3501);
  4. Law No. 41 of 1999 concerning Forestry (State Gazette No. 167 of

- 1999, Supplement to the State Gazette No. 3888);
5. Law No. 32 of 2004 concerning Regional Governance (State Gazette No. 125 of 2004, Supplement to the State Gazette No. 4437);
  6. Law No. 33 of 2004 concerning Fiscal Balance between Central Government and Regional Government (State Gazette No. 126 of 2004, Supplement to the State Gazette No. 4438);
  7. Government Regulation No. 47 of 1997 concerning National Spatial Plan (State Gazette No. 96 of 1997, Supplement to the State Gazette No. 3721);
  8. Government Regulation No. 25 of 2000 concerning Authority of Central Government and Regional Government as Autonomous Region (State Gazette No. 54 of 2000, Supplement to the State Gazette No. 3952);
  9. Government Regulation of South Sulawesi Province No. 10 of 2003 concerning Spatial Plan of Mamminasata Metropolitan Area;
  10. Decree of Governor of South Sulawesi No. 860/XII/of 2003 concerning Establishment of Mamminasata Metropolitan Development Cooperation Board (MMDCB) (Makassar, Maros, Sungguminasa/Gowa, Takalar)

## **DECIDES:**

**To Stipulate:** PRESIDENTIAL DECREE OF THE REPUBLIC OF INDONESIA CONCERNING SPATIAL PLAN OF METROPOLITAN MAKASSAR, MAROS, SUNGGUMINASA, TAKALAR AREA

## **CHAPTER I**

### **GENERAL PROVISION**

#### *Part One*

#### *Definition*

#### **Article 1**

In this Presidential Decree, the following terms are defined as follows:

1. **Spatial plan** shall mean the result of spatial planning.
2. **Spatial planning** shall mean the process of spatial planning activities, spatial utilization, and control of spatial utilization.

3. **Strategic area** shall mean the area which is nationally stipulated has strategic value and prioritized in term of its spatial planning.
4. **Protection area** shall mean area designated with the primary function to preserve the environment encompassing natural resources and man-made resources.
5. **Absorption area** shall mean area with highly absorb capacity on rain water and as earth water container which function as water resources.
6. **River borderline** shall mean area along left and right sides of river including man-made river/canal/primary irrigation channel which function for river conservation.
7. **Coastal line** shall mean area along coast which function for coastal conservation.
8. **Spring water area** shall mean area surrounding spring water which functions for spring water conservation.
9. **Lake/dam/situ area** shall mean area surrounding lake/dam/situ which function for lake/dam/situ conservation.
10. **Situ** shall mean an inundation area above land surface which characterized as naturally or un-naturally created, water resourced from ground water or surface water, potentially hidrologic circle, and one of protection area forms.
11. **Swamp** shall mean naturally inundated area, either continuously or seasonally watered, has specific phisical, chemical and biological characteristics.
12. **Mangrove area** shall mean coastal sides which are naturally mangrove habitat that function for coastal and sea conservation.
13. **Natural preservation area** shall mean natural reservation area which due to its natural condition hasspecific characteristics of plants, animal and ecosystem and shall be protected and grows naturally.
14. **Natural reservation area** shall mean area with specific characteristics on land and water that has the main function for plant, animal, and ecosystem conservation.
15. **National park** shall mean natural conservation area with natural ecosystem, managed with zoning system and functions for research, knowledge, education, cultural and tourism purposes, and recreation park.
16. **Wildlife reserve area** shall mean natural area which function for plant and animal collection naturally or unnaturally, original or unoriginal, and to be used for research, knowledge, education, cultural and tourism purposes, and recreation park.
17. **Natural tourism area** shall mesan natural conservation area which particularly function for natural tourism purposes.
18. **Culutara preservation area** shall mean area which is the location of high value man-made buildings or special natural geologically made form that can be useful for knowledge development.
19. **Cultivation area** shall mean area designated with cultivation as primary function based on condition and potential of natural resources, human

resources and man-made resources.

20. **Plantation area** shall mean agricultural area with annual plant as main crops which are cultivated by using low to high technology with attention to land and water conservation principles. This area is in the form of big plantation, people plantation, and production forest.
21. **Irrigated agricultural area** shall mean agricultural cultivated area with paddy as the main crop and has permanent irrigation system that supplies water continuously, seasonally or periodically.
22. **Un-irrigated agricultural area** shall mean dry land area which the condition and physical characteristics suitable for food crops, horticultural crops, plantation, and animal husbandry.
23. **Settlement area** shall mean part of living environment outside protection area which function as area for human to live, settle and conduct activities for life.
24. **Mamminasata Metropolitan area** shall mean urban areas which cover Makasar City, part of Kabupaten Maros, part of Kabupaten Gowa, and Kabupaten Takalar, hereinafter shall be called as Mamminasata area.
25. **Zone** shall mean area with particular utilization which has particular measures and standards.
26. **Urban planning zone (cultivation area)** shall mean city or urban area with population concentration and providing working place where needs integrated development and to be conserved. The area needs urban development such as residential area, industrial area and other urban function.
27. **Promotion area of category 1 (Zona B1)** shall mean already urbanized area with high population concentration and urban development has to be well controlled to avoid further deterioration of urban environment. Improvement of urban amenity and efficient land utilization is the priority concern for the land use control.
28. **Promotion area of category 2 (Zona B2)** shall mean area where urbanization has begun recently. Since urbanization level is still low, proper control shall be applied for urbanization.
29. **Urban control area (Zona B3)** shall mean low utilization urban area such as swamp, inundation/flood prone area, green open space. Development activities are strictly regulated.
30. **Semi-urban planning zone (cultivation area)** shall mean area outside urban planning zone where some building constructions have already started or expected to start in the near future. The area has risk of negative impact on environment and urban development if the area is left alone without proper land use plan.
31. **Agricultural priority area (Zona B4)** shall mean irrigation area which is used for agricultural activities wherein development activities area strictly regulated for the purpose to protect agricultural production.
32. **Agricultural and settlement area (Zona B5)** shall mean area where urbanization has not begun and utilized either for agricultural purposes or no



- utilization. Urbanization with control measures are directed in this area wherein new towns, industrial zones, education/research and developments are planned in this area.
33. **Semi-urban control area (Zona B6)** shall mean low utilization semi-urban area such as swamp, inundation/flood prone area, green open space wherein development activities are strictly regulated.
  34. **Production Forest Zone** shall mean existing forest area that can be utilized for economic activities.
  35. **Afforestation area (Zona B7)** shall mean hilly area surrounded by forest area and presently grass land that create production forest with intensive afforestation.
  36. **Protection Zone** shall mean environmentally important area (forest, water) and designated for protection purpose wherein development activities are strictly limited.
  37. **Protection forest area (Zona N1)** shall mean existing forest area where should be protected wherein development activities are strictly regulated.
  38. **Water-front reserve (Zona N2)** shall mean rivers, lakes, oceans areas wherein development activities are strictly regulated.
  39. **regional infrastructures** shall mean basic physical structures/amenities which enable an area to function well.
  40. **Reclamation** shall mean activities to pile up and dried up coastal side of sea.
  41. **Government** shall mean central government which is the apparatus of the Republic of Indonesia consisting the President and ministers.
  42. **Region (Daerah)** shall mean South Sulawesi Province, Makassar City, Kabupaten Maros, Kabupaten Gowa, dan Kabupaten Takalar;
  43. **Local government** shall mean Head of Region (*Kepala Daerah*) with Regional Autonomy apparatus as regional executive body.
  44. **Kepala Daerah** (Head of Region) shall mean the Governor of South Sulawesi Province, Mayor of Makassar City, *Bupati* (head of district) of Kabupaten Maros, Bupati of Kabupaten Gowa, and Bupati of Kabupaten Takalar.
  45. **Governor** shall mean the Governor of South Sulawesi Province.
  46. **Bupati/Mayor** adalah Makassar Mayor, Bupati Maros, Bupati Gowa, dan Bupati Takalar.
  47. **Institution** shall mean government central or local institutions .
  48. **Minister** shall mean the minister who has the role to coordinate spatial planning as referred to in Article 29 clause (1) of Law No. 24 Year 1992.
  49. **Society involvement** shall mean various spatial planning related activities which conducted based on the society's own wills.

## ***Part Two***

### ***Objective and Target***

#### **Article 2**

(1) Objectives of spatial planning for Mamminasata Metropolitan Area are as follows:

- a. to set up a common target and common image for the future Mamminasata (2020) for the benefit of all people and stakeholders in Mamminasata;
- b. to create a dynamic, hafrmonized, livable, harmonious, and productive metropolitan area along with the preservation of environmental function and sustainable development;
- c. to enhance the living standard of Mamminasata community, ensuring employment, and adequate social service, activating the economy and mitigating risk; and
- d. to serve as a model for future development of regional Metropolitan area in Indonesia.

(2) Targets of spatial planning implementation for Mamminasata Metropolitan Area are as follows:

- a. to achieve 2.48 millions moderate population rate in 2010 and 2.88 millions in 2020;
- b. to achieve 6.9% unemployment rate in 2010 and 5.2% in 2020;
- c. to achieve 7.1% GRDP growth rate in 2020;
- d. to achieve 3~14% poverty rate based on district;
- e. to achieve 1.3 % of GRDP public investment framework;
- f. to achieve 25,000 ha afforestation area; and
- g. to create spatial structure which can mitigate urban congestion and urban sprawl by developing new towns.

## ***Part Three***

### ***Function***

#### **Article 3**

Function of spatial planning for Mamminasata Metropolitan area are as guideline for all development implementers, who are directly or indirectly involve in the implementation of integrated spatial planning, and as controller of urban development, among kabupaten/city in Mamminasata Metropolitan area.

***Part Four***

***Scope***

***Paragraph 1***

***Covered Area***

**Article 4**

The areas of Mamminasata cover:

- a. all parts of Makassar City;
- b. some parts of Maros District include Maros Baru, Turikale, Marusu, Mandai, Moncongloe, Bontoa, Lau, Tanra'ili, Tompobulu, Bantimurung, Simbang and Cenrana sub-districts;
- c. some parts of Gowa District; include Somba Opu, Bontomarannu, Pallangga, Bajeng, Parangloe, and Bontonompo Sub-districts; and
- d. all parts of Takalar District.

***Paragraph 2***

***Management Scope***

**Article 5**

This scope of management covers policies, Mamminasata spatial planning, land use strategies of the area; control strategy on land use of the area; and institutionalism, society involvement and guidance.

**CHAPTER II**

**POLICY AND STRATEGY**

***Part One***

***Spatial Planning Policy***

**Article 6**

Policies of Mamminasata spatial planning shall be directed to:

- a. become activator for regional development in Mamminasata and its surrounding area as well as in Eastern Indonesia;

- b. develop a just socio-culture of community;
- c. develop sustainable utilization of natural and unnatural resources; and
- d. develop environmental function protection.

### ***Part Two***

### ***Spatial Planning Strategy***

#### **Article 7**

Spatial planning strategy for Mamminasata Metropolitan Area is the implementation of policies as referred to in Article 6 which encompasses:

- a. Mamminasata as the hub of logistic and trade in Eastern Indonesia;
- b. Mamminasata to spearhead overall development of Sulawesi;
- c. Mamminasata as center of natural resources processing in Eastern Indonesia;
- d. reduction in pollutants and environment loads;
- e. creation of recycle-oriented society;
- f. enhancement of locally added values;
- g. demand oriented service delivery;
- h. participatory approach in spatial planning and implementation;
- i. improvement of implementability of spatial plan.

## **CHAPTER III**

### **MAMMINASATA METROPOLITAN SPATIAL PLANNING**

#### ***Part One***

#### ***General***

#### **Article 8**

The Spatial Plan for Mamminasata Metropolitan Area contains:

- a. spatial structure;
- b. spatial utilization pattern; and
- c. improvement and enhancement of environment.

***Part Two***

***Spatial Structure***

**Article 9**

- (1) Spatial structure consists of regional infrastructure and facility system and settlement center system.
- (2) Regional infrastructure and facility system as referred to in clause (1) includes:
  - a. land transport system;
  - b. sea transport system;
  - c. air transport system;
  - d. raw water supply system;
  - e. sewerage system;
  - f. drainage and flood control system;
  - g. solid waste management system;
  - h. electricity system; and
  - i. telecommunication system.
- (3) Regional infrastructure and facility system as referred to in Clause (2) is planned in integrated manner between districts/city involving participation of community and private sector, taking the functions and direction of settlement center system development into account.

***Part Three***

***Spatial Utilization Pattern***

**Article 10**

- (1) Cultivation Zone is classified into the following zones/areas:
  - a. Urban Planning Zone, divided into three areas as follows:
    - 1) Promotion Area of Category 1 hereinafter referred to as B1 Zone;
    - 2) Promotion Area of Category 2 hereinafter referred to as B2 Zone; and
    - 3) Urban Control Area hereinafter referred to as B3 Zone.
  - b. Semi-Urban Planning Zone divided into three areas as follows:
    - 1) Agricultural Priority Area hereinafter referred to as B4 Zone;
    - 2) Agricultural and Settlement Area hereinafter referred to as B5 Zone; and
    - 3) Semi-Urban Control Area hereinafter referred to as B6 Zone;

- c. Production Forest Zone divided into one area as follows:
  - 1) Afforestation Area hereinafter referred to as B7 Zone;
- (2) Protected Zone is classified into the following utilization zone/areas:
  - a. Conservation Zone divided into two areas as follow:
    - 1) Protection Area hereinafter referred to as N1 Zone;
    - 2) Water-front Reserve Area hereinafter referred to as N2 Zone;

## **CHAPTER IV**

### **AREA SPATIAL UTILIZATION STRATEGY**

#### ***Part One***

#### ***Development Strategy for Settlement System***

##### **Article 11**

A basic structure for Mamminasata spatial planning is designed as “fan structure” which aims to reduce heavy congestion and urban sprawl in Makassar and to improve urban amenity by establishing new settlements outside Makassar (Maros and Gowa) together with development of west-east and north-south road network connecting existing urban area and new settlement areas.

#### ***Part Two***

#### ***Development Strategy for Regional Infrastructure Network System***

##### **Article 12**

Transport system development is directed to integrity and reciprocally intra- and inter-mode support by taking transport service users’ facility and efficiency into account based on origin-destination analysis in the centers of activities.

##### **Article 13**

- (1) Land transport system as referred to in Article 9 clause (2) point a is directed to integrate with sea and air transports.
- (2) Management and development of land transport system in Mamminasata Metropolitan Area are directed to:
  - a. Alleviating present and anticipated traffic congestions;

- b. Strengthening economic linkage within the Mamminasata Metropolitan Area and contribute to initiate and/or accelerate economic growth in this region; and
  - c. Offering equal opportunity to the growth by providing access that covers four regencies, now showing a wide gap in the standard of living.
- (3) Direction of land transport system is illustrated in the 1:50.000 scale map as shown in Annex-1 of this Presidential Decree.

#### **Article 14**

- (1) Sea transport system as referred to in Article 9 clause (2) point b is directed to integrate with land and air transport systems
- (2) Arrangement and development of sea transport system in Mamminasata Metropolitan Area is directed to support smooth in and out of goods and passengers from and out of the area.
- (3) To ensure the safe sailing and sustainable seaport operation, spatial planning around the port must take the master plan and safe sailing procedure into account.

#### **Article 15**

- (1) Air transport system as referred to in Article 9 clause (2) point c is directed to integrate with land and sea transport systems.
- (2) Arrangement and development of air transport system in Mamminasata Metropolitan Area is directed to support smooth in and out of goods and passengers from and out of the area.
- (3) To ensure safe flight operation and sustainable operation of airport, spatial planning around the airport should take the master plan of airport and safe flight operation procedure in the area into account.

#### **Article 16**

- (1) Raw water supply as referred to in Article 9 clause (2) point d is conducted by utilizing the existing resources and infrastructure development
- (2) Management of raw water system should take into account the water supply and requirement balance for agricultural, industrial, domestic, urban, and river maintenance purposes as well as environment balance in integrated manner.
- (3) Raw water infrastructure development can be carried out through construction and management of multi-purpose dam, intake canals, site management, and river maintenance.
- (4) Management strategy of raw water supply system is done by maintaining the balance between requirement and supply as well as conservation of watershed

and other water resources whose management is done through inter-district cooperation.

- (5) Direction of raw water system management is illustrated in .... in 1:50,000 scale map as the annex in this Presidential Decree.

#### **Article 17**

- (1) Sewerage system as referred to in Article 9 clause (2) point e shall take quality of environment sanitation into account and minimize ground water and surface water pollution.
- (2) Sewerage system strategy is directed to reduce, reuse, and supply sewerage system management infrastructure and facilities for domestic and industrial activities by taking liquid waste quality standard into account.
- (3) Sewerage system for domestic/household activities is separated from industrial sewerage system.
- (4) Sewerage system is carried out centrally especially in dense housing area, business center, and industrial centers.
- (5) Other stipulations in relation to sewerage system management are regulated relevant to the stipulation of prevailing laws and regulations.

#### **Article 18**

- (1) Drainage and flood control system as referred to in Article 9 clause (2) point f is directed to reduce flood disaster and water inundation in settlement, industry, trade, office, agriculture land, and road areas.
- (2) Drainage and flood control strategy is conducted through operation and maintenance system including ditch cleaning and facility operation and management.
- (3) Direction of drainage and flood control infrastructure development in Mamminasata Metropolitan Area includes the following:
  - a. reforestation and greening of catchment area.
  - b. arrangement of river area and tributaries
  - c. normalization of main rivers and tributaries.
  - d. flood control reservoir development and preservation of sites and water retention area.
  - e. development of flood control infrastructures.
  - f. development of drainage infrastructure.
- (4) Establishment of prioritized rivers as referred to in clause (3) points b and c is further regulated by Regional Government.
- (5) Direction of flood control as illustrated in ... with 1:50.000 scale map as annex in this Presidential Decree.



**Article 19**

- (1) Integrated solid waste management system in Mamminasata Metropolitan Area as referred to in Article 9 clause (2) point g is conducted through inter-regional cooperation involving people participation and private sector.
- (2) Solid waste management strategy in Mamminasata Metropolitan Area is conducted to minimize garbage volume, to reuse, recycle, and process the garbage by taking the technical criteria and or prevailing laws and regulations into account.
- (3) Direction of integrated garbage treatment in Mamminasata Metropolitan Area should take into account the determination of final disposal venue with sanitary landfill pattern which does not pollute the environment.
- (4) Determination of location for final disposal in Mamminasata Metropolitan Area should take into account the capacity and volume of domestic and non-domestic garbage in safe distance which would not pollute the surrounding area.

**Article 20**

- (1) Electricity system in Mamminasata as referred to in Article 9 clause (2) point h aims to stabilize the power supply to meet residential, commercial and public/service demand
- (2) Electricity system in Mamminasata Metropolitan Area is conducted through increasing transformer capacity of sub-stations, power plants and energy saving campaign.
- (3) Electricity system is implemented under PPP (Private-Public Partnership)

**Article 21**

- (1) Telecommunication system as referred to in Article 9 clause (2) point i aims to increase capacity of fixed wireless telephone system and to increase internet service through high-speed access service to attain the objective a “logistical and trade hub” in Eastern Indonesia.
- (2) Since the improvement in the telecommunication sector is to be promoted by the private sector, minimal intervention is expected from the public sector.
- (3) Further competition among private enterprise should be encouraged for the best benefit of the people in Mamminasata.

**Part Three**

**Management of Protected Zone**

**Article 22**

- (1) Conservation Zone as referred to in Article 10 clause (2) point a is the zone with the following characteristics ...
- (2) Conservation Zone is further elaborated into two areas, namely:
  - a. protected forest area (N1); and
  - b. water-front reserves area (N2).

**Article 23**

- (1) Protected forest area (N1) as referred to in Article 22 clause 2 is the existing forest area.
- (2) Spatial utilization in the Protected Forest Area (N1) shall be directed to:
  - a. protect existing forest to conserve natural environment and development activity is strictly regulated; and
  - b. stipulate the importance of permit for conducting any activities.
- (3) Further stipulation regarding spatial utilization is regulated in Annex .... concerning Guideline of Spatial Use which is un-separated part of this Presidential Decree.

**Article 24**

- (1) Water-front Reserve Area (N2) as referred to in Article 22 clause 2 consists of:
  - a. coastal water-front area;
  - b. river corridor area;
  - c. swamp and pond area; and
  - d. lakes including manmade water reservoirs.
- (2) Spatial utilization in the Water-front Reserve Area (N2) is directed for:
  - a. protect Water-front Reserve Area to conserve natural environment and development activity is strictly regulated; and
  - b. stipulate the importance of permit for conducting any activities.
- (3) Further stipulation regarding spatial utilization in the Water-front Reserve Area (N2) is regulated in Annex ... concerning guideline of Land Use which is un-separated part of this Presidential Decree.

**Article 25**

- (1) In Protected Area, any cultivation activity which may hamper the protection

functions is prohibited.

- (2) In case that the cultivation activity is carried out in the protection area, it should ensure that it would not hamper the protection function of the area.
- (3) Regional Government assists in conducting the rehabilitation, reforestation, and greening in the protected area as referred to in Article 23 with permanent vegetation coverage.

#### ***Part Four***

#### ***Management of Cultivation Zone***

#### **Article 26**

- (1) Urban Planning Zone as referred to in Article 10 clause (1) point (a) is the zone characterized by full development and developing urban area where more effective and efficient land utilization is needed.
- (2) Urban Planning Zone is then elaborated in three kinds of development, namely:
  - a. Promotion Area of Category 1 (B1);
  - b. Promotion Area of Category 2 (B2); and
  - c. Urban Control Area (B3).

#### **Article 27**

- (1) Promotion Area of Category 1 (B1) as referred to in Article 26 clause (2) point a is the urban area with high level of urbanization, namely all parts of Makassar City and Sungguminasa Town (Gowa)
- (2) Spatial utilization in Promotion Area of Category 1 (B1) is for Housing, Commerce, Education/Social Facilities, and Industry that is not hazardous to environment, and ensuring the infrastructure availability.
- (3) Efficient land utilization is actively promoted by developing high rise area in commercial area and implementing re-development project or land readjustment project.
- (4) Landscape improvement is promoted in cultural and historical area.
- (5) Further stipulation regarding spatial utilization in Promotion Area of Category 1 (B1) is regulated in Annex .... concerning Guideline of Land Use which is un-separated part of this Presidential Decree.

#### **Article 28**

- (1) Promotion Area of Category 2 (B2) as referred to in Article 27 clause (2) point b is the urban area which newly experiences urbanization process, i.e. Maros and Takalar towns.

- (2) Spatial utilization in Promotion Area of Category 2 (B2) is for Housing, Commerce, Education/social facility and industry with certain kinds of industries, large scale and ensuring infrastructure availability.
- (3) Further stipulation regarding spatial utilization in Promotion Area of Category 2 (B2) is regulated in Annex .... concerning Guideline of Land Use which is un-separated part of this Presidential Decree.

### **Article 29**

- (1) Control Area for Urban Planning Zone (B3) as referred to in Article 26 clause (2) point c is directed for swamp area, flood/inundation area and open green space with function to ensure the urban environment quality.
- (2) Spatial utilization in Urban Control Area (B3) allows the education and/or social facility development with scale relevant to the prevailing laws and regulations. Spatial utilization for industry, housing and commerce is not allowable.
- (3) Further stipulation regarding spatial utilization in Control Area for Urban Planning Zone (B3) is regulated in Annex .... concerning Guideline of Land Use which is un-separated part of this Presidential Decree.

### **Article 30**

- (1) The management of spatial utilization in Promotion Area of Category 1 (B1) as referred to in Article 27 clause (1) is directed for well controlled development to avoid further deterioration of urban environment and improvement of urban amenity (parks and green area) and efficient land utilization.
- (2) The management of Spatial utilization in Promotion Area of Category 2 (B2) as referred to in Article 27 clause (2) is directed for implementation of proper urban control for avoiding deterioration of urban environment in the future.
- (3) The management of Spatial utilization in Control area for Urban Planning Zone (B3) stated in Article 29 is directed for controlling development to protect natural and social environment.

### **Article 31**

- (1) Semi-Urban Planning Zone as referred to in Article 10 clause (1) point b is the zone with agricultural and settlement characteristics potential for future development
- (2) Semi-Urban Planning Zone is then elaborated in three kinds of development as follows:
  - a. Agricultural Priority Area (B4);

- b. Agricultural and Settlement Area (B5); and
- c. Semi-Urban Control Area (B6).

### **Article 32**

- (1) Agricultural Priority Area (B4) as referred to in Article 31 clause (2) is the area directly benefited from Bili-bili technical irrigation program in some parts of Takalar District and some parts of Gowa District.
- (2) Spatial utilization in Agricultural Priority Area (B4) allows education and/or social facility development in scale relevant to the prevailing laws and regulations. Spatial utilization for industry, housing and commerce is not allowed. Development activities are regulated with tight regulation to protect the agricultural production.
- (3) Further stipulation regarding spatial utilization in Agricultural Priority Area (B4) is regulated in Annex ... concerning Guideline of Land Use which is un-separated part of this Presidential Decree.

### **Article 33**

- (1) Agricultural and Settlement Area (B5) as referred to in Article 31 clause (2) point b is the area which is presently non-technical irrigation area, and slumbering, or dry land, i.e. some parts of Takalar District (whole area of Mangarabombang; greater part of Polombangkeng Selatan; small part of Mappakasunggu, Polombangkeng Utara and Pattallassang), some parts of Gowa District (whole area of Bontomarannu; greater part of Somba Opu and Pattallassang; and small part of Parangloe and Manuju), and some parts of Maros District (whole area of Lau and Marusu; greater part of Bontoa, Maros Baru, Tanralili and Moncongloe; and small part of Bantimurung, Turikale, Simbang, Mandai and Tompobulu).
- (2) Spatial utilization in Agricultural and Settlement Area (B5) allows development of industry, housing, commerce and education and/or social facilities relevant to regulation concerning kinds, scale and condition of infrastructure.
- (1) Further stipulation regarding spatial utilization in Agricultural and Settlement Area (B5) is regulated in Annex ... concerning Guideline of Land Use which is un-separated part of this Presidential Decree.

### **Article 34**

- (1) Semi-Urban Control Area (B6) as referred to in Article 31 clause (2) point c is directed for swamp area, flood/inundation area, and open green space functioning to ensure the environment quality in Maros District (small part of

Turikale, Cenrana and Tompobulu).

- (2) Spatial utilization in Control Area allows the development of education and/or social facility in scale relevant to the prevailing laws and regulations. Spatial utilization for industry, housing and commerce is not allowed.
- (3) Further stipulation regarding spatial utilization in Control Area for Semi-Urban Planning Zone is regulated in Annex ... concerning Guideline of Land Use which is un-separated part of this Presidential Decree.

#### **Article 35**

- (1) Management of Spatial utilization in Agricultural Priority Area (B4) as referred to in Article 31 clause (1) is directed for agricultural production
- (2) Management of Spatial utilization in Agricultural and Settlement Area (B5) as referred to in Article 33 clause (1) is directed for development new towns, commercial and industrial area.
- (3) Management of Spatial utilization in Control Area for Semi-Urban Planning Zone as referred to in Article 34 clause (1) is directed for controlling development.

#### **Article 36**

- (1) The function of Agricultural Area with technical irrigation is not transferable for other purposes.
- (2) If the transfer is needed, it is subject to license from authoritative agency.
- (3) Transfer of function must not reduce the benefits which can be obtained from Bili-bili Technical Irrigation Program.

#### **Article 37**

- (1) Afforestation Area as referred to in Article 10 clause (1) point c is the area with hills surrounded by forest area presently grass land
- (2) Spatial utilization in Afforestation Area (B7) is directed to promote afforestation for green area promotion and for economic activity promotion
- (3) Further stipulation regarding spatial utilization in Afforestation Area (B7) is regulated in Annex .... concerning Guideline of Land Use which is un-separated part of this Presidential Regulation.

#### **Article 38**

- (1) In Cultivation Zone, development promotion area (priority cultivation area) is determined with the following criteria:
  - a. to be situated in Urban or Semi-Urban Planning Zone but not in

Conservation Zone

- b. to be a model in terms of urban planning technology, of which the approach can be referred or applied to future similar development cases, and
  - c. to be flagship/strategic development which can represent the concept of Mamminasata.
- (2) Development promotion area as referred to in clause (1) covers:
- a. swamp Area Conservation in Estuary of Tallo River
  - b. downtown Renovation in Makassar City
  - c. new Urbanization in Maros and Gowa
- (3) Further decision for determination of location of development promotion area is established through collective decision under cooperation among districts/city and Development Coordination Board.

**Article 39**

Pattern of Area Spatial utilization as referred to in Articles 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36 is illustrated in the Map of Spatial Utilization and Spatial Structure for Mamminasata Metropolitan Area in 1:50.000 scale map as Annex ... in this Presidential Decree.

**Article 40**

- (1) Spatial utilization of Urban Planning Zone, Semi Urban Planning Zone, Production Forest Zone and Conservation Zone relevant to the stipulation in this Presidential Decree is carried out through regulation issued, both by central and regional government relevant to the authority determined by the prevailing laws and regulations.
- (2) Rights of management in regional spatial utilization of Spatial utilization of Urban Planning Zone, Semi Urban Planning Zone, Production Forest Zone and Conservation Zone are delegated to Regional Government relevant to the prevailing laws and regulations.
- (3) Implementation of stipulation as referred to in clause (1) is done through coordination among institutions
- (4) Regulation as referred to in clause (1) is obliged to take into account:
  - a. Detail spatial plan established;
  - b. Technical conditions.

**Part Five**

**Priority Program Indication**

**Article 41**

Effort to realize the Integrated Spatial Plan for Mamminasata Metropolitan Area is applied in the priority program indications as stated below, which is un-separated part of this Presidential Decree. Details are listed in Annex.

- a. Economic development
  - 1) agricultural products quality improvement;
  - 2) manufacturing and trade technique and cluster strengthening support;
  - 3) investment and trade strengthening;
  - 4) cluster development of selected commodities; and
  - 5) improvement of Fort Rotterdam and beach area.
- b. Urban environment and infrastructure improvement
  - 1) improvement in municipal water supply;
  - 2) wastewater management;
  - 3) solid waste management; and
  - 4) greenery and riparian environment improvement.
- c. Economic infrastructure improvement
  - 1) Mamminasata artery road improvement;
  - 2) traffic management improvement; and
  - 3) power transmission and distribution improvement.
- d. Institutional strengthening
  - 1) organizational strengthening;
  - 2) legislation strengthening; and
  - 3) information management strengthening.

**CHAPTER V**

**AREA SPATIAL UTILIZATION CONTROL STRATEGY**

**Article 42**

- (1) Spatial plans of districts/city related to Mamminasata Metropolitan Area must be adjusted to the Spatial Plan of Mamminasata Metropolitan Area.
- (2) Spatial plan of Mamminasata Metropolitan Area as referred to in Article 4 is elaborated by MMDCB in coordination with Governor into detailed spatial plan consisting of:
  - a. Detail plan of spatial plan with minimal scale of 1:10,000 established in Regional Regulation



- b. Technical spatial plan with minimal scale 1:5,000 established with Decree of Regent/Mayor
- (3) Detailed Plan of spatial plan as referred to in clause (1) is based on Natural Conservation Index<sup>1</sup> and Actual Conservation Index<sup>2</sup> which are then used to determine Coefficient of building Base, Coefficient of Building Floor, Demarcation of Land Coverage, making of absorption well, planting of hard plants, and Technology Engineering.
  - (4) Governor and Regent/Mayor socialize the Detailed Plan of Spatial Plan as referred to in clause (1)
  - (5) Any spatial utilization must get the permit relevant to the spatial plan established.
  - (6) Government Regulation concerning detailed plan of spatial plan and Decree of Regent/Mayor concerning Spatial Technical Plan as referred to in clause (2) are stipulated through coordination with Governor.

#### **Article 43**

- (1) Permit of spatial utilization as referred to in Article 42 clause (5) can be given if applicant or his/her proxy fulfills the technical requirements in utilizing space and or utilizing the building.
- (2) Stipulation as referred to in clause (1) is relevant with the spatial plan established.

#### **Article 44**

- (1) Control of spatial utilization is carried out through licensing, inspection, and orderliness of spatial utilization.
- (2) Control of spatial utilization as referred to in clause (1) is implemented also in the application of land right.
- (3) Application of right upon the land as referred to in clause (2) is carried out if the applicant or land right holder or the proxy fulfills the conditions/requirements for land use.
- (4) Stipulation as referred to in clause (3) is relevant with spatial plan established.

#### **Article 45**

- (1) Control of spatial utilization is carried out by MMDCB with community

---

<sup>1</sup> Parameter showing ideal hydrological conditions for conservation calculated based on some variables of rainfall, stone kinds, sloppiness, height, and land use.

<sup>2</sup> Parameter showing existing hydrological conditions for conservation calculated based on some variables of rainfall, stone kinds, sloppiness, height, and land use

participation.

- (2) Coordination for control of spatial utilization is done by Governor who is responsible to the President through Minister
- (3) In the control of spatial utilization, Governor takes the directions from Minister into consideration.
- (4) Control of spatial utilization is carried out relevant to the prevailing laws and regulations.

#### **Article 46**

Supervisions as referred to in Article 44 are carried out in form of reporting, monitoring and evaluation activities in sustainable manner by Head of Region, community participation and private sector.

#### **Article 47**

- (1) Reporting activity as referred to in Article 46 regarding progress of spatial utilization in Mamminasata Metropolitan Area is as follows.
  - a. Progress report on spatial utilization in Mamminasata Metropolitan Area is made periodically and gradually, from Head of Village in Mamminasata Metropolitan Area who informs the monthly report to Head of Sub-district and Head of Sub-district who informs the monthly report to MMDCB and MMDCB that informs the progress of spatial utilization to Governor quarterly and finally Governor semi-annually reports the progress to Minister;
  - b. The reports are equipped with reporting materials as follows:
    - 1) Progress of physical development;
    - 2) Progress of giving, admission, cancellation, revocation, movement, transfer, enhancement, prolongation, merger, and separation as well as change of land right;
    - 3) Progress of functional change and spatial utilization as well as permit of building construction;
    - 4) Problems that should immediately be solved;
    - 5) Problems that will emerge and need to anticipate.
  - c. Report as referred to in point (a) and (b) is objective information concerning spatial utilization relevant or irrelevant to spatial plan.
- (2) Reporting activity on progress of spatial utilization in Mamminasata Metropolitan Area which is conducted with people participation and private sector as referred to in Article 46, can be done directly by Head of Village, Head of Sub-district, Regent/Mayor, Governor, Minister and President any time relevant to stipulation of prevailing rules and regulations.
- (3) Further stipulation regarding method of reporting as referred to in clause (1) is established by Minister.

#### **Article 48**

Monitoring activity as referred to in Article 46 regarding the development of spatial utilization in Mamminasata Metropolitan Area is as follows:

- a. monitoring is carried out towards activities in protection and cultivation areas by taking the level of suitability to spatial plan into account;
- b. monitoring to cultivation activities in protection area and wetland agricultural area is done by taking the dependency level to the fore-established functions into consideration;
- c. monitoring as referred to in points a and b is conducted by Head of Village, Head of Sub-district, MMDCB, Governor and Minister, as referred to in Article 46; and
- d. monitoring as referred to in point a, b and c is the effort to observe, supervise, and examine precisely the changes in quality of spatial plan and environment which are no suitable to the spatial plan.

#### **Article 49**

(1) Evaluation activity as referred to in Article 46 to the development of spatial utilization in Mamminasata Metropolitan Area is conducted by:

- a. head of village towards the report addressed by the community and private sector;
- b. head of sub-district towards the report given by Head of Village and or community and private sector;
- c. MMDCB towards the report addressed by Head of Sub-district and or Head of Village and or community and private sector;
- d. Governor towards the report addressed by MMDCB and or Head of Sub-district and or Head of Village and or community and private sector; and
- e. Minister towards the report addressed by Governor and or MMDCB and or Head of Sub-district and or Head of Village and or community and private sector.

(2) Evaluation activity as referred to in clause (1) is done based on results of reporting activity and monitoring of materials of reporting as referred to in Articles 47 and 48 relevant to requirements and problems handled.

(3) Evaluation activity as referred to in clauses (1) and (2) is carried out to assess the progress of spatial utilization activity in the implementation of stipulation in this Presidential Decree, detailed plan of spatial plan and Technical Spatial Plan in Mamminasata Metropolitan Area.

#### **Article 50**

(1) Orderliness of spatial utilization as referred to in Article 44 (1) is done based on evaluation on spatial utilization development as referred to in Article 49 (1).

- (2) Orderliness of spatial utilization is done by authoritative government officials in the local area towards the violation of spatial utilization:
  - a. in protected area, which hampers the natural stretch, disturbs soil fertility and conservation, hydrological functions, vegetation and animal conservation, as well as conservation of environment functions;
  - b. in cultivation area which hampers the natural stretch, disturbs soil fertility and conservation, hydrological functions, vegetation and animal conservation, as well as suitability of environment function; change of function of technically irrigated fields for other activities in addition to the increase of paddy production by still maintaining the existing water resources system, *mengurug situ*, conducting the C-type mining (sand mining) activities,
  - c. Rules of spatial utilization in detail are elaborated in Guideline of Land Use. As referred to in Annex ... is un-separated part of this Presidential Decree.
- (3) Orderliness of spatial utilization as referred to in clause (2) is conducted in form of sanctions relevant to Regional Regulation.
- (4) Forms of sanctions as referred to in clause (3) include action to rehabilitate the functions of area and orderliness of building in protection area and cultivation area.

#### **Article 51**

- (1) Rehabilitation of area function as referred to in Article 50 clause (4) is the action to recover the protection function and cultivation function adjusted to area function in respective areas.
- (2) Rehabilitation of area function as referred to in clause (1) is prioritized in protected area in ... and in other locations to be established based on collective decision among regions.
- (3) To observe the recovery of protection function and cultivation function as referred to in clause (1), monitoring system for land, water, and air condition is determined.

#### **Article 52**

- (1) Orderliness of buildings as referred to in Article 50 clause (4) is the action to regulate or re-organize land and building utilization which are not matched with the established Technical Spatial Plan.
- (2) Further stipulation regarding implementation of building orderliness as referred to in clause (1) is stipulated with Regional Regulation.

## **CHAPTER VI**

### **INSTITUTION, SOCIETY INVOLVEMENT AND GUIDANCE**

#### ***Part One Institution***

##### **Article 53**

Coordination on spatial planning for Mamminasata Metropolitan Area as a special area is conducted both by Ministry of Public Works and South Sulawesi provincial government.

- a. Directorate General of Spatial Planning, Ministry of Public Works as executive body;
- b. Mamminasata Metropolitan Development Cooperation Board (MMDCB or BKSPMM) as coordinating body in South Sulawesi province; and
- c. Mamminasata Development Management Bureau (BPPM) and provincial government as implementing management and controlling body in South Sulawesi province.

##### **Article 54**

General Directorate of Spatial Planning, Ministry of Public Works as referred to in Article 53 point a is executive body for the implementation of Mamminasata Environmental Development project. Major tasks are as follows

- a. coordinate with Directorate General in the Ministry of Public Works related to implementation.
- b. coordinated with inter-department matters particularly with Ministry of Finance and BAPPENAS.
- c. supervise the implementation of priority projects.
- d. provide guidance to provincial government.

##### **Article 55**

- (1) Coordination body as mentioned in Article 53 point b is so-called Metropolitan Mamminasata Development Cooperation Board (MMDCB), which is established and legalized by Governor of South Sulawesi based on Decree of Governor of South Sulawesi No. 860-XII-2003.
- (2) Institutional coordination and policy on inter-regional cooperation in Mamminasata Metropolitan Area can be done and or facilitated in the framework of inter-regional cooperation.

- (3) Organizational structure, main tasks, and functions of the Metropolitan Mamminasata Development Cooperation Board are explained in detail in Annex ... which is un-separated part of this Presidential Decree.

#### **Article 56**

- (1) Implementation management and controlling body as mentioned in Article 53 point c is conducted by so-called Mamminasata Development Management Agency (BPPM), which is established and legalized by Governor of South Sulawesi based on Decree of Governor of South Sulawesi No ..... as a functional organization within Provincial government.
- (2) Function of BPPM is shown below:
  - a. Overall management of action plan implementation
  - b. Control and monitoring of Mamminasata urban development
  - c. Infrastructure and environmental management
  - d. Financial and legal management
  - e. Information system management/monitoring control
- (3) Full time staff with public official status is assigned to the Agency. The Head of the Agency shall be Echelon II.

#### **Article 57**

- (1) Regions which are directly benefited from the application of this Presidential Decree which is implemented by other regions can give compensation and or assistance to those regions.
- (2) Forms, values and method of compensation and or assistance delivery as referred to in clause (1) are established based on Collective Decision in the framework of inter-regional cooperation.

### ***Part Two Society Involvement***

#### **Article 58**

- (1) Involvement of community and private sector as referred to in Article 9 clause (3), Article 18 clause (4), Article 20 clause (1), Article 46 and Article 47 clause (2) is done relevant to the condition of local community and by taking the prevailing rules and regulations that stipulate involvement of the community in spatial planning into account.
- (2) The participation of the community and private sector is prioritized in the control function of implementation of spatial planning especially in

conducting inspection in form of reporting and evaluation.

### ***Part Three***

#### ***Guidance***

##### **Article 59**

- (1) Guidance of spatial planning for Mamminasata Metropolitan Area is done by central Government towards Regional Government relevant to stipulation of prevailing laws and regulations.
- (2) Guidance of spatial planning for Mamminasata Metropolitan Area is carried out by Regional Government towards the community in respective areas.
- (3) Guidance related to inter-district/city concerns in Mamminasata Metropolitan Area is carried out and/or facilitated by inter-regional cooperation board as referred to in Article 53.
- (4) Guidance as referred to in clause (3) is an effort to harmonize the spatial planning for Mamminasata Metropolitan Area.

## **CHAPTER VII**

### **SANCTION PROVISION**

#### **Article 60**

Any violation on provisions of this Presidential Decree shall be further stipulated by prevailing local regulation and laws.

## **CHAPTER VIII**

### **OTHER PROVISIONS**

#### **Article 61**

Spatial planning for area which is adjacent to Mamminasata Metropolitan Area is carried out by taking the objective and target as referred to in Article 2.

### **Article 62**

Spatial plan for Mamminasata Metropolitan Area as referred to in Article 8, is with the period of 15 (fifteen) years and can be reviewed and or revised in at least 5 (five) years.

### **Article 63**

All costs resulting from the action as referred to in Article 51 are borne to the party that violates the stipulation which amount is stipulated based on the prevailing laws and regulations.

## **CHAPTER IX**

### **TRANSFERING PROVISION**

#### **Article 64**

- 1) With the enforcement of this Presidential Decree, therefore:
  - a. permits of spatial utilization in respective areas which have been issued and have been adjusted to this Presidential Decree, are still in force relevant to their period of enforcement;
  - b. permits of spatial utilization which have been issued but not relevant to the stipulation stated in this Presidential Decree:
    - 1) for those which have not been implemented, the related permits and spatial utilization are then adjusted to the area function in detailed spatial plan which has been stipulated by Region based on this Decree;
    - 2) for those which have been implemented, spatial utilization is carried out until the period of permit ends by applying the technical engineering relevant to the area function in detailed plan of spatial plan established by Region based on this Decree;
    - 3) if the permits as referred to in point 2) have reached the end of permit period, then they will not be prolonged and the spatial utilization is adjusted to the area function in detailed plan of spatial plan established by Region based on this Decree; and
    - 4) for those which have been implemented, and it is not possible to apply the technical engineering relevant to area function in detailed plan of spatial plan regulated by Region



- based on this Decree, the permit issued should be evaluated if necessary can be proved to be obtained procedurally, towards the loss imposed as the result of cancellation of permit will be given appropriate compensation.
- c. spatial utilization in Mamminasata Metropolitan Area implemented with no permit is determined as follows:
    - 1) those in contradiction with stipulation in this Presidential Decree, the spatial utilization shall be re-arranged and adjusted to area function in the detailed plan of spatial plan regulated by Region based on this Decree; and
    - 2) those in conformity with stipulation in this Presidential Decree are promoted to get permit required.
  - d. community people who control their own land under traditional right and or the right upon the land as regulated in Law No 5 of 1960 concerning Basic Regulation of Agrarian which because of Spatial plan of Mamminasata Metropolitan Area, the land utilization is no longer suitable, then the solution is regulated with the prevailing laws and regulations.
- 2) As long as the detailed plan of spatial plan as referred to in clause (1) has not yet been applied, Integrated Spatial Plan for Mamminasata Metropolitan Area is used.

## **CHAPTER X**

### **CLOSING PROVISION**

#### **Article 65**

With the enforcement of this Presidential Decree, all related regulations on spatial planning in Mamminasata area shall be declared still valid as long as does not contradict with and has not been changed with other regulation based on this Presidential Decree.

#### **Article 66**

This Presidential Decree starts to be in force on the date of promulgation.

**Stipulated in Jakarta**

On (date \_\_/month \_\_/year \_\_)

PRESIDENT OF THE REPUBLIC OF INDONESIA

SUSILO BAMBANG YUDHOYONO

**Promulgated in Jakarta**

On (date \_\_/month \_\_/year \_\_)

MINISTER OF LAW AND HUMAN RIGHT

HAMID AWALUDIN

STATE GAZETTE OF REPUBLIC OF INDONESIA NO. \_\_\_\_\_ OF \_\_\_\_\_

**Annexes:**

- 1) Collection of Drawings/Maps:
  1. Map of ...
  2. Map of Direction of Transport System
  3. Map of Direction of land Use
  4. Map of ...
  5. Map of...
  6. Map of ...
- 2) Guideline of Land Use Planning
- 3) Institution Strengthening
  1. Organizational Structure
  2. Main Tasks and Functions
- 4) .... (?)

**Annex 3:**  
**Establishment, Organization and Administration of  
Mamminasata Development Management Agency (BPPM)**

The most critical issue in Mamminasata is the protection of the eco-system and environment. In the event that further deterioration occurs, it will require much higher costs to recover, and some eco-systems may turn out to be un-recoverable. Urban amenities should also be addressed, as the people wish to live in a more comfortable environment and with amenities in their urban and rural lives. Wastes from social and economic activities should be properly managed.

The district spatial plans have been and are being formulated rather independently and they are less harmonized in the sense of regional spatial development. Most infrastructure in Mamminasata is to be planned, designed and implemented to contribute to the overall benefits of the people in the region. A basic principle requiring consensus is that such infrastructure is implemented not for the benefit of respective district but for the benefit of all the people in Mamminasata.

In order to promote Mamminasata development, a permanent office with qualified staff with proper authority shall be established.

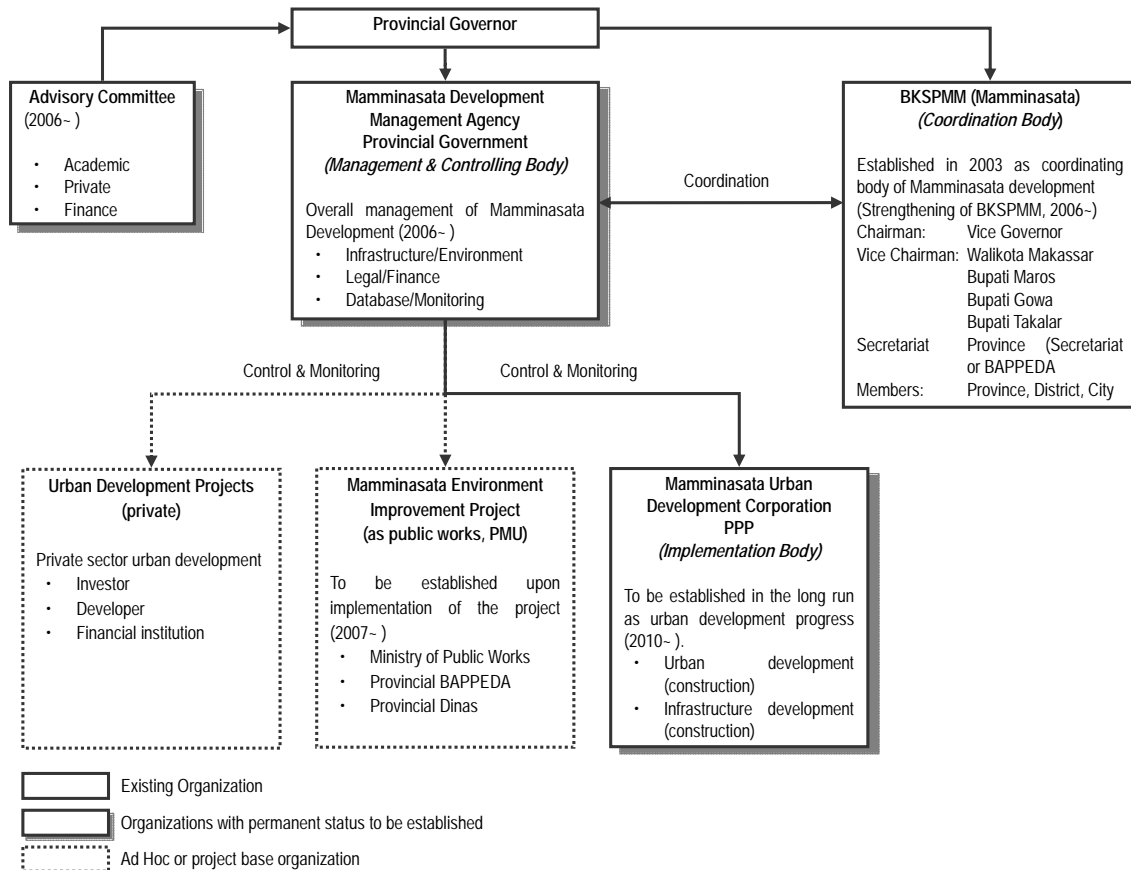
**1 Establishment**

- (i) Mamminasata Development Management Agency (BPPM) is established as functional organization in the South Sulawesi government structure for the purpose of managing and controlling Mamminasata urban development.
- (ii) Presidential Decree is the base of the establishment of the Agency.
- (iii) The agency is established as provincial regulation.

**2 Position, Main Duties and Tasks of Organization**

- (i) The area of responsibility of the agency is any matter related to Mamminasata urban development. (It will be defined as strategically important matters and inter-regional matters)
- (ii) The Agency is positioned as functional organization in South Sulawesi government.
- (iii) Major duties are to manage and control Mamminasata urban development through coordination with BKSPMM and other stakeholders. Organizational setting is illustrated in the figure below.
- (iv) Main tasks the agency is (a) overall management of action program to be specified in the Presidential Decree, (b) infrastructure and environmental management, (c)

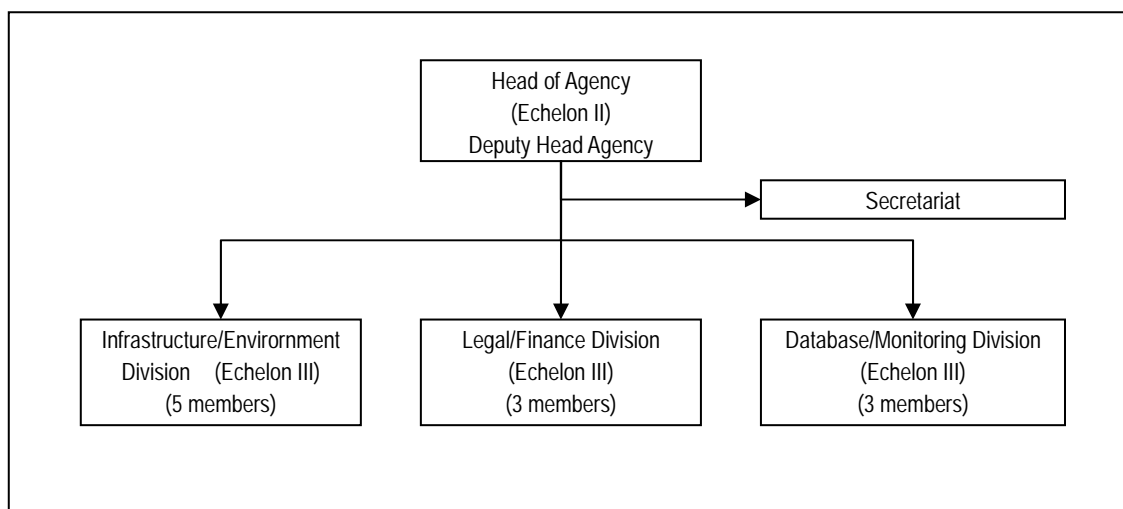
legal and financial management, and (d) information system management as well as monitoring and control.



### Organizational Setting for Mamminasata Urban Development

### 3 Organizational Structure

Mamminasata Development Management Agency (BPPM), which is lead by Head of Agency, is composed of three (3) divisions, namely Division of Infrastructure and Environment, Division of Legal and Financial Affairs, and Division of Database Management as shown in the following.



**Organizational Structure of Mamminasata Development Management Agency (BPPM)**

Duties and function of BPPM are proposed as follows.

*Head of Agency*

- (i) The Chief of Agency has the duty to lead, coordinate, mediate and facilitate in the implementation of the Mamminasata urban development.
- (ii) In conducting his/her duties as mentioned in paragraph (i) of this section, the Chief of Agency has the following functions:
  - a. Determine technical policies in the areas concerning the urban development.
  - b. Implement coordination with BKSPMM including call for meeting as requires.
  - c. Implement coordination and cooperation with other agencies related to Mamminasata urban development.
  - d. Implement coordination with Project Management Unit and private developers.
  - e. Empowerment of agencies and employees within BPPM in order to achieve sustainable urban development.

*Secretariat*

- (i) Secretariat is lead by a secretary who has duty to provide technical and administrative services to all organizations within working area of BPPM.

- (ii) In conducting his/her duties as mentioned in paragraph (i) of this section, the secretary has the following functions:
- a. Implement coordination, synchronization, and integration of activities within the agency.
  - b. Implement coordination in planning and formulation of technical policies.
  - c. Implement coordination in the formulation of legal products related to the responsibility of the agency.
  - d. Implement coordination and cooperation with working partners related to Mamminasata urban development.
  - e. Implement Guidance and Administrative Services, Organization Administrative Matters and Employee Management, Financial Matters, Equipment and Office Supply Matters.
  - f. Implement other duties assigned by the Chief of Agency according to his/her line of duty.

*Division of Infrastructure and Environment*

- (i) Division of Infrastructure/Environment is headed by Chief of Division who has the duties to implement part of the agency's responsibilities in areas of infrastructure development and environmental consideration.
- (ii) In conducting his/her duties as mentioned in paragraph (i) of this section, the Division of Infrastructure and Environment has the following functions:
- a. Formulate technical policies concerning infrastructure development in order to achieve efficient infrastructure system in Mamminasata.
  - b. Formulate technical policies concerning environment and amenity in order to promote environmentally friendly urban area.
  - c. Control and monitoring of infrastructure development (physical structure).
  - d. Control and monitoring of urban environment.
  - e. Implement coordination and cooperation with other agencies related to Mamminasata urban development.
  - f. Implement other duties assigned by the Chief of Agency according to his/her line of duties.

*Division of Legal and Financial Affairs*

- (i) Division of Legal/Finance is headed by Chief of Division who has the duties to implement part of the agency's responsibilities in areas of legislation and finance of urban development.
- (ii) In conducting his/her duties as mentioned in paragraph (i) of this section, the Division of Legal and Financial Affairs has the following functions:
  - a. Prepare legislation necessary for urban management and control.
  - b. Execute and monitor execution of legislation.
  - c. Formulate project finance policy and guidance.
  - d. Promote public and private partnership.
  - e. Implement coordination and cooperation with other agencies related to Mamminasata urban development.
  - f. Implement other duties assigned by the Chief of Agency according to his/her line of duties.

*Division of Database and Monitoring*

- (i) Division of Database and Monitoring is headed by Chief of Division who has the duties to implement part of the agency's responsibilities in areas of database and monitoring.
- (ii) In conducting his/her duties as mentioned in paragraph (i) of this section, the Division of Database and Monitoring has the following functions:
  - a. Establish and update database for urban information.
  - b. Collect and update socio-economic data.
  - c. Conduct survey for urban development
  - d. Manage and update maps.
  - e. Conduct monitoring and evaluation of urban development.
  - f. Implement coordination and cooperation with other agencies related to Mamminasata urban development.
  - g. Implement other duties assigned by the Chief of Agency according to his/her line of duties.

**4 Staffing**

- (i) Full time staff with public officer status are employed and properly assigned to the Agency.
- (ii) Recruitment of staff can be selected from government officials as well as from private sector.



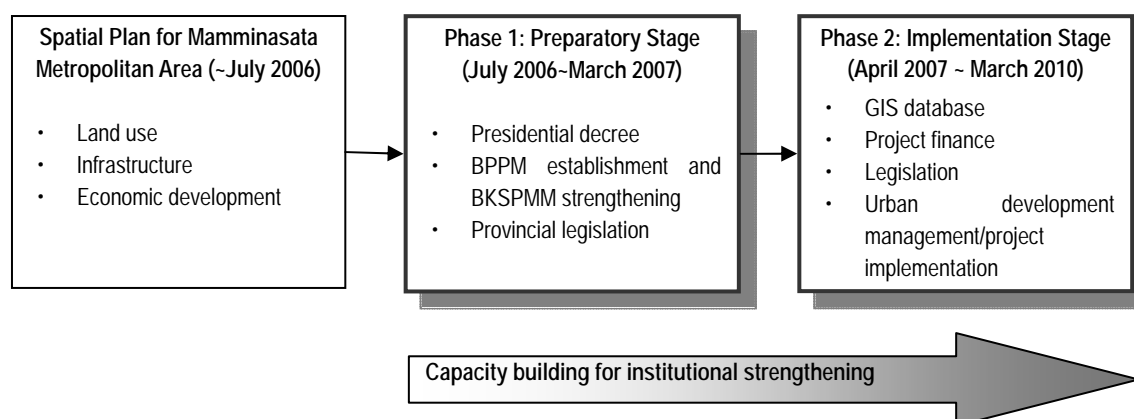
- (iii) Specialists required for the Agency, among others, are urban management, finance, environment, infrastructure, and legal.
- (iv) Salary of the staff is paid from provincial budget (APBD).

**5 Training**

- (i) Staff shall be provided with proper training.
- (ii) OJT shall be the main method of training.

## Annex 4: Capacity Building for Mamminasata Urban Management

After formulation of Spatial Plan for Mamminasata Metropolitan Area, implementation arrangement has to be set up, which is composed of two stages, namely (i) preparatory stage and (ii) implementation stage as shown in figure below.



### Implementation Process

Implementation of Mamminasata Spatial Plan can be realized only with proper legislation and proper human resources. Institutional base, in terms of legislation, organization, and human resources have to be strengthened and well prepared for urban development management and implementation of priority projects.

#### 1 Preparatory stage (Phase 1)

##### 1.1 Scope of the Capacity Building for Phase 1

Spatial Plan for Mamminasata Metropolitan Area prepared by BKSPMM and JICA Study Team will be completed by the end of July, and institutional base of implementation has to be established including establishment of organization, preparation of legal base and preparation of district/city plan that are consistent with the Spatial Plan for Mamminasata Metropolitan Area.

The capacity building for the Phase 1 focuses on the assistance to the activities to be executed by the government, and capacity building is conducted mainly through OJT or actual preparatory work for implementation. The activities to be supported are listed below.

(i). Formulation of Presidential Decree

- (ii). Formulation of provincial zoning regulation
- (iii). Establishment of Mamminasata Development Management Agency (BPPM)
- (iv). Formulation of district/city spatial plan within Mamminasata Metropolitan Area
- (v). Strengthening of environmental management

These activities for capacity building shall be conducted through dispatching foreign and domestic experts for respective fields.

## 1.2 Components for Capacity Building for Phase 1

Detail of support for preparatory activities is shown in the tables below.

### (i) Formulation of Presidential Decree

Objective	Preparation and stipulation of the presidential decree for Spatial Plan for Mamminasata Metropolitan Area
Justification	Mamminasata Metropolitan Area is designated as “Special Area” in the revised National Spatial Plan (draft) and presidential decree is needed for the approval of the plan. In addition, implementation of urban development requires active participation of the central government, so acknowledgement by the central government is important.
Output	Presidential Decree of Spatial Plan for Mamminasata Metropolitan Area
Activities	<ul style="list-style-type: none"> <li>• Finalization of draft decree (PU and BKSPMM)</li> <li>• Ministry of Public Works coordination meeting</li> <li>• Legal process in Central government                             <ul style="list-style-type: none"> <li>➢ Inter-Ministry coordination meeting, including consultation with Ministry of Law &amp; Human Rights</li> <li>➢ Consultation with Secretariat Cabinet</li> <li>➢ Submission to President of Indonesia</li> </ul> </li> </ul>
Target group	Ministry of Public Works, Dinas Spatial Plan Province
Schedule	July 2006 ~ March 2007

### (ii) Formulation of Zoning Regulation

Objective	Preparation of zoning regulation to strengthen land use control and urban management for Mamminasata Metropolitan Area
Justification	Presidential decree shows general guidance of land use (zoning, area) in Mamminasata Metropolitan Area. In order to strengthen land use control and management, control guidance for land use has to be clarified and provincial regulation has to be prepared to execute legal authority.
Output	Zoning regulation for Mamminasata Metropolitan Area as provincial regulation
Activities	<ul style="list-style-type: none"> <li>• Drafting of zoning regulation</li> </ul>

*Annex 4: Capacity Building for Mamminasata Urban Management*

	<ul style="list-style-type: none"> <li>➤ Zoning, area, land use standard</li> <li>➤ Building utilization</li> <li>➤ Institutional arrangement particularly for area specific rules (town development guideline, building agreement, special land use)</li> </ul> <ul style="list-style-type: none"> <li>• Public consultation</li> <li>• Discussion at DPRD (province or district/city)</li> </ul>
Target group	Dinas Spatial Planning, BKSPMM
Schedule	July 2006 ~ March 2007

**(iii) Establishment of Mamminasata Development Management Agency (BPPM)**

Objective	Establishment of BPPM, assign staff and provide training responsible for urban development management
Justification	Management of Mamminasata development requires strong commitment of the provincial government which can be achieved by permanent office with permanent staff. Since BKSPMM remains as coordinating body and not permanent staff for Mamminasata development, the organization responsible solely for Mamminasata urban management and control is needed.
Output	BPPM with clear job description, proper authority, and capable permanent staff
Activities	<ul style="list-style-type: none"> <li>• Preparation of the articles of BPPM</li> <li>• Preparation of job description of each division</li> <li>• Approval of BPPM by provincial regulation and decree</li> <li>• Recruitment of staff</li> </ul>
Target group	Dinas Spatial Plan, and government officials who will be working for BPPM
Schedule	July 2006 ~ March 2007

**(iv) Formulation of District/City Spatial Plan within Mamminasata Metropolitan Area**

Objective	Formulation of district/city spatial plan within Mamminasata Metropolitan Area that is consistent with Mamminasata Spatial Plan
Justification	Spatial Plan for Mamminasata Metropolitan Area shows vision for 2020 and general guidance on land use. In order to promote proper urban development, district/city spatial plan with detail land use and control measure that is consistent with the Mamminasata Spatial Plan has to be prepared.
Output	Spatial Plan for district/city (Makassar, Maros, Gowa, Takalar)
Activities	<ul style="list-style-type: none"> <li>• PR of Mamminasata Spatial Plan to district/city government</li> <li>• Designate the land use</li> </ul> <p>e.g.</p> <ul style="list-style-type: none"> <li>➤ Makassar: Tallo river estuary, old town renovation, development along artery road</li> </ul>

	<ul style="list-style-type: none"> <li>➤ Maros: flood prone area, new town development</li> <li>➤ Gowa: land fill site, new town development</li> <li>➤ Takalar: irrigation area</li> </ul>
Target group	BKSPMM, Dinas Spatial Plan Province, and Spatial Planning section for 4 district/city
Schedule	September 2006~ March 2007

**(v) Formulation of Environmental Guideline within Mamminasata Metropolitan Area**

Objective	Strengthening of environmental management including solid waste management, pollution control, urban amenity.
Justification	Environmental management is one of the most important issues in the Mamminasata Metropolitan Area and has to strengthen control measure and coordination among district/city within Mamminasata.
Output	<ul style="list-style-type: none"> <li>• Air/water/noise management guideline</li> <li>• Solid waste management guideline</li> <li>• Urban amenity improvement guideline</li> </ul>
Activities	<ul style="list-style-type: none"> <li>• Identification of the standard for pollution (air/water/noise) control</li> <li>• Establishment of inter-kabupaten management including solid waste management</li> <li>• Introduction of solid waste reduction system</li> <li>• Prepare guideline for urban amenity (green area, parks, sidewalk)</li> </ul>
Target group	Dinas Spatial Plan, BAPPEDALDA
Schedule	September 2006~ March 2007

**2 Intensive Capacity Building (Phase 2)**

Capacity building for implementation stage aims to develop and strengthen urban management system for urban management and project implementation, which is executed by BPPM. Phase 2 capacity building shall start at the time of establishment of BPPM and start of implementation expected after April 2007.

Capacity building for Phase 2 is composed of (i) GIS database, (ii) project finance, and (iii) institution, which are considered as most important skills to be developed for urban management and project implementation.

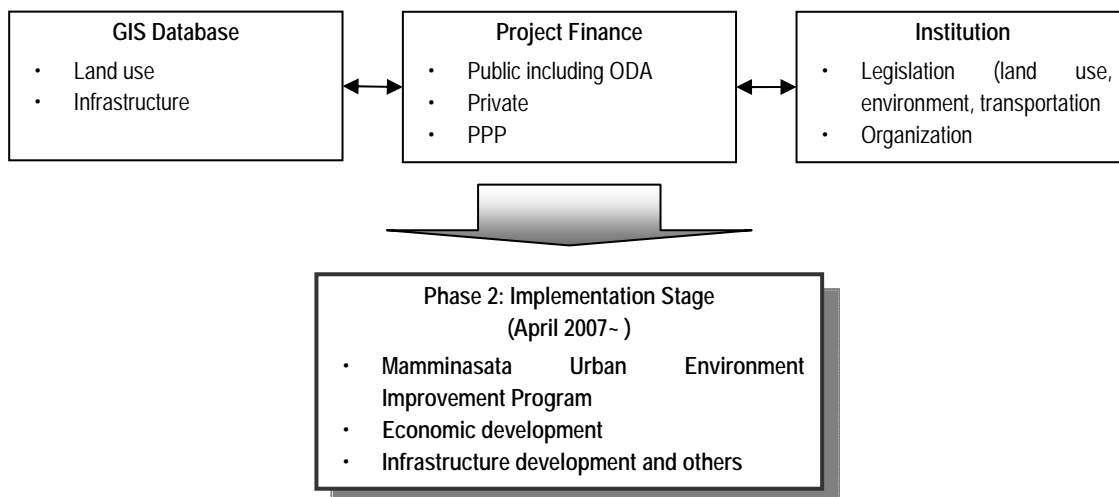


Figure A-2: Capacity Building Components for Phase 2

The topics to be covered by capacity building are summarized below.

- (i). Urban development management through GIS database management
- (ii). Legal enforcement strengthening
- (iii). Project finance strengthening
- (iv). Environmental management
- (v). Transportation management
- (vi). Monitoring and evaluation of urban management

*Annex 4: Capacity Building for Mamminasata Urban Management*

<b>1. Project Name</b>	<b>Urban development management through GIS database management</b>	
<b>2. Objectives</b>	Objective of the database management is to establish land data base with standard format, strengthen database management including update, sharing, utilized for urban development.	
<b>3. Justification</b>	Database on land has to be available and has to be shared among stakeholders for urban management. Also database is scattered through a variety of organizations for different purpose, format is different, and data is not shared. It is necessary to prepare database with same format so that whoever needs data can have access to the data.	
<b>4. Activities</b>	(i) Preparation of maps covering Mamminasata Area (ii) Establishment of land use database (GIS, CAD, and other forms) with same format by combing the data from related agencies such as BPN, central and local government (iii) Database management (update, sharing)	
<b>5. Target Group</b>	BPPM, BKSPMM	
<b>6. Input</b>	1) Manpower (trainer) <ul style="list-style-type: none"> <li>• Urban planner</li> <li>• GIS specialist</li> <li>• GIS operator</li> </ul>	2) Materials and Equipment <ul style="list-style-type: none"> <li>• Computer</li> <li>• GIS software</li> <li>• Aerial photo or satellite image</li> <li>• Existing land data related to urban management (GIS or non GIS)</li> </ul>
<b>7. Outputs</b>	<ul style="list-style-type: none"> <li>• Map covering whole Mamminasata area (attribute shall be discussed prior to establishment of database and preparation of map)</li> <li>• GIS database necessary for urban management</li> </ul>	
<b>8 Contribution to Sustainable Urban Management</b>	Availability of accurate present land use with proper attribute will make urban development easy including design purpose and land acquisition purpose.	
<b>9. Method of Capacity Development</b>	<ul style="list-style-type: none"> <li>• Lecture</li> <li>• On-the-Job Training</li> </ul>	
<b>10. Monitoring and Evaluation Indicators</b>	<ul style="list-style-type: none"> <li>• Performance of OJT</li> <li>• Frequency of update of the database</li> </ul>	
<b>11. Role / Responsibility of Relevant Agencies</b>	BPPM	Management of establishment of database
	BPN	Provision of existing land data
	Provincial government	Provision of data for respective field

*Annex 4: Capacity Building for Mamminasata Urban Management*

<b>1. Project Name</b>	<b>Legal Enforcement Strengthening</b>	
<b>2. Objectives</b>	Clear legislation and strong enforcement is mandate for land use control. Legislation necessary for land use control has to be available and enforcement has to be strengthened	
<b>3. Justification</b>	There is no zoning regulation that shows clear guidance on land use control and existing legislation (law and regulation both at central government and regional government level) is not obeyed. In order to create urban environment unique to the Mamminasata Metropolitan area and strengthen land use control, legislation has to be prepared and enforcement activity has to be strengthened	
<b>4. Activities</b>	<ul style="list-style-type: none"> <li>(i) Understanding of legislation</li> <li>(ii) Drafting of legislation (regional level)</li> <li>(iii) Clarifying enforcement measure including development permit</li> <li>(iv) Development permit</li> <li>(v) Incentive for developer</li> <li>(vi) Dissemination of legislation to stakeholder (BKSPMM, developer, private organizations)</li> </ul>	
<b>5. Target Group</b>	BPPM, BKSPMM	
<b>6. Input</b>	<ul style="list-style-type: none"> <li>1) Manpower (trainer) <ul style="list-style-type: none"> <li>• Urban planner</li> <li>• Legal expert</li> <li>• Environment expert</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>2) Materials and Equipment <ul style="list-style-type: none"> <li>• Computer</li> </ul> </li> </ul>
<b>7. Outputs</b>	<ul style="list-style-type: none"> <li>• Provincial regulation for urban management.</li> <li>• Strengthened law enforcement capability</li> </ul>	
<b>8 Contribution to Sustainable Urban Management</b>	Legislation that shows clear standard and control measures is expected to improve urban management	
<b>9. Method of Capacity Development</b>	<ul style="list-style-type: none"> <li>• Lecture</li> <li>• On-the-Job Training</li> </ul>	
<b>10. Monitoring and Evaluation Indicators</b>	<ul style="list-style-type: none"> <li>• Number of legislation prepared and passed</li> <li>• Monitoring record of development permit based on legislation</li> </ul>	
<b>11. Role / Responsibility of Relevant Agencies</b>	BPPM	Management of legal strengthening
	BKSPMM	Coordination among stakeholders, providing technical assistance



*Annex 4: Capacity Building for Mamminasata Urban Management*

<b>1. Project Name</b>	<b>Project Finance Strengthening</b>	
<b>2. Objectives</b>	Objective of the project finance is to strengthen financial for the Mamminasata urban development by introducing PPP and other project finance scheme.	
<b>3. Justification</b>	Mamminasata urban development requires a large amount of fund. Since government fund is limited, it is necessary to seek for the funds from private sectors or international donors. It is also necessary to consider self-finance urban development scheme to secure sustainable development	
<b>4. Activities</b>	(i) Introduction of project finance scheme (ii) Introduction of accounting and financial documents (iii) Promotion of Public Private Partnership (PPP) (project formulation, contract) (iv) Search for investment opportunity	
<b>5. Target Group</b>	BPPM	
<b>6. Input</b>	1) Manpower (trainer) • Accounting expert (financial and management) • Urban planner	2) Materials and Equipment • Computer
<b>7. Outputs</b>	• Formation of PPP for urban development projects • Mamminasata urban development financial scheme	
<b>8 Contribution to Sustainable Urban Management</b>	Providing any type of financial sources is expected to promote urban management and also contribute to land use control particularly with PPP scheme in which public is also involved.	
<b>9. Method of Capacity Development</b>	• Lecture • On-the-Job Training	
<b>10. Monitoring and Evaluation Indicators</b>	• Number of financial sources • PPP agreement	
<b>11. Role / Responsibility of Relevant Agencies</b>	BPPM	Management of financial strengthening
	BKSPMM	Coordination among stakeholders, providing technical assistance
	Private sector	Investment for co-partner of implementation

*Annex 4: Capacity Building for Mamminasata Urban Management*

<b>1. Project Name</b>	<b>Environmental Management</b>	
<b>2. Objectives</b>	Objective of environment management is <ul style="list-style-type: none"> <li>• to promote environmental conservation,</li> <li>• to improve urban amenity such as green space and parks, and</li> <li>• to improve solid waste management,</li> </ul>	
<b>3. Justification</b>	Urban environment is one of the most important issues in the Mamminasata urban development, so the environment management has to be executed properly.	
<b>4. Activities</b>	(i) Urban amenity improvement (parks, green area) (ii) Environmental conservation (forestry, ocean, water area) (iii) Solid waste management (recycle, reduction, landfill site management, garbage collection and transport) (iv) Environmental management guideline.	
<b>5. Target Group</b>	BPPM, BKSPMM, BAPPEDALDA	
<b>6. Input</b>	1) Manpower (trainer) <ul style="list-style-type: none"> <li>• Environmental management expert</li> <li>• Solid waste management expert</li> <li>• Urban planner</li> </ul>	2) Materials and Equipment <ul style="list-style-type: none"> <li>• Computer</li> <li>• Monitoring equipment (water quality, air quality)</li> </ul>
<b>7. Outputs</b>	<ul style="list-style-type: none"> <li>• Environment management guideline</li> <li>• Proper solid waste management including landfill site management</li> </ul>	
<b>8 Contribution to Sustainable Urban Management</b>	Spatial Plan is prepared to achieve “Environmentally Friendly and Clean Metropolitan Mamminasata”. Environmental management is one of the most important issues for Mamminasata.	
<b>9. Method of Capacity Development</b>	<ul style="list-style-type: none"> <li>• Lecture</li> <li>• On-the-Job Training</li> </ul>	
<b>10. Monitoring and Evaluation Indicators</b>	<ul style="list-style-type: none"> <li>• Environment monitoring record (water quality, air quality)</li> <li>• Solid waste volume</li> </ul>	
<b>11. Role / Responsibility of Relevant Agencies</b>	BPPM	Management of legal strengthening
	BKSPMM	Coordination among stakeholders, providing technical assistance
	BAPPEDALDA	Providing technical assistance

*Annex 4: Capacity Building for Mamminasata Urban Management*

<b>1. Project Name</b>	<b>Transportation Management</b>	
<b>2. Objectives</b>	Objective of transport management is to strengthen transport management and improve road development system	
<b>3. Justification</b>	Transport condition can not be solved simply by increase road network and capacity. Transport management including vehicle management, lane management, road development system shall be strengthen to reduce traffic congestion	
<b>4. Activities</b>	(i) Vehicle management (becak, petepete, automobile) (ii) Separate lane for different transport mode (iii) Traffic light management (iv) Road development system (land acquisition, tax)	
<b>5. Target Group</b>	BPPM, BKSPMM	
<b>6. Input</b>	1) Manpower (trainer) • Traffic management • Urban planner	2) Materials and Equipment • •
<b>7. Outputs</b>	• Traffic management is available and properly executed.	
<b>8 Contribution to Sustainable Urban Management</b>	Controlled traffic is expected to reduce traffic congestion which will have positive impact on economic activities and community activities.	
<b>9. Method of Capacity Development</b>	• Lecture • On-the-Job Training	
<b>10. Monitoring and Evaluation Indicators</b>	• Traffic congestion condition • Traffic flow in the designated roads	
<b>11. Role / Responsibility of Relevant Agencies</b>	BPPM	Management of legal strengthening
	BKSPMM	Coordination among stakeholders, providing technical assistance
	Police	Permit for traffic control and management