

PRIVATE SITE DEVELOPMENT SCHEMES (REGULATION) RULES, 2005

GOVERNMENT OF THE PUNJAB LOCAL GOVERNMENT & RURAL DEVELOPMENT DEPARTMENT

Dated Lahore, the 25th January, 2005

NOTIFICATION

No. SOR (LG)38-2/2004.- Whereas it is expedient to provide a framework for facilitating development of private housing schemes, while safeguarding the legitimate interests of landowners, potential buyers and the general public. Now, therefore, in exercise of the powers conferred upon him under Section 191 of the Punjab Local Government Ordinance, 2001, (XIII of 2001), the Governor of the Punjab is pleased to make the following rules:-

CHAPTER – I GENERAL

1. Short title and commencement.- (1) These rules may be called the Punjab Private Site Development Schemes (Regulation) Rules, 2005.

(2) They shall come into force at once.

(3) These rules shall extend to the entire Province of Punjab except the areas notified as cantonments under the Cantonments Ordinance, 2002 (No. CXXXVII of 2002).

2. Definitions.- (1) In these rules unless there is anything repugnant in the context or subject:-

(a) “Company” means a Company registered under the Companies Ordinance, 1984.

(b) “Cooperative Society” means a Society registered under the Cooperative Societies Act, 1925.

(c) “Developer” means a Company or a Cooperative Society or a firm or the owner of land who intends to develop a Scheme;

(d) “Development Authority” means and includes the Lahore Development Authority constituted under the Lahore Development Authority Act, 1975 or any other Authority established under the Punjab Development of Cities Act, 1976;

- (e) "Government" means the Government of the Punjab;
- (f) "Scheme" means development of a site for private housing scheme including farm housing;
- (g) "Scrutiny Committee" means a Committee constituted under rule 3 sub-rule 3; and
- (h) "Town Planner" means a Town Planner registered with the Pakistan Council of Architects and Town Planners.

(2) Words and expressions used herein but not defined shall have the same meanings as are assigned to them in the Punjab Local Government Ordinance, 2001.

CHAPTER – II SCRUTINY OF SCHEME

3. Submission of application.- (1) A Developer shall submit an application for sanction of Scheme to (a) the Lahore Development Authority in case Scheme falls in the area of City District, Lahore, (b) concerned Development Authority in case Scheme falls in its controlled area as defined under the Development of Cities Act, 1976 and (c) the concerned Tehsil Municipal Administration (TMA) in all other cases.

- (2) No such application shall be entertained unless it is accompanied by:-
 - (a) scrutiny fee @ Rs.100 per kanal of the proposed Scheme area;
 - (b) 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);
 - (c) non-encumbrance certificate pertaining to the land proposed for the Scheme duly issued by the competent authority;
 - (d) 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 transferred to the Development Authority or Tehsil Municipal Administration, as the case may be, prepared by a Town Planner keeping in view planning standards as per rule 6;
 - (e) topographic/site survey of the area;
 - (f) copy of the national identity card of the Developer or its authorized representative;

- (g) 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;
- (h) statement of the works that shall be executed at the cost of the Developer; and
- (i) 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, the Tehsil Municipal Administration shall get the Scheme, designs and specification scrutinized by a committee called the Scrutiny Committee.

(4) The Scrutiny Committee shall comprise the following:-

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| (a) District Coordination Officer | Convener |
| (b) Executive District Officer (Works & Services) | Member |
| (c) Executive District Officer (Revenue) | Member |
| (d) Deputy Director, PHATA Sub Region | Member |
| (e) TMO of the concerned TMA | Member |
| (f) T.O. (Planning) of the concerned TMA | Member/Secretary |

(5) The Committee may, if deemed appropriate, also seek assistance from any expert.

(6) Within seven days of receipt the Tehsil Municipal Administration shall forward the application, designs and specifications to the Scrutiny Committee for its examination and recommendation.

4. Pre-requisite of Scheme.- (1) The Development Authority or Scrutiny Committee, as the case may be, 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; and

(e) that land is not required or have been notified by the Government for any other purpose;

(2) The Development Authority or the Scrutiny Committee, as the case may be, shall not proceed further with the application in case any of the prerequisites are not fulfilled and the Developer shall be informed accordingly:

Provided that the decision of the Scrutiny Committee shall be subject to the approval by the Tehsil Municipal Administration.

5. Inviting objections.- The Development Authority or Scrutiny Committee, as the case may be, 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 to the proposed Scheme. The objections, if received, shall be communicated to the Developer within three days for attending the same.

6. 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:-

Open Spaces/Parks	Not less than 7% of total Scheme
Graveyard	Not less than 2% of total Scheme
Commercial Area	Not more than 5% of total Scheme area
Maximum size of Residential plots	1000Sq.Yrds
Minimum Road width	30 Feet.
Public Buildings	2- 10%

7. Scrutiny of Scheme .- The development Authority, or Scrutiny Committee as the case may be, shall examine the application in the light of public objections, if any, and the planning standards and shall convey their observations/objections, if any, to the developers within thirty days who shall resubmit the same after attending the same.

8. Sanction and its conveyance.- (1) The Development Authority shall take a final decision regarding sanction of the Scheme within 15 days of completion of scrutiny in accordance with its procedure.

(2) The Scrutiny Committee shall forward its recommendation to the Tehsil Municipal Administration within seven days of completion of scrutiny.

(3) The Tehsil Municipal Administration shall make final decision regarding the sanction of the Scheme within fifteen days of receipt of recommendation of the Scrutiny Committee.

(4) If the Development Authority or Tehsil Municipal Administration, as the case may be, proceed to sanction the Scheme, then prior to issuance of such sanction, it shall require the Developer to fulfil within 15 days the following requirements.

- (i) deposit the prescribed fee for sanction;
- (ii) submit transfer deed for transfer of the area under roads, open spaces/[arks and graveyard to the Development Authority or Tehsil Municipal Administration, as the case may be; and
- (iv) transfer 1%of the total Scheme area for public buildings, excluding the area of mosque, to the Development Authority or Tehsil Municipal Administration as the case may be. The area so transferred shall not be used by transferee for any other purpose.

(5) The Development Authority or Tehsil Municipal Administration as the case may be, shall, at the Developer's cost, cause to be published in two daily national newspapers 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.

(6) After fulfillment of the above requirements, a formal letter of sanction shall be issued by the Development Authority to Tehsil Municipal Administration as the case may be within ten days.

(7) No Scheme shall be advertised or published in any forum, media and press, nor be issued by the Development Authority or Tehsil Municipal Administration as the case may be within ten days.

(8) 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 asapproved by the Competent Authority;
- (c) the detail of plots mortgaged with the Development Authority or Tehsil Municipal Administration as the case may be;
- (d) period for completion of development work(s);

- (e) name of sanctioning authority and letter of sanction; and
- (f) in case of allocation of plots through ballot, it shall be indicated in the advertisement.

CHAPTER – III EXECUTION OF SCHEME

9. Approval of design and specification.- (1) The Developer shall submit to the Development Authority or Tehsil Municipal Administration, 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) The Development Authority or Tehsil Municipal Administration, 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 the 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.

10. 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 plots viz. schools, dispensaries, open spaces and playgrounds, mosques, post office, police station, bus terminal, public toilets, community centre 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 Development Authority or Tehsil Municipal Administration as the case may be, as a security for the development works or bank guarantee of National Bank of Pakistan or the Bank of Punjab, equivalent to the total cost of development works shall be provided by the Developer.

11. Release of mortgaged plots.- The mortgaged plots shall be released by the Development Authority or Tehsil Municipal Administration, 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 30%
- (iv) street lights and horticulture 10%

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

13. Execution of Scheme.- (1) No person shall develop a Scheme except 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, the Development Authority or the Tehsil Municipal Administration 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.

14. Appeal.- Any person aggrieved by an order of Development Authority or Tehsil Municipal Administration, as the case may be, may prefer an appeal before the Secretary, Government of the Punjab, Local Government and Rural Development Department.

15. 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 and as to the regularity of any proceedings.

(2) On examining the record, the Government may pass such order as it deems fit, but before canceling or recalling sanction of the Scheme, the Government shall afford the Developer an opportunity of being heard.

**SERETARY,
LG&RD DEPARTMENT**