

On approval of the Rules for development and approval of the General scheme of organization of the territory of the Republic of Kazakhstan

Unofficial translation

Decree of the Government of the Republic of Kazakhstan No. 222 dated March 4, 2011

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In order to implement Paragraph 5 of Article 42 of the Law of the Republic of Kazakhstan dated July 16, 2001 "On Architectural, Urban Planning and Construction Activities in the Republic of Kazakhstan", the Government of the Republic of Kazakhstan hereby **DECREES AS FOLLOWS:**

1. Approve the attached Rules for development and approval of the General scheme of organization of the territory of the Republic of Kazakhstan.
2. This Decree shall be enforced from the date of signing.

The Prime Minister of the Republic of Kazakhstan

K. Massimov

Approved by
the Decree of the Government of
the Republic of Kazakhstan
No. 222 dated March 4, 2011

Rules

for development and approval of the General scheme of organization of the territory of the Republic of Kazakhstan

1. General Provisions

1. These Rules for development and approval of the General scheme of organization of the territory of the Republic of Kazakhstan (hereinafter referred to as the Rules) shall be developed in accordance with the Law of the Republic of Kazakhstan dated July 16, 2001 "On Architectural, Urban Planning and Construction Activities in the Republic of Kazakhstan" and establish the procedure for development and approval of the General scheme organizations of the territory of the Republic of Kazakhstan.

2. The following basic concepts and definitions shall be used in these Rules:

1) objects of special regulation and urban planning regulation - objects of architectural, urban planning and construction activities, the implementation of which is difficult or impossible without the introduction of special rules (order), the establishment of exceptions, or additions to generally accepted rules (order) of the use of territories, territory of a settlement, a separate property object;

2) zoning of territories - in urban planning, the division of territories into functional zones with the establishment of types of urban development of individual zones and possible restrictions on their use;

3) territory organization - the process of forming an effective model of an administrative-territorial unit or on a national scale with the goal of its sustainable social, economic and environmental development;

4) the General scheme of organization of the territory of the Republic of Kazakhstan (hereinafter referred to as the General scheme) shall be an urban planning project containing a vision of long-term spatial development and a system of rational organization of the territory of the Republic of Kazakhstan to realize territorial competitive advantages and achieve sustainable development of the country;

5) state urban planning policy - a set of measures aimed at the formation of urban planning approaches in solving the problems of territorial development and organization of the territory of the Republic of Kazakhstan;

6) the authorized agency for architecture, urban planning and construction (hereinafter referred to as the authorized agency) - the central state authority that exercising leadership in the field of public administration of architectural, urban planning and construction activities.

3. Tasks of the General scheme:

1) ensuring state regulation of the system of resettlement and distribution of productive forces;

2) establishment of the status, purpose and nature of the use of territories, taking into account the administrative-territorial structure of the Republic of Kazakhstan;

3) coordination of interregional and intersectoral state interests according to programs of socio-economic and economic development through the implementation of architectural, urban planning and construction activities.

4. The comprehensive development of the General scheme shall be provided by an authorized agency with the participation of interested state authorities of the Republic of Kazakhstan. The General scheme shall be developed on the basis of the Development Strategy of Kazakhstan until the year 2050, legislation in the field of architectural, urban planning and construction activities, ecology, strategic planning, as well as taking into account integration processes, programs of territorial and socio-economic development of neighboring states and world trends.

Footnote. Paragraph 4 is in the wording of the Decree of the Government of the Republic of Kazakhstan No. 666 dated 05.11.2016.

5. The General scheme considers internal and external factors affecting the prospective organization of the territory of the Republic of Kazakhstan, criteria for analysis, assessment of the territory and determines the list of measures necessary to ensure the sustainable development of settlements and inter-settlement territories in order to create a favorable living environment for the country's population.

2. The procedure for development of the General scheme

6. The General scheme includes:

1) basic principles of resettlement and distribution of productive forces in accordance with the provisions of strategic and economic planning;

2) main provisions of environmental management and economic activity, the development of transport, engineering, social and recreational infrastructure of national importance;

3) main measures to improve the environmental situation in regions, the preservation of territories with objects of historical and cultural heritage and (or) protected landscape objects;

4) types of use or restrictions on the use of specially protected territories, territories of occurrence of minerals exposed to hazardous (harmful) phenomena and processes of a natural and technogenic nature or extreme climatic conditions for implementation of architectural and urban planning activities.

Footnote. Paragraph 6 as amended by the Government of the Republic of Kazakhstan No. 666 dated 05.11.2016.

7. The development of the General scheme project shall be provided by the authorized agency.

8. The development of the General scheme shall be carried out in two stages:

1) preparatory phase, which includes:

organizational, regulatory and institutional support;

development and coordination of the structure of the General scheme;

development and approval of common approaches, criteria and methods for a comprehensive assessment of organization and use of the territory of the Republic of Kazakhstan;

development of a unified methodology for classification of territories of administrative-territorial units by types of economic specialization and their primary use;

analysis and assessment of the territory of the Republic of Kazakhstan, the identification of internal and external factors affecting the organization and efficient use of the territory;

creation of a unified interdepartmental system of digital symbols (classifier), an intersectoral terminological base, a cartographic basis and an interdepartmental information system based on a specialized geographical information environment;

2) the design phase, which includes:

development of a design solution for organization of the territory of the Republic of Kazakhstan for the periods of design, including: the development of patterns of resettlement and deployment of productive forces in the country, the preparation of zoning schemes with priorities and restrictions on its use in urban planning, the development of a support frame for

the territory of the Republic of Kazakhstan, development of schemes and projects for development of territories of administrative-territorial units, objects of special regulation and urban planning regulation actions of republican and interregional significance;

classification of territories of administrative-territorial units by types of economic specialization and their primary use;

development of the main directions of development of engineering, transport, social and environmental infrastructures of republican significance;

development of a set of measures to improve the environmental situation, rational use of land and natural resources, conservation of territories of objects of historical, cultural and natural heritage;

quantitative and qualitative filling by state (central and local) executive authorities of information modules of a single information system with information and cartographic materials.

At the end of the design phase, obtaining a positive expert opinion, specified in Paragraph 12 of these Rules, and coordination with interested state authorities by the authorized agency, the main provisions of the General scheme shall be formed.

Footnote. Paragraph 8 as amended by the Decree of the Government of the Republic of Kazakhstan No. 778 dated 02.08.2013.

9. As part of the General scheme, the authorized agency identifies the Main provisions of the General scheme containing the main decisions and proposals of the General scheme.

10. The main provisions of the General scheme include:

- 1) system of resettlement and distribution of productive forces;
- 2) schemes and projects for development of social, recreational, engineering and transport infrastructure;
- 3) schemes and projects for development of territories and objects of special urban planning regulation of republican and interregional significance;
- 4) classification of territories by types of economic specialization and primary use;
- 5) zoning schemes with the determination of priorities and restrictions on its use in the implementation of urban planning activities.
- 6) a set of measures to improve the ecological situation in regions, to preserve territories with objects of historical and cultural heritage and (or) protected landscape objects, as well as to protect territories from dangerous (harmful) effects of natural and man-made, man-triggered phenomena and processes.

Footnote. Paragraph 10 as amended by the Decree of the Government of the Republic of Kazakhstan No. 666 dated 05.11.2016.

11. The main provisions of the General scheme shall be approved by the Government of the Republic of Kazakhstan on the proposal of the authorized agency.

3. The procedure for approval of the General scheme

12. The General scheme project shall be compulsory sent by the authorized agency to the state integrated urban planning examination.

Footnote. Paragraph 12 is in the wording of the Decree of the Government of the Republic of Kazakhstan No. 778 dated 02.08.2013.

13. After the examination, the General scheme project shall be sent by the authorized agency for approval with interested state authorities. Consideration and approval of the General scheme project or its individual sections in state authorities should not exceed twenty working days from the date of receipt of the General scheme project.

Footnote. Paragraph 13 is in the wording of the Decree of the Government of the Republic of Kazakhstan No. 778 dated 02.08.2013.

14. Separate sections and cartographic materials of the General scheme prepared by state authorities, when included in the General scheme without significant changes, shall not be subject to re-coordination with these authorities.

15. Based on the results of consideration of the General scheme project, the coordinating state authority shall submit to the authorized agency one of the following answer options:

1) the General scheme project was agreed without comment. In this case, the authorized agency shall present the original of the General scheme project for its sight by the head of the coordinating agency, the person performing his/her duties or the deputy head;

2) the General scheme project may be agreed upon subject to the elimination of existing comments. Moreover, the comments shall be stated in a letter signed by the head of the coordinating agency, the person performing his/her duties or the deputy head. The comments of the coordinating state authorities on the General scheme project should relate directly to the competence of the coordinating state authority itself, and therefore, the General scheme project should be agreed upon, provided that the comments of the coordinating state authority that are directly within its competence shall be eliminated;

3) approval of the project shall be refused. At the same time, a letter shall be attached, signed by the head of the coordinating agency, the person performing his/her duties or the deputy head with the reason for the refusal to coordinate.

The coordinating state authorities shall not allow the approval of the General scheme project “with comments”.

16. In the event of disagreement, the authorized agency should ensure discussion with the coordinating authorities in order to find a mutually acceptable solution.

17. Excluded by the Decree of the Government of the Republic of Kazakhstan No. 666 dated 05.11.2016.