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

The following attended the meeting:

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| 1. | Shri. Vishwajit Rane,  Hon. Minister for TCP | … | Chairman |
| 2. | Smt. Deviya Rane,  Hon’ble MLA | … | Member |
| 3. | Shri Rajesh Faldessai,  Hon’ble MLA | … | Member |
| 4. | Shri Santosh H. Fadte,  Dy. Conservator of Forest | … | Member |
| 5. | Shri Sujay Shirodkar,  Agriculture Officer,  Directorate of Agriculture. | … | Member |
| 6. | Shri Ralph Barboso,  Research Asst.,  DPSE, Porvorim | … | Member |
| 7. | Subhash Priya,  Representative of Defense, GOI | … | Member |
| 8. | Shri Paresh Gaitonde | … | Member |
| 9. | Arch. Rajeev M. Sukhthanker | … | Member |
| 10. | Shri Ralph De Souza,  President GCCI (Representative) | … | Member |
| 11. | Adv. Nilesh Amonkar | … | Special Invitee |
| 12. | Shri Akash Khaunte,  Representative of CII | … | Special Invitee |
| 13. | Shri Avez Shaikh,  Representative of CREDAI | … | Special Invitee |
| 14. | Smt. Snehalata Pednekar | … | Special Invitee |
| 15. | Arch Bryan Soares | … | Invitee |
| 16. | Shri Ketak Nachinolkar, Architect | … | Invitee |
| 17. | Shri James Mathew,  Chief Town Planner (Admn.) | … | Invitee |
| 18. | Shri. Rajesh J. Naik,  Chief Town Planner (Planning) | … | Member Secretary |

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

Member Secretary informed that Minutes of 182nd  meeting of TCP Board held on 01/08/2022 are prepared and the same were placed before the Board for confirmation.

During the discussion on the same, Member Shri. Akash Khaunte, Special Invitee, brought to the notice of the Board that in 182nd meeting, while deliberating on agenda item No. 5, it was decided that provision under regulation 12.7 of the Goa Land Development & Building Construction Regulations, 2010, regarding amenities and utilities to be provided such as schools, community centres, commercial centres, etc. for properties involving area more than 5 hac., shall be removed.

The Board took note of the same and accordingly Minutes of item No. 5 were confirmed with revision as under:

***“Item No. 5: Regulations for sub-division of land notified under the Goa Land Development & Building Construction Regulations, 2010 with regards to provision of public utilities/amenities.***

*Member Secretary informed that the Goa Land Development & Building Construction Regulations, 2010 specifies regulations for all sizes of plots and the said regulations specifically include the provisions for the following:*

1. *Right of ways for the roads.*
2. *Surface and strong water drainage*
3. *Regulation regarding sloping sites*
4. *Regulation regarding open spaces*
5. *Requirement for development of plots, open spaces and roads*
6. *Minimum width of plots*
7. *Minimum width of roads and other regulations.*

*It was informed that there is different set of regulation for sub-division of land for the plots having area more than 5 hac, in which case, 5% of the total plot area is required to be reserved for a provision of amenities and utilities, schools, community halls, commercial centres, etc. In addition to the above, whenever the plot area exceeds 5 hac., the development is subject to other special conditions in connection with, drainage, garbage and waste disposal, water supply and other requirement, amenities, commercial facilities, etc.*

*Member Secretary informed that for sub-division of land involving properties having area of more than 5 hac., provision for additional facilities such as drainage, garbage and waste disposal etc. are therefore made, whereas provision of such facilities is not mandatory under the regulations for the properties involving sub-division of land having area less than 5 hac. Thus it is observed that no specific areas are earmarked for such essential facilities like garbage and waste disposal etc. for the sub-division involving land having area less than 5 hac. It was therefore observed that the beneficiaries of such sub-division of plots involving area less than 5 hac. are deprived of such common facilities and there is intense problem of garbage management in such areas, as the plot owners has to rely only upon facilities provided in this regard by local authorities.*

*The Government has issued various guidelines and conditions for effective management of garbage, which presently is burning issue of the State and this issue of garbage management is also monitored by courts of law and various orders in this regard have also been issued to the local authorities.*

*The Board took serious concern of the matter and upon deliberation, it was decided that facilities like garbage disposal area, installation of transformer, etc. shall be made compulsory for any sub-division of land having area more than 4000 sq. mts. It was also decided that such facilities could also be installed and provided within the open space which otherwise is compulsory to the extent of 15% of the area of the plot wherein area of the sub-divided property exceeds 4000 m2.*

*The Board also opined that during the grant of permission, the Department shall strictly check about appropriate location of area reserved for such facilities to ensure that such facilities are located at convenient place for the local Authorities/Departments to manage it.*

*Chief Town Planner (Administration) was accordingly directed to issue necessary instructions to all the Taluka Offices/PDAs in this regard.”*

*Deliberation on regulation 12.7 of the Goa Land Development & Building Construction Regulations, 2010, regarding amenities and utilities to be provided such as schools, community centres, commercial centres, etc. for properties involving area more than 5 hac. was also held and it was observed that there are usually no takers for such plots for providing such facilities of schools, community centres, commercial centres, etc. and as a result these plots remains unsold.*

*The Board took note of the same and considering related issues, it was decided that regulation 12.7 of GLDBCR-2010 shall be amended by removing the compulsion of providing 5% utility space for schools, community centres, commercial centres, etc., for the properties involving sub-division of land exceeding 5 hac.*

*Chief Town Planner (Administration) was accordingly directed to initiate further procedure in this regard.*

Further, as regards to item No. 7 as discussed in 182nd meeting held on 1/8/2022, Member Secretary brought to the notice of the Board that during deliberation, it was specifically decided that for the purpose of developing Transfer Oriented Development (TOD) and for the purpose of consideration of TDR policy, only NH-66 and NH-4A were to be considered and the mention of the same was inadvertently missed.

The Board took note of the same and accordingly Minutes of item No. 7 were confirmed with revision as under:

***Item No. 7: TDR Policy for Transit Oriented Corridors/along National Highway.***

*The Board acknowledged that Goa has a well developed road network of National Highway, State Highways and Major District Roads which provides good connectivity between major Bus Terminals, major Railway stations and Airports and therefore Planning needs to be focused along these Transit Corridors.*

*It was deliberated and expressed that Goa is witnessing linear development along major roads and considering undevelopable zones and lower FAR allotted to villages under RP Policy, allocating higher FAR and permitting high density development along such Transit corridors could be an effective tool to contain urban sprawl and for economic growth of urban as well as rural areas and which could be achieved by planned concentration of commercial and residential activities in the villages/connected by National Highways and Railways.*

*Board was informed about the bye-pass road proposed from Colvale to Bali, through Thivim, Bicholim, Sangquelim, Dharbandora, Savordem and Quepem and that the villages along this new proposed road have been categorized as VP-1 villages, based on this concept. Board was of the opinion that villages and towns having good connectivity by way of important transport corridors could be considered as receiving areas of TDR.*

*Board deliberated at length on the subject and issues concerned and decided that a policy for Transit Oriented Development (TOD) need to be framed alongwith TDR policy.*

*It was specifically decided that for the purpose of developing Transfer Oriented Development (TOD) and for the purpose of consideration of TDR policy, only NH-66 and NH-4A were to be considered.*

*Board also decided that consultancy services shall be taken to involve the consultants/experts in the planning field for identifying such receiving and sending areas along these transit corridors.*

*Board also decided that the sub-committee constituted in its 180th (Adj.) meeting held on 17/06/2022 under item No. 1 shall further work on this concept.*

*During the discussion, it was also decided that Adv. Nilesh Amonkar, who is the Special Invitee for the Board meetings, shall also be appointed on the said committee constituted for the purpose.*

With the correction to item No. 5 and 7 as above, the Board confirmed the Minutes of 182nd TCP Board Meeting held on 01/8/2022.

**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.**

Member Secretary informed that 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.

It was informed that 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 have brought on records that subsequently, the Government vide Notification, brought the Planning Area of Panaji under the jurisdiction of Greater Panaji Planning and Development Authority.

The Appellants further 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 and their 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 and has therefore stated 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 is therefore required to be quashed and set aside.

It is the say of the Appellant that 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 at 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.

The Appellant has therefore prayed 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.

During the hearing, Appellant was represented by Adv. Hanumant Naik and whereas the Respondent PDA was represented by Shri Shaikh Ali Ahmed, Member Secretary GPPDA.

Adv. Hanumant Naik stated that the appeal has been filed under Section 45 (2) of the Town & Country Planning Act,1974, wherein they have challenged the communication dated 04/08/2022, issued by the Greater Panaji Planning and Development Authority whereby the application dated 14/01/2019, submitted by them for approval of additional floors 7th and 8th floors to the existing building in the properties bearing Chalta Nos. 271-A, 272 to 289, 289 –A and 290 of the P. T. Sheet No. 36 situated at City Panaji came to be rejected.

The Appellants stated that in view of change of zoning, they intended to construct the additional floors, as such vide application dated 14/01/2019, they submitted the revised plan to the Respondent Authority, which proposal was otherwise complying with the regulations.

Appellants submitted that the Authority for the reasons known to it, did not decide on their application in time and ultimately after more than 3 years, vide Order dated 04/08/2022, rejected their application mentioning that the ODP - 2021 for Panaji Planning Area was notified and that subsequently the Hon’ble High Court in the case No. LDVC-OCW/29/2020 in PIL W.P. 10/2019 passed an Order setting aside the operation of the ODP 2021 and in view of the same, their proposal for construction of 7th and 8th floor to their existing building (having total FAR of 249.96%), could not be considered, as the ODP - 2021 is on hold.

The Appellants stated that when their application came to be submitted on 14/01/2019, there was no such Order passed by the Hon’ble High Court and therefore their application, if considered by the Authority, certainly the approval would have been granted for the construction since it was not the new construction but they were seeking to construct only the additional floors on the existing approved building.

Appellants further stated that it was not known to them as to why their application was kept pending for such a long time. It was also brought to the notice of the Board that their application was not submitted after the Order of the Hon’ble High Court and further informed that the Respondent Authority gave no other reason given for rejecting their application after more than 3 yrs.

Appellant therefore argued that considering these facts of the case, their proposal for proposed construction of 7th and 8th floor on the existing approved building, the Authority ought to have granted the approval and further argued that if their application was submitted after the Order passed by the Hon’ble High Court, the same could not have been processed by the Respondent.

The Respondent however stated that they have rejected the application as at the relevant time of communicating the decision, the directions of the High Court were applicable to it. The Respondent however could not satisfactorily justify the delay, which ultimately resulted in issue of the Order, which is presented contended by the Appellant.

The Board was of the view that application needs to be considered and it was not proper on the part of the Respondent Authority to keep application pending for such a long time and therefore felt it appropriate to issue direction to the Respondent to grant the approval as applied by the Appellants, since it is not the new construction which has sought to be done but only the additional floors are proposed to be constructed on the existing approved commercial building.

Board also took into consideration that had the Respondent decided on the application immediately on receipt of it, the Appellant would have been entitled for grant of permission, which fact was not denied by the Respondent.

After hearing the Appellants and the Respondent, the Board considered that the Appellants had applied for permission for construction of 7th and 8th floors on the commercial building, which has been constructed after obtaining all approvals including the Development Permission of the Authority, and at the relevant time of making such an application, the Appellant was entitled for grant of permission and it is only the delay caused by Respondent in deciding the application, has resulted into the rejection Order.

The Board therefore allowed the appeal and set aside the Order dtd. 4/8/2022, as passed by the Respondent.

The Appeal therefore stands disposed off with decision as above.

Member Secretary was accordingly directed to communicate the decision to the concerned parties.

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

**a) Residential School**

Member Secretary informed that the Goa Land Development and Building Construction Regulations 2010 has provisions for educational institutions, health and medical institutions etc. and further informed that 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.

It was further informed that as per the regulations, 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, to avail the same benefit, the institution has to obtain a prior no objection certificate from the concerned Department of Government of Goa.

The Members took note that Goa is having a few colleges that provides hostel facilities, but that there are no such schools with facilities that house the students studying in the same school. It was observed that 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 build a relationship with its surroundings – from the natural bounty that encompasses it to the community that cohabits the space in villages that surround it.

Member Shri. Rajiv Sukhtankar stated that grant of additional FAR may not be the requirement of educational institutions to provide such facilities of residential schools, as usually such facilities are set up in large area, which caters to various other ancillary needs/activities undertaken by such an institution.

The Member Shri. R. D’Souza stated that the regulation need to be framed for developing residential schools with sustainable and green concept and for the purpose, Green Certification should be made compulsory for setting up of such institutions.

Chairman was of the opinion that since residential schools requires a vast area, such institutions may also be permitted in zones other than settlement/institutional.

The Board deliberated on the subject and it was decided that the regulation need to be framed to permit Residential Schools and that such uses may also be permitted in Orchard/Natural Cover zones, by obtaining necessary Green Certification. It was also decided that minimum area of the plot for setting up of these activities shall be 2.00 lakh sq.mts. and maximum permissible FAR/Coverage shall be 20%.

The Board also recommended that the residential schools shall be exempted from obtaining conversion sanad, as the large properties involved in setting up of such institutions would most likely involve area under Orchard or Natural Cover etc.

CTP (Admn.) was accordingly directed to undertake further procedure of framing the regulations in this regard.

**b) Yoga and Meditation Centers**

Member Secretary informed that the Yoga and meditation centers have become need of the hour for the people in search of solace and calm and serene beauty and peaceful environment of the State makes it an ideal destination for Yoga and Meditation Centres which are attracting tourists in search of mental and spiritual wellbeing. The Board acknowledged that Goa being a top tourist destination, could offer tourists a place to rejuvenate themselves in the form of meditation and yoga and for which purpose, the remote hinterlands within the State would be ideal locations for such centres.

It was informed that the TCP Department is in the process of formulating guidelines for the Yoga and Meditation Centres 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 and shall have maximum coverage of 5% and FAR of 5% with maximum permissible height of 7.6 mts.

The Board observed that Yoga and Meditation Centres require tranquil and non polluted environment, which is available in the hinterlands of Goa. It was noted that Yoga and Meditation Centres provides facilities such as shared rooms, conference rooms, therapeutic centers etc. and have various sizes depending on the type of facilities, they provide. The Board considered that in order to provide solitude and spiritual awareness, Yoga and Meditation Centres must have large open areas where the residents/ visitors can experience nature. It was also felt that these centres must provide basic facilities such as food and shelter.

Since large hinterland areas could be put under this use, which may involve Orchard/Natural Cover zone also, the Board recommended that such uses shall be permitted only if they have Green Certification and for which purpose, the Board recommended that the Yoga and Meditation Centres shall necessarily comply with IGBC norms.

The Board also recommended that Yoga and Meditation Centres shall be exempted from obtaining conversion sanad, as the large properties involved in setting up of such uses would mostly involve areas under Orchard and Natural Cover.

Considering all above factors, it was recommended that minimum area required for setting up of Yoga and Meditation Centres shall be 1.00 lakh sq.mts. and maximum permissible FAR and coverage shall be 20%.

CTP (Admn.) was accordingly directed to undertake further procedure of framing the regulations in this regard.

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

Member Secretary informed that 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 is required to be kept as an open space, in addition to the parking requirements and that there is no such provision for open spaces to be kept for construction of a building/group housing in the plots having area less than 4000 m2. The Board deliberated on the need of having an organised open space and well defined parking spaces, even for the buildings having more than 25 residential units and the land involving the area less than 4000 m2, such that the occupants could have a recreational open space within their plot.

After considering various constraints and practical difficulties that could arise in this regard, the Board felt that such a provision may not be practically feasible and felt the need of further deliberation on the subject and therefore deferred the matter.

**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.**

Member Secretary informed that in the Conservation Committee meeting held on 5/8/2022, several issues were raised pertaining to the regulations applicable to the conservation area, which required clarity and interpretation.

Member Secretary further informed that the members of the Conservation Committee Arch. Brian Soares and Arch. Ketak Nachinolkar had offered to place before the Board the recommendations of the Conservation Committee.

Arch. Brian Soares and Arch. Ketak Nachinolkar, who were present for the meeting as Special Invitees, then briefed the Board about the discussions held on various aspects in the Conservation Committee and informed about the following:

1. The conservation area earmarked in the ODP should be worked on separately and independently before adding and merging it with the ODP.
2. Road widths within conservation should be sensitive to the existing structures and not be based on the adjacent ODP road outside the Conservation limits.
3. Even areas within conservation zone to be broken into categories/zones, to be sensitive to the adjacent heritage and structures and to provide relaxations in less sensitive areas.
4. A special set of Guidelines/ regulations to be set out for buildings within Conservation area.
5. A set of guidelines to be made for signages, electrical fittings etc. and which can be implemented over time with the intervention of the local bodies.
6. To implement mandatory façade treatment with the assistance provided by local bodies.

The Board agreed to the recommendations as made by the Conservation Committee and it was decided that the recommendations shall be worked further upon, such that the same are implemented at the earliest.

During the discussion, Arch. Brian Soares while deliberating on general regulations under GLDBCR-2010, brought to the notice of the Board that many residential sub divisions are losing their character due to vertical multi-family dwellings coming up in the approved layout, thereby destroying the streetscape in such colonies and therefore expressed that the heights in such sub-division layouts be restricted to 9.00 mts. to maintain the uniformity.

Arch. Brian Soares also opined that the regulations pertaining to dropping of FAR by 20% for amalgamated plots in approved sub-division be withdrawn and instead a height restriction be enforced within housing colonies to maintain the character.

Further, Arch. Brian Soares also expressed that once a particular zoning has been allocated to an area namely VP1 & VP2, it is not fair that one gets further penalised on the basis of plot areas being more than 4000 m2, and suggested that dropping of FAR for plots having area more than 4000.00 m2 be done away, especially considering the cost of estate in today’s times.

The Board took note of the opinion put forward by Arch. Brian Soares and was of the opinion that the issues pertains to the amendment to the regulations and shall also require change in Regional Plan policies and therefore felt that the same need to be dealt at the appropriate time.

The Board therefore refrained on making any specific comment/recommendation on the opinion expressed by Arch. Brian Soares.

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

Member Secretary informed that the Regional Plan for Goa – 2021 was notified under different stages and has provision for various land uses and so also it clearly defines the road network in a proper hierarchical manner which 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 further informed that these roads under RPG-2021 are either existing or are proposed.

The Board took note that the road are proposed to provide better linkages to other major roads or are proposed to provide access to the landlocked areas and the provision of these proposed roads has given a big relief to the properties which have remained landlocked for years together. However it was expressed by the members that the purpose is not met till the area reserved for such roads is actually acquired for the intended purpose.

The Board took note that the affected parties have expressed their grievances as the area reserved for the roads is lying un-acquired by the Government agencies and as such neither are they getting any compensation for the area nor are they permitted to undertake any development in the affected portion of their properties. The Board therefore deliberated on the urgent need and mechanism for acquisition of area reserved for roads such that the proposals reflected in RPG-2021 are materialised and the access is provided to the landlocked areas.

It was also brought to the notice of the Board that the concerned land owners whose land is affected by proposed road have even expressed their willingness to make the payment to the concerned Authorities, such that the area earmarked for roads is acquired and their properties are provided with proper motorable access and such that they no longer remained landlocked and by virtue of which, they can propose further development of such properties.

The Board therefore decided that the mechanism be worked out such that the interested parties can deposit the amount required for acquisition of land to the designated authority, which can later be deposited with the Land Acquisition Authority/ Revenue Department for the purpose of undertaking further land acquisition procedure/ development work.

Accordingly, Board directed that a scheme/policy be worked out at the TCP Dept. level, in consultation with Revenue Department for acquisition of such area earmarked for roads under Regional Plan or any other development plans such as ODP, Zoning Plan, etc.

CTP (Admn.) is accordingly directed to undertake further procedure in this regard.

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

Member Secretary informed that ODP for Taleigao Planning Area was finally notified vide Notification No. GPPDA/ODP of TPA/1802/2019 dtd. 18/2/2019 and published in Official Gazette (Supplement) Series III, No. 46 dtd. 18/2/2019. It was further informed any development coming under this Planning Area is regulated by GPPDA under the provisions of ODP notified.

The Board took note of the rapid pace of development coming under Taleigao Planning Area and felt the need to revise Taleigao ODP for its better planning by considering the influence of surrounding villages on this Planning Area. Accordingly, it was recommended that the ODP for Taleigao Planning Area be revised and recommended that the Government may give directions in this regard to GPPDA to undertake the procedure of preparation of fresh ODP for Taleigao Planning Area.

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

Member Secretary informed that vide Order No. 36/1/TCP/323/2018/2630 dtd. 28/12/2018, the directions of the Government u/s 39 of the Town & Country Planning Act, 1974 were issued to North Goa PDA to take up the process afresh of revising the ODP for Panaji Planning Area by following the procedure envisaged u/s 29, 30 and 34 to 37 of the TCP Act, 1974.

Vide same Order, North Goa PDA was also directed to take the preparation of land use map and land use register indicating present use of land under Panaji Planning Area u/s 26 and 27 of TCP Act, 1974. The said Order was issued with the approval of the Government vide Note No. 36/1/TCP/323/2018/2500 dtd. 12/12/2018.

The Board was further informed that the Government then constituted Greater Panaji Planning and Development Authority having its jurisdiction over Panaji Planning Area, Taleigao Planning Area, Bambolim Planning Area and Kadamba Planning Area and accordingly, the Greater Panaji Planning and Development Authority has prepared the present land use map and register of Panaji Planning Area and has also prepared draft ODP -2031 of Panaji Planning Area. It was also informed that 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 was then informed that in its 182nd meeting held on 01/8/2022, it had recommended that the jurisdiction of Panaji Planning Area be brought under North Goa PDA.

Considering this decision of the Board, it was felt essential that the ODP for Panaji Planning Area now need to be prepared by North Goa PDA.

Accordingly, it was recommended that Government directions be issued to North Goa PDA to prepare ODP for Panaji Planning Area, once the said area is brought under its jurisdiction.

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

Member Secretary informed that 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 and often it is seen that such 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.

Considering the past experience, the Board took serious note of the fact that once such eco-sensitive areas are considered for change of zone under the draft ODPs, even the objections received for the same are overruled by the Authority, which often leads to litigations and raises other environmental issues.

The Board therefore expressed that the Member Secretaries are required to be more sensitive to this issue and ensure that no such proposals concerning eco-sensitive zones are considered for change of zone.

The Board also expressed that the concerned Member Secretaries shall be held responsible if they fail to address this issue during the preparation of ODPs. The Board also expressed that the concerned Member Secretaries shall ensure that right of ways of notified roads such as National Highways, State Highways and MDR are not altered and opined that de-zoning of the properties, which are under developable zone, be discouraged.

Accordingly, it was decided that directions be issued to the concerned PDAs in this regard.

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

Member Secretary informed that the South Goa PDA is having its jurisdiction over Margao Planning Area and Ponda Planning Area and that Margao Planning area consist of Margao and Fatorda municipal area. The Board took note that the Margao Town is further developing rapidly along its outskirts and as such villages of Davorlim, Arlem, Aquem-Baixo and Navelim are getting developed fast and as a result of which Navelim is already considered as census town as it has got all the characteristics as that of any city. It was also observed that besides several residential complexes, a large number of commercial, educational and medical institutions are set up in this constituency.

The Board was further informed that under Release-I policy of RPG-2021, Navelim comes under VP-2 category having FAR of 60 and hence there is a growing demand to increase the FAR in certain parts of this village, which however is not permitted under Regional Plan policy.

The Board deliberated in detail the possibility of increasing the Margao Planning Area and was of the opinion that properties/survey numbers specially under Navelim Constituency, which are contiguous to Margao Municipal area, could be considered to be the part of Planning Area.

The Board was however of the opinion that MLA of Navelim Constituency need to be consulted in this regard and his opinion need to be obtained sought as regards to inclusion of part of Navelim Constituency under Margao Planning Area.

It was therefore decided that any further decision in this regard shall be taken at the later date after obtaining the views of the local MLA.

The Board also was of the opinion that a sub-committee consisting members of the Board, could be constituted to further study this proposal

Decision on the proposal was therefore deferred.

**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.**

Member Secretary informed that Arch. Vinayak Bharne, who is a Goan Architect having obtained his Bachelor’s degree in Architecture from Goa College of Architecture, Panaji is now a leading Urban Designer and City Planner in private practice in Los Angeles, USA and during his recent visit to Goa, has expressed his desire to work on honorary basis with the TCP Department.

Member Secretary informed that 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 that he has associated with Government and Non-Government agencies in the United States, Canada, India, Australia, China, United Arab Emirates, Panama, Mexico, Kenya and Mauritius, in planning field.

The Board was also informed that Arch. Bharne’s projects have received numerous awards, including 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.

The Board was also informed that 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.

Besides this achievements, Arch. Vinayak Bharne has also authored/edited 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 and 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.

Member Secretary further informed that 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, Arch. Bharne has a vast knowledge of the planning scenario in Goa and has 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 deliberated on the rich experience of Arch. Bharne and took into consideration that it has already recommended to obtain services of various consultants/experts in the field of Planning and hence it would also be most appropriate to have association with Arch. Vinayak Bharne as a honorary member of the Board, such that his inputs can be obtained during various planning exercises undertaken by the TCP Dept., including that for preparation of ODPs, Zoning Plan and formulating policies for TDR, transport oriented corridors, CBDs with higher FAR, etc.

The Board therefore unanimously agreed to engage services of Arch. Bharne as a honorary member of the Board.

**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 Member Secretary submitted that proposals as referred in Annexure ‘A’ were 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 were placed before the Board for its consideration.

The Board after deliberation recommended the proposals as listed in Annexure ‘A’.

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

Member Secretary informed that the Government of Goa has issued transfer policy guidelines from time to time and has issued office Memorandum dated 1st April, 1993, as it has been observed that some Departments have been issuing transfer Orders of their employees in violation of these guidelines.

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

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

The matter was deliberated considering the strength of the Department and general transfer policy followed by the Department. The Board however observed that there are instances in the Department wherein some of the officers have continued their posting on the same post for several years without any transfer and the same is not fully in compliance of the guidelines issued in this regard.

CTP (Admn.) was therefore directed to implement strictly the transfer policy to enhance the efficiency of the Department and keeping overall public interest in mind.

CTP (Admn.) was accordingly required to initiate further procedure in this regard.

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

Member Secretary informed that 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 zones of the properties in Panaji Planning Area and that the GPPDA has stated that these cases require special consideration in view of re-development of housing societies and GTDC projects. Member Secretary read out the details of 13 proposals as forwarded by GPPDA.

The Board deliberated and took note on the justification given by the Member Secretary on the proposals received. As regards to the proposal as referred at Sr.No. 1, it is mentioned in the letter that development of the property by GTDC would attract revenue generation to the Government and as regards to Sr. No. 12 & 13 of Department of Tourism, it is mentioned that the land need to be developed for commercial activities so that they can generate the revenue to the Government. The Board also took note of the contents of the note of GPPDA which states that remaining cases are of re-development of housing colonies as these colonies have become very old and in dilapidated condition and have requested to change the zone to SPR (FAR 200) so that the Apartment’s occupants can redevelop the said building and reside in the same Apartments.

Considering the facts placed before it, the Board was of the view that in order to make re-development of housing societies viable, it is essential to enhance the FAR of such properties such that the developers/occupants come forward to undertake the re-development of such societies, most of which are under dilapidated state. The Board also took note that the ODP of Panaji is under preparation.

After having detail discussion on the proposals received, the Board recommended that following proposals shall be considered by the GPPDA for change of zone as under:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Sr.**  **No.** | **Name of the applicant** | **P.T. Sheet/ Chalta No.** | **Area (in m2)** | **Present zone of the area** | **Recommen-ded zone** |
| 1. | GTDC | Ch. Nos. 117/1, 117/1-A, 117/2-A, 118/1, 118/1-A, 118/1-B, 118/1-B-1, 118/2, 118/3,  118/4 & 118/5 | 19321.00 | ‘C-1’ Commercial zone | ‘SPC’ Special Commercial zone |
| 2. | Mr. Manoj Caculo, Mrs. Meghna Caculo & Mr. Suraj Caculo & Mrs. Shefali Caculo | Ch.No. 5 of P.T.S. No. 84 | 1079.00 | ‘S-2’ Settlement zone | ‘SPR’ Special Residential zone |
| 3. | Dr. Prashant E. Natekar | Ch.No. 45 of P.T.S. No. 99 | 504.00 | ‘S-2’ Settlement zone | ‘SPR’ Special Residential zone |
| 4. | Miramar State Bank of India Employees Co-op. Society Ltd. | Ch.No. 12 of P.T.S. No. 115 | 1008.00 | ‘S-2’ Settlement zone | ‘SPR’ Special Residential zone |
| 5. | New Parag Apartments Co-op. Housing Society Ltd. | Ch.No. 19-A of P.T.S. No. 131 |  | ‘S-1’ Settlement zone | ‘SPR’ Special Residential zone |
| 6. | Rajnigan-dha Apartment | Plot No. B-24 Ch.No. 35 of P.T. Sheet No. 115 | 504.00 | ‘S-2’ Settlement zone | ‘SPR’ Special Residential zone |
| 7. | Happy Home Co-op. Hsg. Society | Plot No. 22/B Ch.No. 31 of P.T. Sheet No. 115 | 504.00 | ‘S-2’ Settlement zone | ‘SPR’ Special Residential zone |
| 8. | Nishigan-dha Apartment | Plot No. B-25 Ch.No. 36 of P.T. Sheet No. 115 | 504.00 | ‘S-2’ Settlement zone | ‘SPR’ Special Residential zone |
| 9. | Ketan Apartment | Plot No. F-6 Ch.No. 29 of P.T. Sheet No. 115 | 504.00 | ‘S-2’ Settlement zone | ‘SPR’ Special Residential zone |
| 10. | Mr. Anil Rodrigues | Plot No. C-15 Ch.No. 58 of P.T. Sheet No. 119 | 500.00 | ‘C-2’ Commercial zone | ‘C-1’ Commercial zone |
| 11. | Central Bank of India | Ch.No. 13 of P.T. Sheet No. 115 | 1008.00 | ‘S-2’ Settlement zone | ‘SPR’ Special Residential zone |
| 12. | Department of Tourism | Ch.No. 3 of P.T.S. No. 135 & Ch.No. 1 of P.T. Sheet No. 141 | 15433.00 | ‘P’ Public/  Semi Public/  Institutional zone | ‘SPC’ Special Commercial zone |
| 13. | Department of Tourism | Ch.No. 1 & 2 (part) of P.T. Sheet No. 7 | 5540.00 | ‘F-P’ Public/Semi Public/ Institutional Conserva-tion zone | ‘SPC’ Special Commercial zone |

Member Secretary was accordingly directed to communicate the recommendation of the Board to GPPDA.

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

Member Secretary informed that there is a growing trend of establishing public utility facilities such as gymnasiums, libraries, etc. in urban as well as rural areas, however it is observed that there are constraints in establishing such facilities as the cost incurred in acquiring the premises/land for such uses is very high in Settlement/commercial areas and therefore inquiries are made with the Department whether such uses could be permitted in other undevelopable zones such as Orchard land or properties under Natural Cover, etc.

The Board observed that the request, although genuine, could be misused to certain extent and therefore requires to be deliberated in detail by framing stringent guidelines to avoid the misuse.

The decision on the subject was therefore deferred.

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

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

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

The Board was further informed that Mrs. Swati Salgaonkar, Chairman CII shall render her assistance to the TCP Department and Planning & Development Authorities in this regard.

Considering the importance of the subject and various new uses that may come up in State of Goa, such as Golf Centres, Film City, Film Studios, residential schools, Yoga & Meditation Centres, etc., the Board proposed that a Committee be set up for the purpose of Sustainable Planning and Building Practices/ Initiatives.

After deliberation, following was the committee constituted for implementing and monitoring Sustainable Planning and Building Practices/ Initiatives:

|  |  |  |  |
| --- | --- | --- | --- |
| 1. | Mrs. Swati Salgaonkar | … | Chairperson |
| 2. | Mr. Kapil Gupta,  Founding Principal,  Serie Architects | … | Member |
| 3. | Mr. S. Karthikeyen,  Dy. Executive Director,  CII Godrej Green Building Centre | … | Member |
| 4. | Mr. Rajeev Sukhthankar | … | Member |
| 5. | Ms. Vertika Dagur,  Senior Town Planner(HQ) | … | Member |
| 6. | Shri Rajesh Naik,  Chief Town Planner (Planning) | … | Member Secretary |

Member Secretary was accordingly directed to issue order in this regard, after having discussions with the concerned members in this regard.

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

**a) Preparation of Zoning Plan:**

Member Secretary informed the Board that amendment of Section 2 of TCP Act, 1974 has been affected by the Legislative Assembly, whereby new Section 17D and Section 17E have been inserted pertaining to the power of Government to direct Chief Town Planner (Planning) to prepare a zoning plan and regarding contents of the zoning plan respectively.

The Board was informed that as per Section 17D, the Government can direct the Chief Town Planner (Planning) to prepare a Zoning Plan in respect of the whole or any part or parts of the local planning area and the same is required to be prepared after consultation with the concerned local authority or authorities and the same is required to be within the broad framework of Regional Plan.

As regards to contents, it was informed that the Zoning Plan shall (a) indicate, define and provide for all the matters that have to be, or may be, indicated, defined and provided for in the regional plan with such modifications as the Government deems fit; (b) indicate, define and provide for— (i) areas to be reserved for agriculture, public and semi-public open spaces, parks, playgrounds, gardens, and other recreational uses, green belts and natural reserves; (ii) comprehensive land allocation of areas or zones for residential, commercial, industrial, public utilities, agricultural and other purposes; (iii) complete road and street pattern and traffic circulation pattern for present and future requirements; (iv) major road and street improvements; (v) areas reserved for public buildings and institutions and for new civic development; (vi) areas for future development and expansion, and areas for new housing; (vii) amenities, services and utilities; (viii) such other matters as may be prescribed or as may be directed by the Government or the Board to be indicated, defined, and provided for;

(c) include zoning regulations to regulate within each zone, the location, height, number of storeys and size of buildings and other structures, the size of yards, courts and other open spaces and the use of buildings, structures and land;

Further, it was informed that the Zoning Plan may (a) indicate, define and provide for,— (i) all such matters including planning standards, gross and new density and such guiding principles as the Government may consider expedient to be indicated, defined and provided for in the regional Plan; (ii) detailed development of specific areas for housing, shopping centres, industrial areas, civic centres, educational and cultural institutions, rain water harvesting, garbage management, cattle pounds and other public utilities; (iii) control of architectural features, elevation and frontage of buildings and structures; (b) designate, any land as land subject to acquisition for any public purpose, and in particular, but without prejudice to the generality of this provision for the purposes of:— (i) the State Governments, or for any local authority or other authority established by law and public utility concerns; (ii) dealing satisfactorily with the areas of bad layout or obsolete development, slum areas for re-location of population; (iii) providing for open spaces, parks and playgrounds; (iv) securing the use of the land in the manner specified in the development plan; (v) any of the matters as are referred to in clause (a).

The Board was also informed that the Zoning Plan shall indicate and provide proposal for transferable development right, transferable development right for posterity, accommodation reservation or any other similar technique for promoting planned development.

The Board was also brief that new Section 99 have also been inserted to the TCP Act, 1974 as per which, the Planning and Development Authority or the Chief Town Planner (Planning), can with prior approval of the Government, engage a consultant or set up special function agency for preparation of the plans.

The Board deliberated on this provision under the Act and after considering various issues and potentials decided that the zoning plan be prepared for the following areas:

1. Pernem Taluka
2. For Kadamba Plateau by considering an area of about 300 mts. from the edge of bye-pass road, to the extent of an area, which is presently defined as Kadamba Planning Area.

Member Secretary was accordingly directed to undertake further procedure in this regard.

**b) Withdrawal of part area from Panaji Planning Area:**

While having discussion on Kadamba Planning Area and the preparation of new Zoning Plan, the Board took specific note of the major development that has come along the periphery of Kadamba Planning Area, especially the area that is adjoining with the Panaji Planning Area.

Considering the future scope of growth and to maintain the continuity of character of the area, it was recommended that the properties under Chalta No. 71 of P.T. Sheet No. 19, Chalta No. 72 of P.T. Sheet No. 19 and Chalta No. 19 (Part) of P.T. Sheet No. 19. shall be withdrawn from Panaji Planning Area.

Member Secretary was accordingly directed to undertake the further procedure, after obtaining necessary Government approval for the decision of the Board.

Meeting ended with thanks to the Chair.