**AGENDA FOR 183rd MEETING OF THE TOWN & COUNTRY PLANNING BOARD SCHEDULED TO BE HELD ON 11/08/2022 AT 5.30 P.M. IN CONFERENCE HALL, VAN BHAVAN, ALTINHO, PANAJI - GOA.**

**Item No. 1: Confirmation of the Minutes of the 182nd meeting of Town & Country Planning Board held on 01/08/2022.**

The Minutes of 182nd meeting of TCP Board held on 01/08/2022 are prepared and placed before the Board for confirmation.

Board may consider the same.

**Item No. 2: Appeal under Section 45 of the TCP Act, 1974 filed by Mr. Harish Dhirajlal Rajani and Mrs. Sharmila Harish Rajani against Greater Panaji Planning and Development Authority.**

The present Appeal is filed by Appellants Mr. Harish Dhirajlal Rajani and Mrs. Sharmila Harish Rajaniagainst the impugned decision of Authority to reject the revised proposal/plans submitted by them for construction of two additional floors i.e. 7th and 8th floor to the existing building at property bearing Chalta No. 271-A, 272 to 289, 289-A and 290 of P.T. Sheet No. 36 situated at Panaji City.

The appeal memo states that the Appellants are the owners in possession of the landed properties situated under Chalta No. 271-A, 272 to 289-A and 290-A of the P.T. Sheet No. 36 situated at Panaji City. Appellants have purchased the said properties vide Deeds of Sale dated 09/02/2011 and 04/10/2013 from its erstwhile owner in order to construct the commercial building in the said properties.

The Appellants states that the then North Goa Planning and Development Authority after having considered their Application vide Order dated 01/10/2013, issued Development Permission for revised Plans for construction of the commercial building in the said properties and thereafter they obtained the Construction License dated 04/11/2013 from the Corporation of City of Panaji for the construction of the said commercial building.

Accordingly, the Appellants have undertaken construction of the said commercial building in the said properties in terms of the approved plans granted by the North Goa Planning and Development Authority as well as Corporation of City of Panaji and thereafter the Appellants have obtained the Completion Certificate dated 27/04/2017 from North Goa PDA and also obtained the Occupancy Certificate from the corporation of City Panaji for the lower basement, upper basement (parking), Ground, First, Second, Third, Fourth, Fifth and Sixth floors for the shops/offices/Restaurants.

The Appellants states that subsequently, the Government vide Notification, brought the Planning Area of Panaji under the jurisdiction of Greater Panaji Planning and Development Authority.

The Appellants states that they proposed to construct two additional floors as per the available FAR to the said building and accordingly, vide application dated 14/01/2019, applied for construction of additional two floors i.e. seventh and eight floors to the already existing building having six floors. The Appellants state that the application was complying with the applicable regulations and hence the development was completed in all respect.

The Appellants states that the Respondent Authority i.e. Greater Panaji PDA kept the application pending for more than three years and suddenly informed the Appellants vide their letter dated 04/08/2022, that the Authority cannot consider their proposal, as the ODP 2021 is kept on hold.

The grounds for appeal as mentioned by Appellant are as under:

1. That the Impugned decision of the Respondent Authority to reject the revised proposal/plan for construction of two additional floors is illegal, arbitrary and unreasonable and therefore the same is required to be quashed and set aside.
2. The Respondent has to consider all the Rules, Regulations and the provisions of ODP as applicable when the application came to be submitted as early in January 2019 and that particular time there was neither any Court nor any such alleged decision to keep on hold the ODP-2021 and in such a situation the said application ought to have been considered as per the situation prevailing at that particular time.
3. The reasons given by the Respondent Authority that the Hon’ble High Court has set aside the ODP-21 is entirely wrong and if that be the case, it is not known as to how the ODP has been kept on hold, in any case, the ODP-21 is still in operation and there is no decision of the Respondent Authority or the Government to keep on hold the said ODP and in such a situation, the Respondent Authority ought to have granted the application submitted by the Appellants for additional floors.
4. It is clear that the impugned decision of the Respondent Authority to reject the proposal for the revised plan is illegal and as such required interference by the Hon’ble Board by directing the Respondent Authority to approve the plan submitted by the Appellant.

The prayer of the Appellant is as under:-

To quash and set aside the impugned decision of the Respondent Authority communicated vide letter dated 04/08/2022 and to direct the Respondent Authority to grant approval in respect of the revised plan as submitted by the Appellant.

Notices are accordingly issued to both the parties to remain present for meeting.

The Board may decide.

**Item No. 3: Additional uses to be included under the Goa Land Development and Building Construction Regulations, 2010.**

**a) Residential School**

The Goa Land Development and Building Construction Regulations 2010 has provisions for educational institutions, health and medical institutions etc. Educational Institutions are allowed in settlement, institutional zones and other developable zones under pre-requisite conditions where maximum ground coverage and maximum FAR is as applicable to the respective zones.

The Regulations also has provisions allowing additional FAR to the educational institutions. As per the regulations, the educational institutions recognized by the Education Department/Goa University/University, Grant Commission/All India Institute of Technical Education/Directorate of Higher Education/Directorate of Technical Education and the Government of Goa, are eligible to avail additional 20% FAR for this facility. However, they shall obtain a prior no objection certificate for the additional FAR from the concerned Department of the Government of Goa. The educational institutes shall have a minimum plot area of 2,000 sq. mts. and are eligible for additional FAR of up to 20% of the standard FAR permissible.

Goa currently has various colleges which have hostel facilities, but do not have schools with facilities that house the students studying in the school. The Regulations do not provide separate provisions for Residential Schools which may be defined as educational institutions with special focus on community engagement, where the schools builds a relationship with its surroundings – from the natural bounty that encompasses it to the community that cohabits the space in many villages and hamlets that surround it.

The Board may deliberate on framing the regulations for same.

**b) Yoga and Meditation Centers**

Yoga and meditation centers have become the need of the hour for people in search of solace and calm. Goa is known for its serene beauty and its peaceful environment which would make it an ideal destination for Yoga and meditation centers attracting tourists in search of mental and spiritual wellbeing. Goa being a top tourist attraction could offer tourists a place to rejuvenate themselves in the form of meditation and yoga. The remote hinterlands in the Ghat regions of Goa would be ideal locations for such centers.

TCP Department is in the process of formulating guidelines for the Yoga and meditation centers where it is suggested that Yoga and Meditation Centers shall be permitted provided that the plots have a minimum area of 50,000 sq meters, the maximum coverage shall be 5%, FAR shall be 5% and maximum height of the building will be 7.6 meters. It is essential that the Yoga and Meditation centers comply with the IGBC norms.

Regulations need to clearly define the zones in which such facilities could be set up and the exemption for obtaining conversion sanad shall also have to be considered.

Board may deliberate.

**c) Open Spaces for the residential buildings having 25/ 50 flats.**

As per the Goa Land Development and Building Construction Regulations 2010, When a plot, having an area of more than 4000 m2, is used for the construction of a building/group of buildings, 15% of the area shall be kept as an open space, in addition to the parking requirements. There is however no provision for open spaces to be kept for plots with sizes less than 4,0000sqmeters used for the construction of a building/group of buildings. A need is therefore felt for having an organized open space and well defined parking spaces, even for the residential buildings having more than 25/ 50 units, such that the occupants can have some kind of recreational open space, etc.

Board may deliberate.

The Board may also decide on constitution of Committee for compliance of Green Certification.

**Item No. 4: Regarding amendments to be affected to the Goa Land Development and Building Construction Regulations, 2010 - Presentation by Arch. Brian Soares, Member Conservation Committee.**

In the Conservation Committee meeting held on 5/8/2022, several issues were raised pertaining to the regulations in force, which required clarity and interpretation.

Arch. Brian Soares, member of the committee had therefore offered to place before the Board the issue regarding affecting necessary amendments to the regulations in this regard.

The Board may deliberate.

**Item No. 5: Acquisition of land which are earmarked for roads and other amenities under RPG 2021.**

The Regional Plan for Goa – 2021 notified under different stages has provision of various land uses and so also it clearly defines the road network in a proper hierarchical manner. This road network includes National Highways, State Highways, Major District Roads and various other roads having width of 15.00 mts. 10.00 mts., 8.00 mts. and 6.00 mts. etc. and these roads under RPG-2021 are either existing or are proposed.

Proposed roads are intended to provide linkages to other major roads or are proposed to provide access to the landlocked areas. Provision of these proposed roads has given a big relief to the properties which have remained landlocked for years together, however the purpose is not met till the area reserved for such roads is acquired and the roads are actually developed.

There is however a growing concern expressed by affected parties, as the area under roads passing through their properties is neither acquired by the Government nor are they permitted to undertake any development in the area affected by such roads.

There is therefore an urgent need to address this issue and to acquire the land earmarked for proposed roads, such that the purpose of proposals reflected in RPG is achieved and the land locked areas are provided access.

In many a cases, the land owners or the affected public has shown their desire to develop such roads which are marked on RPG-2021 or have expressed their willingness to make the payment to the concerned Authorities, such that the area earmarked for such roads is acquired and their properties provided with proper motorable access.

A mechanism can therefore be worked out such that the interested parties can deposit part of the amount required for acquisition of land to the designated authority, which amount can thereafter be deposited with the Land Acquisition Authority/ Revenue Department for the purpose of undertaking further land acquisition procedure/ development work. This shall effectively bring the proposals under the Regional Plan for Goa - 2021 to a reality.

The Board may deliberate.

**Item No. 6: Regarding preparation of Taleigao Outline Development Plan.**

TheGovernment has notified Taleigao Planning Area and the same was under the jurisdiction of North Panaji PDA. Subsequently, the Government has constituted Greater Panaji PDA and this area of Taleigao Planning Area was brought under the jurisdiction of this Greater Panaji PDA.

On declaration of Taleigao Planning Area, PDA had prepared the ODP for this area and is finally notified. As a result, any development coming under this planning area is now regulated by GPPDA under the provisions of ODP notified.

Considering the rapid pace of development under Taleigao Planning Area, need is expressed to revise the Taleigao ODP to accommodate growth of Panaji city and its surrounding villages.

The Board may deliberate.

**Item No. 7: Regarding preparation of Panaji Outline Development Plan.**

The Government had earlier issued directions to GPPDA to undertake the preparation of ODP for Panaji and accordingly the work was initiated by GPPDA. A draft ODP accordingly was prepared. However, the Government vide Order No. 47/5/TCP/2022-23/1026 dtd. 27/4/2022 has kept on hold the said draft ODP of Panaji.

The Board in its 182nd meeting held on 01/8/2022 has recommended that the jurisdiction of Panaji Planning Area now be brought under North Goa PDA. Further decision accordingly need to be taken on the draft ODP prepared by GPPDA, which is currently kept on hold.

The Board may decide.

**Item No. 8: Guidelines to be followed at the time of preparation of ODPs.**

It is noticed that at the time of preparation of ODPs, properties even which are of eco-sensitive in nature, are considered for change of zone by the PDAs.

It is often seen that these areas includes low lying paddy fields, water bodies, khazan lands, flood prone areas, land having slopes more than 25%, forest land including private forest land, land falling in the buffer zone of Wild Life Sanctuaries, tenanted agricultural lands etc.,

It is observed that once considered for change of zone under the draft ODP, even the objection received for the same are overruled by the Authority and this often creates litigations and raises other issues.

Member Secretaries of the PDAs are therefore required to ensure that no such proposals are considered for change of zone, failing which they shall be held responsible for lapses in this regard.

It shall also be ensured that right of ways of notified roads such as National Highways, State Highways and MDR are not altered. So also, it shall be seen that de-zoning of the properties, which are under developable zone, is discouraged.

Direction to the Member Secretaries of the PDAs need to be issued accordingly.

For consideration of the Board.

**Item No. 9: Regarding extension of Margao Planning Area.**

The Government has constituted South Goa PDA having its jurisdiction over Margao Planning Area and Ponda Planning Area. As regards to Margao Planning area, it consists of municipal areas coming under Margao and Fatorda.

Over the years, Margao Town is developing along its outskirts on Davorlim, Arlem, Aquem-Baixo and Navelim side. Navelim is already considered as census town and has got all the characteristics as that of any city. Large number of commercial, educational and medical institutions are saturated in this constituency. It may also be seen that several residential complexes have come up in many parts of Navelim village.

As notified under Release-I policy of RPG-2021, Navelim is however categorised under VP-2 category having FAR only as 60. Therefore there is a growing demand to increase the FAR in certain parts of the village, however the Regional Plan policy does not permit the same.

The Board may deliberate further on revising Margao Planning Area to include part of fast growing area of Navelim under the jurisdiction of SGPDA so as to regulate the growth in a planned manner.

**Item No. 10: Regarding appointment of Arch. Vinayak Bharne on TCP Board on honorary basis for the purpose of obtaining consultancy in various planning matters.**

Arch. Vinayak Bharne is a Goan Architect and has obtained Bachelor of Architecture degree from Goa College of Architecture, Panaji. He is now a leading Urban Designer and City Planner in private practice in Los Angeles, USA.

His professional work of Arch. Vinayak Bharne ranges from satellite cities, new towns, inner-city revitalization, resort-villages, campuses, and housing for corporate, private and institutional clients; to urban policies and advising for Government and Non-Government agencies in the United States, Canada, India, Australia, China, United Arab Emirates, Panama, Mexico, Kenya and Mauritius.

Arch. Bharne’s projects have received numerous awards which includes the following:

1. The 2013 National Award for Smart Growth Achievement - Overall Excellence by the United States Environmental Protection Agency;
2. The 2013 Pinnacle Award from the International Downtown Association;
3. The Excellence in Planning Implementation Award from the California Chapter of the American Planning Association.

Arch. Vinayak Bharne is also an Adjunct Professor of Urbanism in the School of Architecture at the University of Southern California, and Director of the India-Netherlands-based think tank, My Livable City.

Arch. Vinayak Bharne is the author/editor of eight books including [Urbanism Beyond 2020](https://www.amazon.com/Urbanism-Beyond-2020-Reflections-COVID-19/dp/1954081073): Reflections during the COVID-19 Pandemic;[Affordable Housing, Inclusive Cities](https://www.amazon.com/gp/product/1941806198/ref=dbs_a_def_rwt_bibl_vppi_i1)*; and* Streets for All: 50 Ideas for Shaping Resilient Cities. He has also featured as a thought leader in the field of urbanism by World Architecture News in 2013 and currently serves on the International Speakers Bureau of the Intelligence Community Forum in Canada, and an advisor to several international think-tanks such as CUSP-India, and U for Urban Impact in Egypt.

During his recent visit to Goa, Arch. Bharne has had interaction with various professionals and institutions in the field of Architecture, Urban Design, Town Planning and Builders Association. Being a Goan, he has a vast knowledge of the planning scenario in Goa and expressed to share his knowledge and experience in the planning field for the benefit of Goa. Arch. Bharne has also expressed his desire to associate with the planning institutions to guide and exchange his ideas.

The Board has already decided to engage services of various consultants/experts in the field of Planning and therefore may also consider association with Arch. Vinayak Bharne as a honorary member of the Board, such that his inputs can be obtained during various planning exercise undertaken by the TCP Dept., including that for preparation of ODPs and formulating policies for TDR, higher FAR, etc.

The Board may deliberate.

**Item No. 11: Decision on proposals considered in 36th meeting of the 16-A Committee, constituted under sub-rule 4 of Rule 3 of the Goa Town & Country Planning (Public Projects/Schemes/Development work by the Government) Rules - 2008 held on 02/08/2022.**

The proposals as given in Table placed at Annexure ‘A’ have been considered by the Committee constituted under sub rule 4 of Rule 3 of the Goa Town & Country Planning (Public Projects/Schemes/Development work by the Government) Rules - 2008 in its 36th meeting held on 02/08/2022.

The same proposals are placed before the Town & Country Planning Board for its consideration.

The decisions taken shall be forwarded to the Government for its approval.

**Item No. 12: Regarding transfer policy guidelines.**

The Government of Goa has issued transfer policy guidelines from time to time. However, office Memorandum dated 1st April, 1993 has been issued stating that some Departments have been issuing transfer Orders of their employees in violation of these guidelines.

As per the guidelines issued by the Government, servants who have completed three years in one place as on 31st March should normally be transferred. It also states that Government servants who have completed four years at one place as on 31st March should invariably be transferred. Normally no official will be transferred unless he has completed 3 years in his present post.

Office memorandum also gives guidelines for transfer of Group ‘C’ and Group ‘D’ employees.

Matter is brought to the notice of the Board for its information and for issue of any further directions in this regard.

**Item No. 13: Regarding change of zone in the ODP – 2031 of Panaji Planning Area.**

A note is received from Member Secretary, Greater Panaji PDA vide which it is informed that the Authority has received a number of proposals to carry out the change of zone for the properties in the Panaji Planning Area.

The Note further states that the cases requires special consideration in view of the redevelopment of housing societies and GTDC projects.

The details are as per Annexure ‘B’.

The Board may decide.

**Item No. 14: Facilities to be permitted in Orchard Zone for setting up of public utilities.**

It is observed that there is a growing trend to establish gymnasiums and public libraries etc. in urban as well as rural areas. It is however observed that in many a cases availability of proper space and area for setting up of such activities is a problem. The cost incurred in acquiring the space for putting up these uses is also very high.

There are several inquiries made with the Department, whether such activities could be permitted in Orchard Zone etc., however present landuses does not permit the same.

The Board may deliberate depending upon genuine demand for the same. If agreed, regulations pertaining to permissible landuses in Orchard Zone shall have to be amended.

**Item No. 15: Regarding monitoring and assisting projects under Green Certification.**

The TCP Board in its past meetings have recommended several projects to be included under the Regulations and necessary further procedure in amending the Goa Land Development & Building Constructions Regulations in undertaken.

These projects includes Golf Centres, Film City and Film Studios and other such activities. It is the decision of the Board to permit all these projects provided they have Green Certification. It is also the decision that the compliance of Green Certification shall be regularly monitored and Completion Certificate be issued only after verifying that the projects are in compliance with Green Certification. The Board has already decided that services of IGBC shall be obtained for the Green Certification.

For the purpose, it is proposed that Mrs. Swati Salgaonkar, Chairman CII shall render her assistance to the TCP Department and Planning & Development Authorities.

It is also proposed that a committee be set up for Sustainable Planning and Building Practices/ Initiatives and this committee to have following members:

1. Mrs. Swati Salgaonkar ………. Chairman
2. Mr. Kapil Gupta, ………. Member

Founding Principal, Serie Architects

1. Mr. S. Karthikeyen, …….. Member

Dy. Executive Director,

CII Godrej Green Building Centre

1. Mr. Rajeev Sukhtankar ….. Member

The Board may deliberate.

**Item No. 16: Any other item with permission of the Chair.**