



**Ministry of Local Government, Rural Development & Cooperatives
Local Government Division
Local Government Engineering Department (LGED)**

6.2 Guidelines for Development Control Implemented

**Project Coordination Office (PCO)
City Governance Project (CGP)**

January 2018



**Assisted by
Japan International Cooperation Agency-JICA
and
Urban Management Unit, LGED**

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1. Introduction

Rapid urbanization accelerated by industry led economic growth has been taking place in Bangladesh. Potential of economic growth in urban areas is worthy of notice. There are 335 Local Government Institutions which cover 8% of total geographical area of Bangladesh and 30% of total population, while accounting for 60% of total national growth. On the other hand, the negative impact of dramatic change in urban areas is observed. The negative impacts are because the functions of municipalities and city corporations prescribed in Local Government (Pourashava) Act 2009 and Local Government (City Corporation) Act 2009, which are very relevant to the demand of city dwellers and urban development, are not implemented in an appropriate manner. In order to improve the public services provided by urban local governments, several urban development projects are being or were implemented by Local Government Divisions (LGD) and local government and engineering departments (LGED) with financial assistance of different development partners and government's own funds. Based on the experiences gained through implemented projects, effective activities for improvement of urban governance have been formulated as a program that has been well accepted. The urban governance improvement programs have been implemented to ensure good governance of those urban local government institutions namely Paurashava for equal, social harmony and planned development. Initiating urban governance improvement, LGD and LGED with financial support of JICA commenced a project named City Government Project (CGP) in 5 City Corporations.

2. Justifications

Building a planned urban area ~~requires investment~~ requires investment for infrastructure as well as control of private sector development. Without appropriate development control, any CC cannot construct a well organized urban area. Each of the targeted five (5) CCs has some kind of land use plans. All the buildings should observe national building codes. However, there are many instances of illegal land use and buildings not in compliance with code as well as squatters on public land. This guideline describes how to set up an appropriate institutional structure to control development and how to commence law enforcement against illegal actors.

3. Relevant Issues of ICGIAP

3.1 Task

There is framework for building control in CC Act, but it is not properly conducted due to lack of manpower, regulation, awareness and appropriate procedure. This activity is to initiate appropriate building control. Tasks are given to achieve control as follows;

- Task 1: At least one qualified Officer in Charge of building permission is assigned
- Task 2: Officers with authority to sign applications are defined
- Task 3: Application is examined without delay
- Task 4: Use of permitted buildings is consistent with land use plan
- Task 5: Illegal buildings are identified
- Task 6: All actions are taken to correct illegal buildings

3.2 Action by

Town Planner, CEO, Mayor

3.3 Time Schedule

Task 1, 2: by mid of 1st year

Task 3, 4: by end of 2nd year
Task 5, 6: by end of 4th year

3.4 Indicators

(1) 1st Stage

Procedure of building permission is prepared, and qualified Officers in Charge are assigned

(2) 2nd Stage

Major areas of illegal land use and squatting are identified and plotted on map.

4. Objectives

- To build safe and sound city by controlling private land development and building construction.
- To realize ~~planned~~ planned land use for controlled urbanization
- To register building properties appropriately so that CC can increase revenue from holding tax

5. Relevant Organizations, Stakeholders and their role

5.1 Development Authorities

Building permission administration is handled by RAJUK (in GCC and part of NCC), CDA (in ChCC) and CC itself (CoCC and RpCC). The building permission authorities of RAJUK and CDA request applicants to obtain CCs agreement with their building construction plans. Thus all -five CCs have occasion to examine the building construction plans.

In case the building plan is not consistent with building code, land use plan, and other regulations, CC and Development authorities should prevent the construction and give the applicant necessary instructions.

On the other hand, there are many illegal buildings observed in every CC. Many of them illegally occupy public land or even canal. Even though it might be difficult for CC to evacuate them in a short period, at least CC should recognize the reality and notify the illegal building owners and users.

5.2 PMO and PIU

PMO and PIU shall consider the necessary knowledge and skill of the building control officer of the CC and make adequate coordination.

ICGP includes feasibility study. Especially the illegal buildings in the proposed sites of the prospective projects shall be identified and notified accordingly.

5.3 Office of Town Planner / Town Planning Section

The office of town planner receives, examines and makes judgment if the building application clears all the necessary conditions. Also it coordinates building permission certificates.

5.4 Standing Committee for Urban Planning and Development

This standing committee shall discuss how CC should take action against the illegal land use and buildings.

5.5 Fire Department in the CC Area

Planning authority, CC and fire department should make close coordination to prevent illegal building and to promote safe urban area.

5.6 Agencies for utilities

It is not appropriate to supply utility services to illegal buildings. Thus the CC building control unit should promote law observance in cooperation with utility agencies such as Electric Board, Gas Company and Water Supply Department (WASA).

5.7 Taxation Department of the CC

Once the building plan is approved, the property should be registered in the holding tax inventory. Thus CC can increase its revenue systematically.

5.8 WLCC and CSCC

WLCC and CSCC shall monitor the situation of land development and building construction, and work together with CC to identify illegal development and resolve the situation.

6. Necessary Tasks and Procedures

6.1 Confirmation of Institutional Structure

(1) Role of CC

Role of CC in building permit and land use control shall be consistent with the following laws and rules.

- a. The Building Construction Act, 1952
- b. The Town Improvement (TI) Act 1953
- c. Building Construction Rules 2008
- d. Bangladesh National Building Code (BNBC) 2006
- e. Land Development Rules for Private Housing 2004
- f. Relevant master plan and its land use plan

In particular, the building plan should be consistent with the land use plan of the valid master plan.

1) Inside Rajuk and CDA jurisdiction (NCC, GCC, and ChCC)

CC examines the building plan and if there is no problem, CC shall issue No Objection Certificate. The officers in charge of this procedure shall be clearly defined and assigned. A signer of No Objection Letter shall be assigned.

2) Own jurisdiction (CoCC & RpCC)

CoCC and RpCC have authority to issue building permission. These CCs shall examine the building application documents. If the application documents and drawings have all the necessary conditions, CC shall issue building permission within least possible time. In case the application lacks some necessary information or it does not meet the rules or code, CC shall promptly inform the applicant. The Officers in Charge of this procedure shall be clearly defined and assigned. Officers with authority to sign building permissions shall be assigned.

6.2 Rule Preparation for Building Permission Procedure

The building application should be examined within least possible time. Thus rules of application procedure shall be set and open to the public. Citizen charter can include this.

Items shall include but not be limited to:

- Necessary documents, drawings, and information of application
- Name of the CC department to which application is submitted
- Name of the position in charge of examination
- Number of days necessary for judgment
- Information to be communicated if the application has any fault

6.3 Coordination with Property Tax Department

Once the building plan is approved, the CC taxation department should register the property to the holding tax inventory. Thus CC can increase its revenue systematically.

6.4 Action against Illegal Land Developments and Buildings

(1) Identification of illegal land development and buildings

CC identifies illegal land development, buildings and public land squatting with the organizations and individuals responsible for the violations. WLCC and CSCC may report these to the CC officer. This information shall be listed and mapped.

(2) Taking action against Illegal Land Developments and Buildings

CC takes necessary action to settle the illegal situation. The first step is to send notice to the illegal actors and reveal the information to the public. Execution of legal action shall be carried out in consultation with magistrate/officer of CC or Deputy Commissioner's Office.

7. Implementation Schedule

Figure 1.1 Implementation Schedule of Development Control

Sl No.	Activities	2014/5				2015/6				2016/7				
		1	4	7	10	1	4	7	10	1	4	7	10	
1	Confirmation of Institutional Structure	■												
2	Preparation of Rules for Building Permission Procedure		■											
3	Coordination with Property Tax Department			■	■	■	■	■	■	■	■	■	■	■
4	Action against Illegal Land Developments and Buildings													
4.(1)	Identification of illegal land development and buildings				■	■	■	■	■					
4.(2)	Taking action against Illegal Land Developments and Buildings												■	■

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8. Cost of Implementation (if necessary)

8.1 Employment

- Appropriate number of development control officers, surveyors of illegal land development and Buildings.

8.2 Training

- Needs Assessment of Building control officer and preparation of training plan
- Implementation of training

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