

**GOVERNMENT OF <sup>1</sup>[KHYBER PAKHTUNKHWA]  
LOCAL GOVERNMENT, ELECTION AND RURAL DEVELOPMENT  
DEPARTMENT**

**NOTIFICATION  
Dated 8<sup>th</sup> October, 2005.**

**No. SO(RRC)LG/4-30/2004-** In exercise of the powers conferred by section 191 of the <sup>2</sup>[Khyber Pakhtunkhwa] Local Government Ordinance, 2001 (<sup>3</sup>[Khyber Pakhtunkhwa] Ordinance No. XIV of 2001) read with section 31 thereof, the Government of the North-West Frontier Province, after previous publication of the North-West Frontier Province Local Government (Site Development Scheme) Rules, 2005, vide this Department's Notification No. SO(RRC)LG/4-30/2004, dated. 12<sup>th</sup> October, 2005, to which no objections or suggestions were received, is pleased to make the following rules:

**CHAPTER-I  
GENERAL**

1. **Short title and commencement.-** (1) These rules may be called the <sup>4</sup>[Khyber Pakhtunkhwa] Local Government (Site Development Schemes) Rules, 2005.
2. **Definitions.-** (2) In these rules, unless the context otherwise requires,-
  - (a) "CD&MD means the City Development and Municipal Department, Peshawar established under Ordinance;
  - (b) "Company" means a Company registered under the Companies Ordinance, 1984 (Ord. No. XL VII of 1984);
  - (c) "Competent authority" means the CD and MD in case of City District and TMA in case of other districts;
  - (d) "Cooperative Society" means a Society registered under the Cooperative Societies Act, 1925 (<sup>5</sup>[Khyber Pakhtunkhwa] Act No. VII of 1925);
  - (e) "District Officer Revenue" means the District Officer (Revenue and Estate) assigned functions under the West Pakistan Land Revenue Act, 1967 (W.P. Act No. DVII of 1967);

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<sup>1</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>2</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>3</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>4</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>5</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

- (f) “Developer” means a Company, a Cooperative Society, a firm or other owner of land who intends to develop a Scheme;
- (g) “Ordinance” means the North-West Frontier Province Local Government Ordinance, 2001 (<sup>6</sup>[Khyber Pakhtunkhwa] Ord. No. XIV of 2001);
- (h) “Scheme” means development of a site for residential housing, including farm housing;
- (i) “Security Committee” means Committee established under the rule 4 of these rules;
- (j) “TMA” means Tehsil Municipal Administration established under Ordinance; and
- (k) “Town Planner” means a Town Planner registered with the Pakistan Council of Architects and Town Planner established under the Pakistan Council of Architects and Town Planners Ordinance, 1983 (Ord. No. IX of 1983).

(2) Words and expressions used in these rules but not defined shall have the same meanings as are assigned to them in Ordinance.

## CHAPTER-II SCRUTINY OF SCHEME

**3. submission of application.**- (1) A Developer shall submit an application for sanction of scheme to-

- (a) CD & MD, if the area of the Scheme falls within a City District; or
  - (b) TMA concerned if the area of the scheme falls within a District other than a City District.
- (2) No application under sub-rule (1) shall be entertained unless it is accompanied by:-
- i. Scrutiny fee @ Rs. 500/- per kanal of the proposed scheme;
  - ii. Developer’s ownership/ title documents in respect of land proposed for the Scheme along with khasra plan (Aks-e-Shajra) duly verified by the concerned District Officer Revenue;
  - iii. A non-encumbrance certificate pertaining to the land proposed for the scheme duly issued by the competent authority with active participation of the Board of Revenue, <sup>7</sup>[Khyber Pakhtunkhwa];
  - iv. A location plan and layout plan of the scheme including the division of the scheme into plots, provision for streets, drains and open spaces, reservation of land for public utility services to be ultimately transferred to the CD&MD or TMA, as the case may be on completion of the scheme by the developer to be prepared by a Town Planner keeping in view planning standards laid down in rule 8;
  - v. Topographic/ site survey of the area;
  - vi. Copy of the national identity card of the Developer or its authorized representative, as the case may be;

<sup>6</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>7</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

- vii. Details of land proposed to be acquired, if any, provided that land proposed to be acquired shall not exceed 20% of the total area of the housing scheme;
- viii. Statement of works that shall be executed at the cost of the Developer; and
- ix. Statement of the period during which the area shall be developed.

- (3) Prior to the acceptance or refusal of the application, and approval of the designs and specifications, CD & MD or TMA, as the case may be, shall get the Scheme, and its designs and specification scrutinized by the Scrutiny Committee to the established under rule 4.
- (4) For the purpose of sub-rule (3), if CD&MD or TMA, if satisfied shall forward the application, design and specifications to the Scrutiny Committee for its examination and recommendations, as early as possible, provided that CD & MD or TMA shall not forward any case without fulfillment of all codal formalities by the Developer.

**4. Scrutiny Committee.** Government shall, by notification, in Official Gazette establish a Scrutiny Committee consisting of the following:-

- (a) District Coordination Officer of the District concerned. \_\_\_\_\_ **Convenor**
- (b) Executive District Officer (Works & Services) of the District concerned. \_\_\_\_\_ **Member**
- (c) District Officer Revenue of the District concerned. \_\_\_\_\_ **Member**
- (d) A representative of Housing Authority established under \_\_\_\_\_ **Member**  
<sup>8</sup>[Khyber Pakhtunkhwa] Housing Authority Ordinance, 2005.
- (e) TMO of the concerned TMA. \_\_\_\_\_ **Member**
- (f) A representative of the Environmental Protection Agency; and \_\_\_\_\_ **Member**
- (g) T.O. (Planning) of the concerned TMA \_\_\_\_\_ **Member/Secretary**

**5. Pre-requisite of Scheme.**- (1) Scrutiny Committee, shall examine the application keeping in view the following:-

- (a) that all the documents/ requirements as per rule 3(2) are complete;
- (b) That width of access road is not less than 30 feet;
- (c) That scheme is safe from the danger of flooding;
- (d) That minimum area of the scheme is not less than 160 kanals;
- (e) That land is not required or have been notified by Government for any other purpose; and
- (f) That the land is free from any legal, repercussion and safe from any encumbrance to develop the scheme;

(2) CD&MD or TMA, as the case may be, shall not proceed further with the application in case any of the pre-requisite are not fulfilled and the Developer shall be informed accordingly;

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<sup>8</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

6. **Inviting Objections.-** The Scrutiny Committee, after fulfillment of the pre-requisites by the Developer and verification of the title of the Developer shall at the developer's cost, cause to be published in two daily national newspapers public notice inviting objections or suggestions to the proposed scheme. The objections or suggestions if received shall be communicated to the Developer within three days for

7. **Scrutiny of Scheme.-** CD&MD or TMA as the case may be, shall examine the application in the light of public objections or suggestions, if any, and the planning standards and shall convey their observations/ objections, if any, to the Developer within thirty days who shall resubmit the same after attending the same.

8. **Planning Standards.-** For the purpose of roads and residential use, the "National Reference Manual on Planning and Infrastructure Standards" shall be kept in view. The land uses other than the above shall be as under:-

- (a) Open Spaces/ Parks \_\_\_\_\_ Not less than 7% of total Scheme area
- (b) Graveyard \_\_\_\_\_ Not less than 2% of total Scheme area
- (c) Commercial area \_\_\_\_\_ Not less than 5% of total Scheme area
- (d) Maximum size of Residential Plots \_\_\_\_\_ 1000 Sq. Yrds.
- (e) Minimum road width \_\_\_\_\_ 30 Feet.
- (f) Public Buildings \_\_\_\_\_ 2-10%

9. **Sanction and its Communication.-** (1) The Scrutiny Committee shall forward its recommendations in respect of each application received by it under 3(4) to the TMA or CD & MD as the case may be, on completion of scrutiny.

(2) The CD & MD or TMA as the case may be, shall notify the final approval based on such recommendation of Scrutiny Committee.

(3) In light of the recommendation of Scrutiny Committee, CD & MD or TMA, as the case may be, shall call upon the developer to complete the following:-

- (i) Deposit the scrutiny fee provided in clause (a) of Sub-rule (2) of rule 2 for sanction of the scheme;
- (ii) Submit transfer deed for transfer of the area under roads, open spaces/ parks and graveyard to the CD & MD or TMA as the case may be. The area so transferred shall not be used by the transferee for any other purpose;
- (iii) 20% of the saleable area shall mortgage with the CD & MD or TMA, as the case may be, as a security for the development works or bank guarantee of National Bank of Pakistan or the Bank of Khyber equivalent to the total cost of development works shall be provided by the Developer; and
- (iv) Transfer 1% of the total scheme area for public buildings, excluding the area of Mosque, to the CD & MD or TMA, as the case may be. The area so

transferred shall not be used by the transferee for any other purpose.

(4) CD & MD or TMA, as the case may be, shall, at the Developer's cost, cause to be published in two daily national newspaper public notice giving the details of plots mortgaged with it, if any, providing that such plots shall not be purchased or disposed of until the same are released after satisfactory completion of the development works.

(5) The developer shall include the following in the advertisement.

- (a) Total area of the approved scheme along with its location;
  - (b) Total number of residential and commercial plots of various sizes as approved by the competent authority;
  - (c) The detail of plots mortgaged with the CD & MD or TMA, as the case may be;
  - (d) Period for completion of development works;
  - (e) Name of sanctioning authority and letter of sanction, and
  - (f) In case of location of plots through ballot, it shall be indicated in the development works.
- (6) No scheme shall be advertised or published in any forum, media and press, nor shall plots or houses be offered for sale in any scheme prior to its sanction. In case of violation a fine of Rs. 1000/- per day from the date of appearance of the advertisement till the sanction of the scheme shall be imposed on the developer.

### **CHAPTER-III EXECUTION OF SCHEME**

**10. Approval of design and specification.**- (1) The Developer shall submit to the CD & MD or TMA, as the case may be, within three months of the sanction of the Scheme, detailed designs and specifications of water supply system, sewerage and drainage system, natural gas, roads and streets, electricity and street lights.

(2) CD & MD or TMA, as the case may be, may sanction designs and specifications after obtaining comments from concerned departments and authorities.

(3) The electric network shall be implemented in accordance with the policy, design and specifications as approved by WAPDA or any other agency so notified by Government.

(4) The development works shall be commenced after sanction of the above designs or specifications.

(5) The development works shall be completed by the Developer within the period specified in the sanction order.

(6) The maintenance of the scheme shall be the responsibility of the Developer, till its transfer to the CD & MD or TMA, as the case may be.

**11. Farm Housing Scheme.** In addition to the conditions specified for the sanction of a housing scheme, the following conditions shall be applicable in case of farm housing scheme.

- (a) Plot size shall not be less than 4 kanal.
- (b) Road width shall not be less than 40 feet;
- (c) 5% area of the scheme shall be reserved for public utility purpose viz: schools, dispensaries, open space sand play grounds, mosques, post office, police station, bus terminal, public toilets, community center etc., the sub-division of plots shall not be allowed below 4 Kanal.
- (d) 2% of total area of scheme shall be provided for graveyard; and
- (e) 10% of saleable area shall be mortgaged with the CD & MD or TMA, as the case may be, as a security for the development works or bank guarantee of National Bank of Pakistan or the Bank of Khyber, equivalent to the total cost of development works shall be provided by the Developer.

**12. Release of mortgaged plots.** The mortgages shall be released by the CD & MD or TMA, as the case may be, on obtaining field reports from the concerned departments and authorities about the satisfactory completion of development works in the following order and proportion, respectively:

- (i) Water supply, sewerage and drainage system\_\_\_\_\_30%
- (ii) Roads\_\_\_\_\_30%
- (iii) Electricity; and\_\_\_\_\_30%
- (iv) Street slights and horticulture\_\_\_\_\_30%

**13. Modification.** No modification in the sanctioned scheme shall be made without observing the procedure for sanction.

**14. Execution of Scheme.** (1) No person shall develop a scheme execute in conformity with these rules.

(2) If the scheme is not developed within the stipulated period or if the development is not in conformity with terms of the sanction CD & MD or TMA, as the case may be, may take over the development of the scheme and execute necessary works from the proceeds of sale of mortgaged plots or encashment of bank guarantee. In case of difference, the same may be recovered from the Developer as arrears of land revenue.

**15. Appeal.** Any person aggrieved by the order of CD & MD or TMA, as the case may be, may refer an appeal before the Secretary to Government of North-West Frontier Province, Local Government and Rural Development Department whose decision shall be final.

**16. Supervision and Control.**(1) The Provincial Government may call for and examine

the record of any proceedings for the purpose of satisfying itself to the correctness, legality or propriety of sanction of Scheme, recommendations observations, penalty or order recorded or passed as to the regularity of any proceedings.

(2) On examining the record the Government may pass such orders as it deems fit, but before cancelling or recalling sanction of the Scheme. Government shall provide the developer an opportunity of being heard.

Sd/-x-x-x  
(BAZ MUHAMMAD KHATTAK)  
Secretary to Govt. Of <sup>9</sup>[Khyber  
Pakhtunkhwa] Local Government,  
Elections and Rural Development  
Department.

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<sup>9</sup> Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.