

**MINUTES OF 25<sup>th</sup> MEETING OF THE COMMITTEE CONSTITUTED UNDER SUB RULE 4 OF RULE 3 OF THE GOA TOWN & COUNTRY PLANNING (PUBLIC PROJECTS/SCHEMES/DEVELOPMENT WORKS BY THE GOVERNMENT) RULES, 2008 HELD ON 26/11/2018 AT 11.30 A.M. IN CONFERENCE HALL OF CHIEF SECRETARY OFFICE, SECRETARIAT, PORVORIM- GOA.**

The following Members attended:

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| 1. Shri. Dharmendra Sharma, IAS<br>Chief Secretary                              | ... | Chairman         |
| 2. Shri Daulat Hawaldar, IAS<br>Secretary (TCP)                                 | ... | Member           |
| 3. Ar. Milind Ramani<br>Rep. of Indian Institute of Architects<br>(Goa Chapter) | ... | Member           |
| 4. Er. Venancio C. Fernandes<br>Rep. of Indian Institute of Town Planners       | ... | Member           |
| 5. Er. Anwar Khan<br>Rep. of Indian Institute of Engineers<br>(Goa Chapter)     | ... | Member           |
| 6. Shri Akbar Mulla   | ... | Member           |
| 7. Shri Rajesh Naik<br>Chief Town Planner (Planning)                            | ... | Member Secretary |

**Item No. 1: Confirmation of minutes of 24<sup>th</sup> meeting of the committee constituted under sub rule 4 of the rule 3 of the Goa Town & Country Planning (Public projects/ Schemes/Development works by the Government) Rules, 2008, held on 11/04/2018.**

The Member Secretary submitted that minutes of 24<sup>th</sup> meeting held on 11/04/2017 were circulated to the members and no comments have been received.

The Committee confirmed the minutes.

**Item No. 2: Proposal for change of zone at land bearing Sy. No. 52/1 (part) & 52 at Penha-de-France Village, Bardez Taluka.**

The Member Secretary submitted that proposal for change of zone at land bearing Sy. No. 52/1 (part) & 52 at Penha-de-France Village, Bardez Taluka was discussed in the 24<sup>th</sup> meeting of 16-A Committee held on 11/04/2018 and it was decided that Goa Tourism Development Corporation shall first obtain necessary statutory clearance/NOC from Forest Department as land under reference is partly under Private Forest as per Regional Plan for Goa 2021.

The matter was then further placed before 162<sup>nd</sup> (Adj.) meeting of Town & Country Planning Board held on 16/05/2018 and it was decided that Goa Tourism Development Corporation shall make further presentation in the next meeting of the committee, by showing the extent of area coming under different zones and such other details.

As per the said decision of the Town & Country Planning Board, the matter was placed before the Committee for further deliberations.

Managing Director, Goa Tourism Development Corporation, during the discussion informed that they are in the process of obtaining necessary NOC from Forest Department for the purpose of development proposed. It was therefore decided that the GTDC shall first comply with the statutory requirement and thereafter may come before the committee for consideration of the proposal.

The Committee therefore deferred the final decision on the matter.

**Item No. 3: Proposal for change of zone at land bearing Sy. No. 206/1-H, 201/5-A, 211/1 to 8, 212/1 to 4, 212/6 at Anjuna Village, Bardez Taluka.**

The Member Secretary submitted that proposal is received from Managing Director, Goa Tourism Development Corporation Ltd., Patto, Panaji-Goa, pertaining to change of zone at land bearing Sy. No. 206/1-H, 201/5-A, 211/1 to 8, 212/1 to 4, 212/6 at Anjuna, Village, Bardez Taluka.

The Member Secretary, informed that the proposal was earlier placed before 24<sup>th</sup> Meeting of 16-A Committee held on 11/4/2018 in which the committee after deliberation decided that Goa Tourism Development Corporation

shall make a presentation before the committee to justify the request for release of additional land. It was further informed that the proposal was thereafter placed before 162<sup>nd</sup> (Adj.) meeting of the Town & Country Planning Board held on 16/5/2018, in which the Board directed Member Secretary to refer the proposal back to 16-A committee for detail presentation by Goa Tourism Development Corporation, by highlighting the need for additional land.

The Committee discussed the proposal at length and observed as under:

- a) The minutes of the meeting of the committee which gave permission to change of zone of 17737.00sq.mts. are not yet put up, as the same are required to understand as to whether the Committee which earlier recommended change of zone, assessed that remaining area with GTDC was never required to be converted or, GTDC itself was content with the area so considered.
- b) The GTDC argument basically is not convincingly putting the proposal in “public interest” and is being more as a commercial consideration of the PPP vehicle. The proposal appears to be dictated by the consultant who has now “planned” to spread the project to the additional space.
- c) MD, GTDC submission that as GTDC is a government corporation, commercial/profit consideration should also be viewed in “public interest” for Section 16 A decision, was also considered. MD, GTDC further submitted that entire area was acquired for “tourism purposes” and so Section 16 A permissions should necessarily follow. The Tender bid for the project was accordingly structured with GTDC taking responsibility of government approvals. It was assessed that profit enhancement per se is not antithetical to conception of “public interest” under Section 16 A – but it cannot be the sole consideration. Anjuna is a congested beach stretch. A pure profit motive based expansive use of Section 16 A would not be ipso facto be in public interest. Further, GTDC ought not to commercialize Section 16 A in future tender documents by assuming Section 16 A clearances. With regard to the submission that this land was acquired for “tourism purpose”, Committee was of the view that GTDC is tasked to pursue both - wider public policy programmes in tourism sector (public utilities, parking, facilitation centres, beautification, restoration, etc.) and,

commercial transactions. Therefore, it should maintain a sensitive distinction between its two roles. Unlike, GTDC's other proposal of rope way (which though also in the PPP mode) introduces a new domain product and a less impactful means of tourist transportation, "addition" of 140 more 5 star rooms (which appears to be core of the present proposal) is a normal tourism commercial project.

- d) That as the proposal stands, GTDC proposes to sandwich clear NDZ portion in between the two developments proposed on its either side and for which the access is proposed through the NDZ, which clearly is an impermissible activity.
- e) Even if GTDC's argument of loosing of about 5000 sq.mts. to CRZ ( from its previously approved plan) is accepted, committee members wanted clarity as to why the FAR of 5000 sq. mts. is not being added to the FAR already available with the remaining plot.
- f) Further, it was not clear as to why this proposal is not limiting itself to recover/set off the bare minimum of FAR actually lost, because of 5000 sq. mt. of already approved zone change coming into CRZ.
- g) Managing Director, GTDC communicated to the Committee that GTDC could restrict its proposal upto NDZ and rework to remain within the same contour as mentioned on the plan which will be approximately 3200 sq.mts. on same alignment. However, MD sought liberty to revert back for a slightly higher size, if so needed, to adjust the finalized plan. He explained that previously, the plan was of a Convention Centre and 80 rooms. Now, the GTDC wishes to go for 220 rooms resort along with Convention Centre and a restaurant on the hill top. However, GTDC will plan/work with a minimum possible deviation from the earlier approval.
- h) The Committee after deliberation decided that the proposal in its present form does not muster a convincing benchmark of being in public interest. It was decided that, as requested by MD, GDTC that, GTDC would like to revise the proposal in terms of (g) above, the matter should be placed before the next Committee meeting after receiving clarification from the Goa Tourism Development Corporation and on receipt of revised proposal in accordance with the deliberations held.

**Item No. 4: Proposal for change of zone for development of new PanchayatGhar cum Market Complex at Majorda.**

The Member Secretary submitted that proposal is received from Block Development officer, Mormugao Block, Vasco-da-Gama pertaining to Change of zone at land bearing Sy. No. 107/7 of Majorda, Salcete Taluka for construction of new Panchayat Ghar cum Market Complex.

The Member Secretary informed that as per the letter/zoning certificate issued to Secretary of Village Panchayat of Majorda-Utorda-Calata by Dy. Town Planner, South Goa District Office, Margao, the land under reference falls under cultivated zone as per Regional Plan for Goa 2001 and the same is earmarked as Paddy field (Eco-I) zone as per Regional Plan for Goa 2021 .

He further submitted that the application submitted was incomplete as the proposal did not have Administrative approval from Government and as the required documents such as Survey Plan, Ownership documents etc. were not submitted.

The Committee after deliberation decided to defer the proposal, and direct the Member Secretary to write to Directorate of Panchayat to submit the required documents.

During the discussion on the proposal, Chief Secretary opined that it would be advisable to seek the clarification whether the committee can parallelly decide on such proposals, as received for change of zone for public projects, under amended Section 16A, in lieu of enforcement of Section 16B of TCP Act which now permits the change of zone of land in the Regional Plan, by undertaking the prescribed procedure. The committee requested CTP to take Government Order whether in case such proposals for change of zone are to be considered under Section 16B of the TCP Act, then such proposals are to be referred to the TCP Board for necessary consideration and hence shall not be required to be placed before the 16A Committee.

The Committee therefore felt it essential to have the decision on this aspect at the first instance and directed the CTP(Planning) to move the note to the Government accordingly.

**Item No. 5: Proposal for change of zone for construction of 224 'B' Type Police quarters at Porvorim, Bardez-Goa.**

The Member Secretary submitted that proposal is received from Superintendent of Police for construction of 224 'B' Type Police quarter at Porvorim with request for increase in height for the proposed building.

The Member Secretary informed that the applicant was earlier asked to submit the required documents vide letter dtd. 7/9/2018. The representative of Director General of Police informed that they are in the process of gathering the required documents.

It was however expressed by the Chairman that all further proposals shall be taken for consideration on receipt of the decision from the Government as mentioned at agenda item No. 4 above.

**Item No. 6: Proposal for change of zone for Goa Institute of Public Administration and Rural Development, Ella, Old-Goa.**

The Member Secretary submitted that proposal is received from Director General, Goa Institute of Public Administration and Rural Development, Ella, Old-Goa pertaining to Change of zone of GIPARD, which however was incomplete as the applicant has not submitted the Administrative approval from Government, Survey Plan, Survey description of land, land ownership documents.

It was decided that the required documents shall be procure from the applicant for further consideration of the application.

It was also expressed by the Chairman that all further proposals shall be taken for consideration on receipt of the decision from the Government as mentioned at agenda item No. 4 above.

**Item No. 7: Proposal for change of zone for construction of bus stand at Sy. No. 60 of Cusmane Village of Quepem Taluka.**

The Member Secretary submitted that proposal is received from the Director of Transport pertaining to change of zone for construction of Bus Stand at land bearing Sy. No. 60 of Cusmane village, Quepem.

The Member Secretary informed that the land under reference is zoned as Paddy field and Irrigation Command Area as per Regional Plan 2021 and that the applicant has not submitted the NOC as required from CADA.

The Committee discussed in brief and asked the representative of Director of Transport to comply with the statutory requirement.

It was further decided that the proposal shall be further taken for consideration on receipt of the decision from the Government as mentioned at agenda item No. 4 above.

**Item No. 8: Proposal for change of zone for setting up of hundred bedded ESI Hospital at land bearing Sy. No. 23/1 and 24/0 of Sirsaim village, Bardez Taluka.**

The Member Secretary submitted that proposal is received from Administrator of Comunidade, North zone pertaining to change of zone for setting up of hundred bedded ESI Hospital at land bearing Sy. No. 23/1 and 24/0 of Sirsaim village, Bardez Taluka, which however was incomplete as the applicant has not submitted the Administrative approval from Government, Survey Plan, Survey description of land, land ownership documents.

It was therefore decided that the required documents shall be procure from the applicant for further consideration of the application.

Further it was decided that the proposal shall be taken for consideration on receipt of the decision of the Government as mentioned at agenda item No. 4 above.

**Item No. 9: Proposal for change of zone for proposed Government Taluka Library, at land bearing Sy. No. 232/4(pt), 232/11(pt),232/12(pt) and 232/13 to 24 of village Curchorem.**

The Member Secretary submitted that the proposal of Goa State Central Library for change of zone for proposed Government Taluka Library at land bearing Sy. No. 232/4(pt), 232/11(pt), 232/12(pt) and 232/13 to 24 of village Curchorem.

The Goa State Central Library has submitted the proposal for change of zone for proposed Government Taluka Library at land bearing Sy. No. 232/4(pt), 232/11(pt), 232/12(pt) and 232/13 to 24 of village Curchorem.

Members deliberated on the need of the project considering the population and status of the Municipal Town. However, Chairman opined that it would be beyond the scope of the committee to decide on this aspects.

It was however decided to take up the proposal for consideration on receipt of the decision of the Government as mentioned at agenda item No. 4 above.

**Item No. 10: Proposal to increase FAR to 1.5 for proposed construction of Bus Stand at Curchorem with other related Infrastructure.**

The Member Secretary, submitted that the proposal received from Dy. Director (Admin) Directorate of Transport requesting for increase of F.A.R upto 1.5 and height relation from 20 mtrs. to 24 mtrs. for proposed construction of Bus Stand and other related Infrastructure at land bearing Sy. No. 229, 230 and 231 at Curchorem Town, Quepem Taluka.

After having detail discussion on the scope of the committee and its limitation viz-a-viz the statutory provisions under the Goa Land Development & Building Construction Regulations, 2010 it was concluded that the committee is not empowered to grant the benefit of allotting additional FAR and height to the proposals, as the same could be in contradiction to the prevailing regulations. It was however suggested that the Directorate of Transport may opt for processing



their proposal through the provisions of Section 16B of the TCP Act, for change of zone to avail higher FAR and height.

**Item No. 11: Any other item with permission of the Chair.**

No proposal was discussed under this item.

The meeting ended with vote of thanks to the chair.