

AGENDA FOR 188th MEETING OF THE GOA TOWN & COUNTRY PLANNING BOARD SCHEDULED TO BE HELD ON 15/04/2023 AT 3.30 P.M. IN CONFERENCE HALL, VAN BHAVAN, ALTINHO, PANAJI.

Item No. 1: Confirmation of the Minutes of the 187th meeting of Town & Country Planning Board held on 20/03/2023.

The Minutes of 187th meeting of TCP Board held on 20/03/2023 are prepared and placed before the Board for confirmation.

Board may consider the same.

Item No. 2: Proposal for revised approval of construction of Home Stay Cottages, new farm house, utility room, splash pool, watchman's cabin, Gobar gas plant, Dormitory at Sy.No. 80/3-A of Neturlim village of Sanguem Goa by Dr. S. N. Dessai.

The Department is in receipt of an application dtd. 16/8/2022 from Dr. S.N. Dessai pertaining to approval of revised plans for construction of Home Stay Cottages, farm house, utility room, splash pool, watchman's cabin, Gobar gas plant and Dormitory at Sy.No. 80/3-A of Neturlim village of Sanguem Goa.

As per Regional Plan for Goa 2021, the property under reference is earmarked partly as Settlement zone and partly as Orchard zone. The property is located within 1 Km Buffer Zone of Wild Life Sanctuary (Netravali Wild Life Sanctuary).

Quepem Taluka Office of TCP Dept. had earlier issued Technical Clearance Order for construction of Cattle Shed, milk parlour, goat shed and 2 nos. of store room vide Technical Clearance No. TPQ/CT/Netur/80/4/1218 dtd. 28/10/2014 in the same property.

Further approval for the revised plan was also issued by Quepem Taluka Office vide No. TPQ/CT/Netur/80/16/503 dtd. 5/5/2016 and thereafter a completion Order for farm house, cattle shed, store room, milk parlour was also issued vide Order No. TPQ/CT/Netur/80/16/804 dtd. 1/7/2016.

A Technical Clearance vide No. TPQ/Const/Neturlim/80/3/2019/730 dtd. 7/3/2019 was thereafter issued by the Department for revised plans again of home stay, cottages, farm house and other counseling structures.

The applicant had then submitted the proposal to the Addl. Collector, South Goa District, Margao-Goa for conversion of use of land at land bearing Sy. No. 80/3-A, Netravali Village, Sanguem Taluka and the said proposal for conversion of use of land was placed before the 9th meeting of Goa State Level Eco-Sensitive Zone Monitoring Committee held on 2nd August 2022 at Secretariat Porvorim Goa and the Committee decided as under:

“The Committee observed that applicant has already constructed cottages which are permanent in nature and decided that request of NO Objection Certificate may not be considered in view of directives of Hon’ble Supreme Court at para 44(e) of Order dtd. 3/6/2022 which prohibits construction of any permanent structures for whatsoever purpose in the Eco-Sensitive Zone”.

The applicant vide inward No. 1723 dtd. 16/8/2022 has now submitted a proposal for revision of Home stay cottages, farm house and ancillary structures inside existing farm. The same was however not considered in view of decision of the Goa State Level Eco Sensitive Zone Monitoring Committee as quoted above.

In compliance with the observations raised, the applicant vide his letter dated 27/03/2023 has submitted a representation alongwith the Gazette Notification of Ministry of Environment Forest and Climate change vide dtd. 17/2/2015 claiming that he is liable to get the permission for the development proposed, which basically is only for revision of roof and for other minor deviations. The applicant also states that the construction activity, as approved, had started in March 2019 and was completed on May 2022 and hence it cannot be considered as a new activity and is not a permanent structure, as he has attempted only to follow all the guidelines under Agro Tourism Policy.

The applicant has also clarified that the said project is developed on a plot located at Survey No. 80/3A, which is separated from Netravali Wildlife Sanctuary boundary by a water body, which is a rivulet and flows perennially and as such, his property surveyed under No. 80/3A does not come under Eco-Sensitive Zone.

Contents of Notification in this regard, as submitted by the applicant i.e. as per Gazette Notification of Ministry of Environment Forest and Climate Change dtd. 17th February 2015, are as under:

“In exercise of the powers conferred by Sub-section (1), clause (v) and clause (MN) of sub-section (2) and sub-section (3) of section 3 of the Environment (Protection) Act, 1986(29 of 1986) read with sub-rule (3) of rule 5 of the Environment (Protection) Rules,1986, the Central Government hereby notifies an area to an extent of one kilometer of land or the water body, whichever is nearer to the boundary of the Netravali Wildlife Sanctuary in the State of Goa”.

The applicant has categorically stated that he has already completed the development and he has have applied only for approval of revised plans for change of roof outlay, which is required under the guidelines issued for Agro-Tourism Policy. Further it is stated that the minor changes made, have actually resulted into the reduction of built up area from 723.53m² to 720.76m².

As seen from the drawings submitted, the proposal was earlier approved with roof of mangalore tiles with designed roof pattern and whereas the same is now changed to a rectangle shape. Also, the layout of the proposal remains the same, except for change in size and shape of one unit only i.e. unit No. 10, which does not exceeds built up area permitted earlier.

It is the contention of the applicant that the development/revision as proposed by him does not come under the purview of Supreme Court decision dtd. 3/6/2022, as the construction undertaken by him was approved and completed much prior to this decision of the Hon’ble Supreme Court and that the application which has to be decided by the Department is only as regards to the deviation in the roofing pattern and minor changes in the approved plinth area and the shape.

The proposal is placed before the Board for necessary deliberation and decision.

Item No. 3: Regarding maximum height permissible in high density zones as prescribed under the Goa Land Development and Building Construction Regulations, 2010.

As per Goa Land Development and Building Construction Regulations, maximum height permissible in zones having FAR of 200 and more are as under:

Zones	FAR	Maximum permissible height
SPR	200	24 mts.
C1	200	24 mts.
CS	250	28 mts.
C1 Special	250	32 mts.
SPC	300	32 mts.

It is observed that the maximum height limit in respect of C1 Special zone with the FAR of 250 and SPC zone with 300 FAR is one and the same. Further, in SPR, C1 Special zones and SPC, one additional stilt floor is permitted for accommodating parking, free from calculation of building height in addition to one stilt floor which is commonly allowed for the parking in all other zones. There are also instances of requests for additional ceiling height of individual floors for accommodating service ducts.

The requests are also received for consideration of additional height exceeding 32 mts. to accommodate other operational requirements of the uses permitted or the uses to be proposed within a building.

In the above context, TCP Board may deliberate on maximum height permissibility in SPC zone, subject to complying with the fire safety requirements.

Item No. 4: Regarding signing of MoU between Town & Country Planning Dept. with the Indian Green Building Council (IGBC).

In 187th meeting of TCP Board held on 20/03/2023, it was decided that MoU shall be signed between the Department and IGBC to adopt various initiatives for green and sustainable development in the State. The MoU is intended to potentially strengthen Goa's position as model sustainable state and lead to the judicious use of natural resources and environmentally responsible, low carbon construction practices.

The office of CII, IGBC was accordingly contacted for the purpose and the said office has submitted a draft of MoU for the purpose of approval.

The objective of the MoU states that the Town and Country Planning Department and CII Indian Green Building Council agree to jointly work together in incorporating green concepts/ measures as part of the development plans, policies and programs in the State of Goa and CII-IGBC will act as a ‘Sustainability Partner’ to the TCP Department of Government of Goa.

Following are the focus areas mentioned in the draft MoU.

- a. **Capacity Building:** IGBC will build capacity for planners, engineers, architects in Department of TCP, PWD, PCB, Urban local bodies, and other relevant departments of Government of Goa, associated consultants & project teams on sustainability concepts.
- b. **Advisory for development of master plan:** CII-IGBC to be a member of advisory council involved in development of short, medium and long term master plan for infrastructure and development projects and offer advisory for incorporating sustainability measures by design.
- c. **Facilitation of policy framework development:** CII-IGBC will facilitate development of a coherent policy framework in line with the State’s sustainability goals.

As regards to Financial Implications, it is mentioned that there shall be no financial commitment of any kind between the Department and IGBC emanating from this cooperation, however it is mentioned that CII - IGBC being a not-for-profit organisation, separate techno-commercial proposal would be submitted for any professional services rendered like green certification, etc.

As regards to confidential information, the MoU states that neither parties will disclose or distribute any information that is supplied and marked, or stated to be “Confidential” by the originating Party, except as, and to the extent authorized, by the originating Party.

As regards to the tenure of the Agreement, it is mentioned that the MoU shall be valid for a period of three (3) consecutive years from the date of signing of MoU by both parties and thereafter, shall be renewed for a further period of 3 years on mutually agreed terms & conditions.

The Board may deliberate on the contents of MoU.

Item No. 5: Regarding applications received under Section 16B of the Town & Country Planning Act.

The Town & Country Planning Act has been earlier amended and Section 16B has been incorporated to consider the applications for change of zone.

The Department has thereafter received about 6300 Nos. of applications. The details of the applications processed are as under:

1.	Total number of application submitted to TCP Board under Section 12.	1431 Nos.
2.	Total number of cases notified under Section 13(1)	1227 Nos.
3.	Total number of cases placed under Section 13(2) of the TCP Act by TCP Board.	313 Nos.
4.	Total number of cases which are at the stage of forwarding to the Government under Section 13(3) of the TCP Act for approval under Section 14.	234 Nos.

Several Writ Petitions pertaining to Section 16B of the TCP Act and Regional Plan for Goa – 2021 are however filed by different Petitioner before the Hon'ble High Court, which are mainly as under:

1. PIL WP No. 44/2018
2. PIL WP No. 45/2018
3. PIL WP No. 16/2019
4. PIL WP No. 34/2019
5. PIL WP No. 17/2021

The issues regarding proposals under Section 16B were discussed earlier in in 178th (Extraordinary) TCP Board meeting held on 18/4/2022 and a sub-committee was constituted to review all these cases.

On the basis of instructions received thereafter from the office of Hon'ble Minister for TCP vide Note dtd. 27/9/2022, an affidavit dtd. 4/10/2022 was filed

before Hon'ble High Court by Chief Town Planner (Planning), stating about the decision of the Government to withdraw all the recommendations of the applications received under Section 16B of the TCP Act, which were considered under section 13(1) and section 13(2) of the TCP Act. Vide same Affidavit, Government decision was informed to the Hon'ble High Court about reconsidering all the applications received under Section 16B of the TCP Act, denovo/ afresh.

Whereas a Note dtd. 6/4/2023 is now received from the office of Hon'ble Minister for TCP, wherein it is stated that a clear decision regarding Section 16B, must be taken, which shall be irrespective of any Court decision in the matter.

It is further instructed that no case shall be approved by the Government under provisions of Section 16B, without re-examining such cases, even if they are finally notified and that no letters in this regard shall be issued by the Government.

It is further instructed vide same Note that all the applications shall be re-examined, irrespective of the outcome of the case and no approvals shall be granted unless an assessment is done by the Chief Town Planner (Planning).

Matter is brought to the notice of the Board, as desired by Hon'ble Minister for TCP.

Item No. 6: Ratification of the proposals considered under Section 17(2) of the TCP Act, 1974.

The Goa Town and Country Planning Act, 1974 (Act 21 of 1975) has been amended vide the Goa Town and Country Planning (Amendment) Act, 2023 (Goa Act 4 of 2023) whereby the existing provision contained in section 17 of the TCP Act has been numbered as sub-section (1) and after the said sub-section (1), the following provision has been inserted as sub-section (2) therein, which reads as under:-

“(2) Notwithstanding anything contained in sub-section (1), if the Government is of the opinion that alteration/modification is necessary to be carried out to the regional plan for the purpose of rectifying any inadvertent error that has occurred in the regional plan, and for correction of inconsistent/ incoherent zoning proposals in the regional plan, it may direct the Chief Town Planner (Planning) to carry out such alteration/modification to the regional plan and the

Chief Town Planner (Planning) shall by notification in the Official Gazette carry out such alteration/modification to the regional plan in such manner and only to such extent as prescribed.”.

The said Goa Town and Country Planning (Amendment) Act, 2023 (Goa Act 4 of 2023) has been published in Official Gazette (Extraordinary No. 2), Series I No. 46, dtd. 21/02/2023.

The provisions of the said Amendment Act have been brought into force by the Government w.e.f. 2nd March, 2023 vide Notification published in Official Gazette (Extraordinary No. 5), Series I No. 47, dtd. 01/03/2023.

Further, the Government of Goa has framed the Goa (Town and Country Planning alteration/modification in Regional Plan for rectification of inadvertent errors and correction of inconsistent/ incoherent zoning proposals) Rules, 2023 under sub-section (2) of section 17 read with sub-sections (1) and (2) of section 140 of the TCP Act). Said Rules as published in the Official Gazette (Supplement), Series I No. 50 dtd. 16/03/2023, provides for Consultation with external agencies in the following cases:

- a) Public Works Department, in case of major roads;
- b) Local Authority/body or Goa Waste Management Corporation; in case of playgrounds/open space or garbage management site, as the case may be.
- c) Water Resources Department and District Collector in case of disaster management site.
- d) Directorate of Agriculture, in case area of the property exceeds 5,000m² and land recorded as ‘rice’ in Form I & XIV/index of land and is low lying paddy field under cultivation.
- e) Forest Department in case area of the property exceeds 10,000m².
- f) Such other authority as be deems necessary.

The fee for processing of application and fee for correction of inconsistent/ incoherent zoning provisions which amount to change of zone of land have also been notified for the purpose vide Notification published in Official Gazette (Supplement), Series I No. 50 dtd. 16/03/2023.

The guidelines for processing applications under Goa (Town and Country Planning alterations/modifications in Regional Plan for Goa – 2021 for rectification of inadvertent error and corrections of Inconsistence/ Incoherent

Zoning Proposals) Rules, 2023 are thereafter issued vide Circular No. 21/1/TCP/GTCTACT/2023/987 dtd. 27/3/2023 and the same are as under:

1. Applications/cases which can be considered as “inadvertent error” may include and not limited to the following:

“Inadvertent error” in the Regional Plan means and include errors like existing structures/past commitments which are not depicted in the Plan, land having less than 25% slope shown as “no development slope”, wrong depiction of right of way of roads, non-feasible proposals for roads, depiction of internal roads and open spaces of plotted developments, error in depiction of CRZ boundaries, buffer zones, untenable identification of Garbage Management Site, Disaster Management Site, Micro Industrial Zone.

Note: Existing structures means structure reflected in the survey plan and structures constructed with legal permissions.

2. Applications/cases which can be considered as “Inconsistent/incoherent zoning proposals” and “alterations/modifications” may include and not limited to the following:

- (i) Mismatch between Regional Plan-2001/old Outline Development Plan/ old Zoning Plan with the Regional Plan/Outline Development Plan in force.
- (ii) Playground/open space shown in private properties without land acquisition proposals.
- (iii) Land shown in non-settlement zones despite being located in the midst of larger settlement pockets or having development potential consistent with the development and infrastructure scheme.
- (iv) Land contiguous to settlement zone and land in close proximity to settlement zone, despite having identical topographical features and not included in the settlement zone.
- (v) Industrial land shown in the settlement zone and vice versa.
- (vi) Forest land shown under non forest zone and vice versa.
- (vii) Cases in respect of land who’s zoning status have been reverted to agricultural and non-developable zone in the Regional Plan in force from settlement zone in the Regional Plan 2001.

(viii) Past commitments/approvals/Sanads granted in respect of properties which have been not included in the respective land use zones.

3. Areas such as 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 shall not be considered under sub-clauses (vii) and (viii) of clause 2 above.

4. In case of land falling within CRZ areas, comments of the GCZMA shall be obtained.

5. In case of land falling under command area of Irrigation project, comments of CADA shall be obtained.

6. Comments from Forest Department and Agriculture Department and other relevant authorities shall be obtained wherever necessary.

The Department has started receiving applications under Section 17(2) of the TCP Act and the same are scrutinized and processed as provided under the Rules and guidelines framed in this regard.

It is now instructed by the Hon'ble Minister for TCP that all such proposals decided and agreed by Government under this section of the Act shall be placed before the TCP Board for ratification.

The details of proposal of cases notified/approved by the Government is as under:

Sr. No.	Name of the applicant	Sy.No. & village/Taluka	Total area of the property	Prevailing zone as per RPG-2021	Area considered for correction/rectification	Status of proposals
1.	Mr. Dattaprasad P. Vernekar and Mr. Mahavir Kasi Nadar	89/9 Anjuna/Bardez	1900m ²	Area under Orchard zone 1770m ² . Area under Settlement zone - 130 m ²	1770 m ² from Orchard zone to Settlement zone	Notified vide Official Gazette Series II No. 1 dated 06/04/2023

Placed before the Board for ratification.

Item No. 7: Any other item with permission of the Chair.