

No.EXC/MTG/117(Adj)

187
BOMBAY METROPOLITAN REGION
DEVELOPMENT AUTHORITY,
Griha Nirman Bhavan, 5th floor,
Bandra (East), BOMBAY - 400 051.

Date : 22nd November, 1988.

The minutes of the Adjourned HUNDRED & SEVENTEENTH Meeting of the Executive Committee of the Bombay Metropolitan Region Development Authority, held on the 8th October, 1988, are enclosed.

S. V. ASGAONKAR 22/11/88
(S. V. ASGAONKAR)
SECRETARY
EXECUTIVE COMMITTEE.

To,

- | | |
|---|-------------|
| The Chief Secretary to the Government of Maharashtra, General Administration Department, Mantralaya. | - Chairman. |
| The Metropolitan Commissioner, B.M.R.D.A. | - Member. |
| The Special Secretary to the Government of Maharashtra, Urban Development Department, Mantralaya. | - Member. |
| The Secretary to the Government of Maharashtra, Housing and Special Assistance Department, Mantralaya. | - Member. |
| The Municipal Commissioner, Bombay Municipal Corporation. | - Member. |
| The Managing Director, City & Industrial Development Corporation of Maharashtra. | - Member. |
| Shri Charles M. Correa, Correa Consultants Pvt. Ltd., 9, Mathew Road, Bombay - 400 004. | - Member. |
| Shri Shirish B. Patel, SPA Consultants Pvt. Ltd. 41, Nagindas Master Road, Bombay - 400 023. | - Member. |
| Dr. P.G. Patankar, Director, Central Institute of Road Transport (Training & Research), Poona Nasik Road, PUNE - 411 026. | - Member. |

INVITEE :

The Secretary(II), Urban Development Deptt., Mantralaya.
The Financial Adviser, B.M.R.D.A.

Copy to :-

The Legal Adviser, B.M.R.D.A.

MINUTES OF THE ADJOURNED 117TH MEETING
OF THE EXECUTIVE COMMITTEE, BMRDA.

DATE : 8th October, 1988 (Saturday).
TIME : 9.30 a.m.
PLACE : Chief Secretary's Committee Room,
5th Floor, Mantralaya.

MEMBERS PRESENT :

- Shri D.M. Sukthankar, - Chairman.
Chief Secretary to the
Government of Maharashtra.
- Shri S.R. Kakodkar, - Member.
Metropolitan Commissioner.
- Shri D.K. Jain, - Member.
Special Secretary to the
Govt. of Maharashtra,
Urban Development Deptt.
- Shri D.K. Afzulpurkar, - Member.
Secretary to the Govt. of
Maharashtra, Housing &
Special Assistance Deptt.
- Shri K. Nalinakshan, - Member.
Managing Director,
C.I.D.C.O., Bombay.
- Shri Charles M. Correa. - Member.
- Shri Shirish B. Patel. - Member.

INVITEE :

- Shri K.N. Patel, Legal Adviser, B.M.R.D.A.
- Shri S.V. Asgaonkar, Secretary, Executive Committee, BMRDA.

Item No. 8 : J.B. D'Souza Committee's Report
on Revised Development Control
(contd). Rules for Greater Bombay and
Secretaries Committee's recommenda-
tions thereon.

(vi) Transferable Development Rights (TDRs):

Shri Charles Correa and Shri Shirish Patel
suggested that TDR could be an effective tool for
developing selected new areas. Instead of promoting

utilisation of TDR in the northern Suburbs, if TDR is allowed to be used only in certain target areas, it could become an effective tool not only for bringing about decongestion of the Island City but also for developing selected growth centres in the Bombay Metropolitan Region. In particular, it was suggested that TDR could be employed for speeding up development of New Bombay.

Shri Shirish Patel suggested that different target areas could be selected from time to time for utilisation of TDR. For instance, it could first be used in New Bombay, then in Kalyan Complex Notified Area, etc. Since it is Government's and BMRDA's accepted policy to bring about balanced development of the Bombay Metropolitan Region through the strategy of polycentric development, TDR could be employed as an useful tool for development of new growth centres on a selective basis.

The Managing Director, CIDCO, while supporting in principle that TDR could be used for developing New Bombay, pointed out that the acute infrastructural problems such as inadequate water supply and local transport were hampering the growth of New Bombay. He stated that unless the infrastructural problems were simultaneously tackled, it would be difficult for New Bombay to receive TDR on a large scale.

The Legal Adviser, Shri Patel, pointed out that the Legal difficulties which may not make it possible for TDR to be transferred from one local authority to another even within the same metropolitan

: 3 :

region. He said that since TDRs would be a part of the Development Control Rules which are an integral part of the D.P., it is quite possible that Development Control Rules having their operational effect beyond their particular local area may be declared void on the ground of the same being extra-territorial legislation. He, therefore, felt that if the benefit of TDRs is to be extended beyond the territorial jurisdiction of the BMC, Section 22 of MR&TP Act will have to be amended suitably. He further pointed out that CIDCO, which is the Planning Authority for New Bombay, will not be bound by D.C. Rules for Greater Bombay unless a corresponding provision is also made under CIDCO's D.P. To that extent, the final D.P. for New Bombay will also have to be modified under Section 37 of the MR&TP Act.

The Metropolitan Commissioner, BMRDA, pointed out that since the D.Ps prepared by the respective local authorities in the BMR are required to be in harmony with the Regional Plan for BMR prepared by BMRDA, and since it was the accepted policy of Government as well as the BMRDA not only to promote the decongestion of the Island City of Bombay but also to bring about orderly and planned development of the Bombay Metropolitan Region as a whole, it would not only be desirable but also perhaps be possible to find the legal way for enabling the transfer of TDR from the jurisdiction of one local authority to another within the Bombay Metropolitan Region. Legal Adviser stated that he will examine this issue

..4/-

more thoroughly and come up with his conclusive findings. It was also suggested that TDR could also be used as an instrument for shifting non-conforming industries and for reconstruction of old and dilapidated cessed buildings with consumed FSI of 2.00 or above.

After further discussion, the Executive Committee made the following recommendations :-

- (1) TDR should be made available outside Greater Bombay in such selected areas as may be designated by BMRDA from time to time, including certain nodes/parts of New Bombay, Kalyan Complex Notified Area (KCNA), etc. whose development needs to be given a fillip.
- (2) There should be a specific time limit not exceeding 5 years for the utilisation of TDR.
- (3) The quantum of TDR should vary, depending upon the type of reservation. It should be 50% of the permissible FSI for playground reservation; 60% of permissible FSI for garden reservation; and 100% for hospital reservation. Suitable TDR should also be given for shifting non-conforming industries.
- (4) For reconstruction of old and dilapidated cessed buildings of category 'A' having consumed FSI of 2.00 or more, incentive FSI in the form of TDR not exceeding 25% of the existing plot area should be given for utilisation only in the designated areas in northern suburbs or elsewhere.

(vii) Grant of Additional FSI by the Government/Commissioner in Special Cases/Road Widening :

After considering the recommendations made by the D'Souza Committee as well as the Secretaries Committee, the Executive Committee decided as follows :

(1) For Educational Institutions : Additional FSI may be given subject to additional FSI not exceeding 2.00, only in the suburbs and extended suburbs of Greater Bombay. No additional FSI should be given in the Island City of Bombay in view of the fact that there has been a shift of residential population from the Island City to the suburbs.

(2) Four-Five Star Hotels : Additional FSI upto 50% may be given anywhere in Greater Bombay by charging premium equivalent to the prevailing market value for the additional FSI. The rates of premium to be charged will be determined by the Executive Committee from time to time. The resulting premium shall accrue to the Planning Authority concerned. Grant of additional FSI would be subject to the condition that the total shopping in the hotel area shall not exceed 10% of the total residential area.

(3) Medical Institutions : Suitable additional FSI may be granted to Medical Institutions anywhere in Greater Bombay on the merits of each case.

(4) The benefit of additional FSI may be extended to other activities aimed at welfare of the community like Dharmashalas, Home for the Aged/Destitute, Institute

for the physically/mentally handicapped or for abandoned children, etc., as recommended by the Secretaries Committee.

(5) Road Widening : Additional FSI ranging from 40% to 100% may also be granted on lands remaining balance after road widening/road construction, if the owner surrenders his land for such purposes free of cost and without any encumbrances.

(viii) Special Powers to give minor relaxation in cases of hardship by the Municipal Commissioner:

The Executive Committee considered the recommendations of the D'Souza Committee as well as the Secretaries Committee and agreed with the recommendations of the Secretaries Committee.

(ix) Beach Zones : The Executive Committee considered the recommendations of the D'Souza Committee as well as the Secretaries Committee and agreed with the recommendations of the Secretaries Committee. (Revised notes vide Annexure-I).

(x) No Development Zone : The Executive Committee considered the recommendations of the D'Souza Committee as well as the Secretaries Committee and agreed with the recommendations of the Secretaries Committee. (Revised Notes as Annexure-II).

(xi) Facilities for Development in large holdings:

The Executive Committee considered the recommendations of the D'Souza Committee as well as the Secretaries Committee and agreed with the recommendations of the Secretaries Committee.

(S-I) (xii) Other Items : The Executive Committee agreed with the recommendations of the Secretaries Committee except the following :

Banks & Safe Deposit Vaults :

(1) The Executive Committee did not agree with the proposal to relax the limit of 400 sq.mtrs. for banks and safe deposit vaults permissible in R2 zone in the Island City. The Executive Committee felt that this limit was earlier enhanced from 100 sq. mtrs. to 400 sq.mtrs. and as there is already a heavy concentration of bank branches in the city, there is no justification whatsoever to remove the size restriction.

Permission for a Branch of a Bank
in a Gymkhana:

(2) The Executive Committee also did not agree with the recommendations of the Secretaries Committee that branch of a bank may be allowed in a Gymkhana with built up area upto 1/10th of the total built up area of the gymkhana subject to a maximum of 400 sq.mtrs. The Executive Committee felt that since most of the gymkhanas have been allowed to open bars on which they are making sizeable profits, there is no need to allow them to open bank branches for the purpose of enhancing their incomes.

(xiii) Development near Railway Stations :

The Executive Committee approved the recommendations of the D'Souza Committee and the Secretaries Committee.

(xiv) Permissible user in General Industrial (I-2) and Special Industrial (I-3) Zones.

After considering the recommendations of the D'Souza Committee and the Secretaries Committee, the Executive Committee decided as follows :

(i) For General and Special Industries proper, FSI should be restricted to 0.5. However, additional FSI upto 0.5 may be granted for specific users not directly connected with manufacturing and industrial activity, as proposed in the Item Note. However, no additional FSI beyond 0.5 should be allowed for purposes of storage. FSI for Truck Terminal at Wadala should be 1.00.

Non-residential users for public utility concerns or organisations should not be permitted. Only residential user should be allowed and whatever commercial activity is normally permissible in residential zone, that commercial activity alone should be permitted.

This concluded the business before the Meeting

The Meeting then terminated with a vote of thanks to the Chair.

Annexure I & II

ANNEXURE-I

Beach Zones

Provision to be made in the revised draft Development Control Rules of Bombay for regulation of development along beaches within 500 meters from the high tide water mark -

Intro-
duction

This note deals with the question of the provision to be made in the revised draft Development Control Rules of Bombay, submitted by the Bombay Municipal Corporation (BMC) and now under consideration of Government, for the regulation of development in areas abutting beaches of Bombay in view of the instructions contained in a letter addressed to all coastal States by the late Prime Minister, Smt. Indira Gandhi which is reproduced hereunder :

" PRIME MINISTER

No.762.PMO/81

New Delhi, November 27,1981

I have received a number of reports about the degradation and misutilisation of beaches in our coastal States by building and other activity. This is very worrying as the beaches have aesthetic and environmental value as well as other uses. They have to be kept clear of all activities at least upto 500 metres from the water at the maximum high tide. If the area is vulnerable to erosion, suitable trees and plants have to be planted on the beach sands without marring their beauty.

Beaches must be kept free from all kinds of artificial development. Pollution from industrial and town wastes must be also avoided totally.

Please give thought to this matter and ensure that our lovely coastline and its beaches remain unspoiled.

Yours sincerely,

Sd.....

(INDIRA GANDHI)"

2. Having due regard to the geography of Bombay and the impracticability of prohibiting all development within 500 meters of the high tide water mark, and the need for preserving the beaches of Bombay as best as possible, having due regard to the developments that have already taken place, the State Government issued a directive to the BMC indicating the manner in which development permission could be given in such areas under section 154 of the MR&TP Act, 1966, on 11 April 1984, which could give the late PM's instructions the necessary statutory support. The contents of this directive are as under :

State
Government
orders

"Except where otherwise specifically permitted with the prior approval of the State Government-

(1) Where there is a road in between the beach and the area proposed to be developed, the Planning Authority (i.e. BMC) may grant development permission in those parts which are on the other side of the road in accordance with the D.C. Rules for Greater Bombay. However, in no case construction on the beach side or on the sides of existing development will be permitted;

(2) Where there is no road separating the beach and the surrounding development, the Planning Authority (i.e. BMC) may allow construction in the rear side of the existing structure facing the beach as per the provisions of the D.C. Rule and zoning as per the Development Plan".

3. The BMC has since also completed action for a minor modification to the existing D.C. Rules to incorporate the provisions of the above Government directive on the Rules and has submitted the proposal to Government for sanction. The same provisions are repeated in the main draft D.C. Rules submitted by the BMC which are hereinunder consideration. The BMC' draft rule

.. 3/-

runs as follows :

"15.8: Prevention of degradation of Beaches :-
Notwithstanding anything contained in these rules, development along beaches/sea shores shall be governed as under :

- (i) where there is an existing road in between the beach and the area proposed to be developed, the Municipal Commissioner may grant development permission in those parts which are on other side of the road in accordance with these rules. However in no case, construction on the beach side or on the sides of existing development shall be permitted;
- (ii) where there is no road separating the beach area and surrounding development, the Municipal Commissioner may allow construction in the rear side of the existing structure facing the beach as per the provision of these rules."

D'Souza
Committee's
Proposals

5. The D'Souza Committee, which considered the BMC's draft made the following observations :

"The Committee's draft replaces the Corporation's Green Zone by a Beach Zone, in which the Prime Minister's conservation directive is far more effectively applied than it is under the existing Government instructions. At present a 10-storey building can be allowed to come up near the beaches behind a small cottage, which is then demolished. This has happened on some of Bombay's shore lines, frustrating the object of the PM's instructions."

The actual draft rule suggested by the D'Souza Committee is as follows :

No development shall be permitted from the high water line along the beaches within a distance of 200 m.

Provided that, with the special permission of the Municipal Commissioner, and subject to such conditions as he may impose, the following may be permitted beyond a distance of 50 m. from the high water line :

- (i) developments relating to fishing activity, fish curing, open land fish farming;
- (ii) development for the purposes of water sports; and
- (iii) two-storeyed residential building with FSI not exceeding 0.05 after leaving within the plot 3 m. wide access to the beach through which the public will have the right of way.

The Department has ascertained that in Goa, the limit has been reduced to 200 meters and that too is considered too much, with the Government considering reducing it to 90 meters. Even now individual proposals can be cleared by the Goa Government on merits after they are considered and cleared by that Government's Ecological Development Council.

The late PM's letter contains what can be termed as guidelines and refers to "beaches". There is no mention of creeks, inland waters, rivers, lakes, etc. The interpretation of "beach" seems to have been expanded by the Government of India's then Department of Environment to include creeks, inland waters, etc. There is no legal backing to the prevention of all development in all coastal States within a certain distance of the coast-line; and deeming all the coastline, and even creeks and areas along the coast which are rocky and inaccessible as beaches, especially in the whole of Greater Bombay to be covered by the late PM's guidelines.

The Secretary, Government of India, Ministry of Forests and Environment has written to the State Government stating that the State Government's directive very much dilute the instructions of Prime Minister and should be revoked immediately. Also the restriction applies irrespective of the present existence of any road and or any structure. He has added that the area at least upto 500 meters must be kept free of all artificial development.

It is submitted that on 6.3.1988, the State Government issued instructions to the BMC to the effect that pending reexamination of the whole issue,

*This letter was already circulated alongwith Item Note.

...5/-

the Corporation should not permit any development or redevelopment within 500 meters from the sea-shore (including banks of the creeks) even though such intended development or redevelopment started covered under the requirement of the present rules, without obtaining prior approval of Government.

The Oxford Dictionary defines "beach" as (i) water-worn pebbles or sand, (ii) sea-shore or lake shore covered by these; shore between high and low water mark.

The interpretation and implementation of the late PM's guidelines have created any number of problems in Bombay and the situation becomes more ludicrous when development permissions are to be denied in otherwise fully-developed areas. If we do so, we would be only inviting litigation. The erstwhile Government of India's Department of Environment's Guidelines (1983) had suggested the preparation of Environmental Impact Assessments for the coastal areas. In the light of this and the fact that the State Government has been concerned about preserving "beaches" in their true meaning, we have been so far following the Government directive of 1984. It is felt that it would be best to identify, so far as Greater Bombay is concerned, only the "beaches" which need to be preserved, mark them on the Development Plan to avoid any ambiguity and then apply suitable instructions for regulation of development. This has been the view of the D'Souza Committee.

The State Government's Environment Department's view is that 200 meters from the high tide line should be retained as a green zone and beyond 200 meters the limited activity of construction of cottages and farm houses (single storey) may be permitted, this being primarily to avoid encroachment.

The entire matter has been considered threadbare and in considerable detail, by the Secretaries Group in view of the fact that there are real and practical difficulties in implementing a policy of not allowing any development whatsoever in Bombay within 500 m. of

...6/-

the high tide line, and with a view to ensure how best the spirit and intent of the instructions contained in the late PM's letter can be implemented. The Secretaries' Group has felt that the D'Souza Committee's draft for regulating development within beach areas (to be specifically identified) could be adopted by (i) specifically marking beach zones where the development will be regulated, (ii) not permitting any development whatsoever in the sandy portion of the beach proper, (iii) making the regulations specific in certain matters referred to by the Bombay Environmental Action Group (BEAG), (iv) providing for allowing reconstruction or redevelopment of existing buildings, since there are large number of such buildings, including cessed ones, whose re-development cannot possibly be refused on humanitarian or practical considerations and (v) making specific type of development, compatible with the objective of preserving beaches.

The Secretaries' Group has accordingly proposed the following draft rule :-

suggested
draft rule

Beach Zone i.e. area along the beaches, viz. Girgaum Chowpatty, Dadar-Shivaji Park-Mahim-Chowpatty, Juhu-Versova, Madh, Erangel, Akse, Marve, Manori and Gorai ;

Beach Zones shall be classified into two categories, and marked in the Development Plan, namely :-

Category-I : Girgaum-Chowpatty, Dadar-Shivaji Park-Mahim Chowpatty, Juhu-Versova.

Category-II : Madh, Erangel, Akse, Marve, Manori and Gorai.

In respect of the beach zones in Category I, notwithstanding anything contained in these rules, the following regulations shall apply, namely :

(i) No construction whatsoever will be permitted on the sandy portion of the beach proper;

- (ii) Construction of a new building or reconstruction of an authorised building may be permitted within the permissible floor space index, provided that the height of the building shall not exceed
 - (a) 12.8 m. (42 ft.) in the wards of the Island City and
 - (b) 9.75 m. (32 ft.) in the wards of suburbs and extended suburbs.

Provided that the height of a building to be constructed on an open plot abutting the sea shore shall not be more than 6.75 m. (22 ft.) in height.

In respect of the beach zones in Category II notwithstanding anything contained in these rules, the following regulations shall apply, namely :-

- (a) Reconstruction of an authorised building may be permitted with the permissible floor space index, provided that the height of the building does not exceed 32 ft.
- (b) Development on vacant plots for residential, institutional purposes, cottage type hotels, restaurants and eating houses, swimming pools or club houses and allied activities, operational construction by defence authorities may be permitted by construction of a ground floor residential building with a floor space index not exceeding 0.04 and height not exceeding 22 ft. Provided that
 - (i) the building shall be set back by at least 10 m. from the plot boundary on the beach side,
 - (ii) no services for water supply, sewerage, sanitation or other civic amenities will be provided, and
 - (iii) any such building shall have a sloping roof.

In respect of the beach zones in both Category-I and II all other rules and requirements shall be

...8/-

complied with but the following may also be permitted with the special permission of the Commissioner, namely,

(i) developments related to fishing activity, fish-curing, open land fish farming, but not including fish processing, canning or similar units, but not ice-factory or cold storage or any buildings of permanent nature

(ii) developments for the purpose of water sports including jetties, boat-sheds, boat storage and boat repair workshops and swimming pools but not including residential or office building.

Provided further that creeks shall be treated as a major water course and buildings shall be set back at least 15 meters from the edge of the creek.

The suggested draft takes care of all aspects of beach protection so far as Greater Bombay is concerned. It is to be noted that so far as the eastern coast of Greater Bombay is concerned, the BEAC wants it to be covered by the provisions of the Prime Minister's directive for prohibiting all artificial development within 500 meters of the high tide water mark. In this behalf, it is submitted that most of the southern side of the eastern coast is covered by the dock's area and the northern side of this coast is in the No Development Zone. Hence, the Secretaries' Group has felt that the eastern coast need not be marked as a beach zone.

Although the Government of India's Ministry of Environment and Forests has said that the area at least upto 500 meters must be kept free from all artificial development and even wants the State Government to withdraw its 1984 directive, the Secretaries' Group has felt that the new draft suggested by it (which will replace the 1984 directive) should be processed at State Government level particularly since there is no national legislation on the subject and as all development along the coast of Greater Bombay cannot be stopped for obvious reasons. .

The draft rule suggested by the Secretaries' Group is submitted for consideration and approval.

..9/-

The draft rule would need republication for objections and suggestions etc. under the second proviso to section 31(1) of the MR & TP Act, 1966 and this action would be taken after the draft is approved by Government.

Extract

Bombay Environmental Action Group's letter

BEACH ZONE

a) Only a 200 metre belt from the high tide mark has been left free of development (as opposed to 500 metres directed by the Prime Minister and incorporated into the present Development Control Rules).

The 500 metre belt should be retained.

b) Developments relating to fishing activity are sought to be permitted in this 200 metre zone. It should be stipulated that fish processing, fish canning and similar units are not permitted in this zone. The only permanent structure permitted should be an ice plant/cold storage plant.

c) Two storeyed residential structures are sought to be permitted in this 200 metre zone. This should not be permitted since the structure will come up right on the water front, thereby vitiating the whole purpose of this restriction.

d) A certain minimum belt should be kept free of all development, specially residential development.

e) It should be made clear that "developments for the purpose of water sports" should not include residential/office buildings-but only jetties/boat sheds/boat storage sheds/boat repair workshops. A maximum FSI should be stipulated

f) The 'beach zone' should include all areas along the sea and not just the few areas stipulated here. In case 500 metres/200 metres is not possible to be kept free of development in these additional areas, at least a certain minimum area should be kept free of development. (Thus smaller widths could be provided in places such as Marine Drive, Bandra, Mahim, etc. but some width free of development should be prescribed). Similarly there are large virgin areas near the sea coast in Colaba (on the Western and Eastern sides) which should

...2/-

be incorporated into the 'Beach Zone'. If these areas are deleted, it would vitiate the whole purpose of this stipulation.

g) The areas along the creeks, e.g. Manori Creek, Malad Creek should also be included in the beach zone.

h) The 'Beach Zone' does not include any areas on the eastern sea coast of Bombay. The entire coast of Greater Bombay (north of the BARC) is virgin land marked as 'No Development Zone'. However, as per the regulations prescribed for 'No Development Zone', a large number of developments are permitted.

To preserve the lovely coast line in this area, the Beach Zone Regulations should be made applicable here also.

ANNEXURE-II

No Development Zone

The BMC's draft Rules provide that No Development Zones(NDZ) will consist of undevelopable lands such as creeks, rivers, marshy lands, foreshore lands, beaches, forests, hills, hill slopes, etc.

The sanctioned D.C. Rules, which do not make a difference so far as NDZs and Green Zones are concerned in regard to permissible uses, allow certain users such as gardens, poultry farming, parks, summer camps, storage and drying of fertilisers, crushing and quarrying etc. which do not require the erection of a permanent building.

The BMC's draft Rules contain the same use provisions in the Green Zones specified in the Development Plan as in the sanctioned rules, with the addition that in the Green Zones a ground floor residential building with built-up area of not more than 100 sq.m. in a plot having an area exceeding 0.4 hectare may be permitted by the Municipal Commissioner, and in existing pieces of lands having area less than 0.4 hectare, a ground floor residential structure may be permitted with FSI not more than 0.025 and limited to built up area of 100 sq.m. provided that no further sub-divisions of the land is made. No services of any kind would be provided by the Corporation to such users.

The D'Souza Committee has followed almost the same pattern of users with changes mentioned below, but it make no distinction between NDZs and Green Zones, so that the uses are permitted in NDZs also. One change is that in the zone, a two-storeyed residential building with a total floor area not exceeding 160 sq.m. in a plot exceeding 0.4 hectare in area can be permitted by the Municipal Commissioner and a single storeyed building with built up area not exceeding 100 sq.m. in an independent plot of area less than 0.4 hectare, but existing as an independent plot on 26-5-1983(the date of publication of the draft D.C. Rules) may be permitted, without provision of any infrastructure by the Corporation. This has been

proposed by the D'Souza Committee which has felt that certain restricted activities in NDZ should be permitted, otherwise these zones will be over-run by slums and the land-owners need have some reason to protect them.

During discussions held by the Minister(UD) with M.Ps. and State Legislators from Bombay, there were some who said that no constructions or developments at all should be allowed in NDZs, but more felt that some limited construction/activity should be allowed or else the lands will become targets for slum colonies. The Bombay Environmental Action Group(BEAG) has opposed the D'Souza Committee's recommendations to delete the Green zone and merge it with the NDZ. The BEAG also does not want permissions being given in the NDZ for brick, tiles or pottery manufacture, sand, clay or gravel quarrying, stone crushing or quarrying or storing and drying of fertiliser.

So far as the users suggested by both the BMC and the D'Souza Committee are concerned, they are not different from those already permitted in the Green or No Development Zones. Areas ear-marked as Green on the D.P. will remain so and in clearly demarcated NDZs. and the users suggested will be permitted. The particular users objected to by the BEAG have been in the rules since inception(1967) and there is no apparent reason why they should be deleted.

The D'Souza Committee has recommended the following users in No Development Zones :-

- (i) Agriculture, horticulture and animal husbandry (except for keeping animals on a commercial scale) subject to a limit of 10 head of cattle per acre, and providing accessory buildings, garages, pigsties, stables and storage buildings;
- (ii) Gardens and poultry farms;
- (iii) Forestry;
- (iv) Golf clubs and links;

...3/-

- (v) Public parks, private parks, play fields, stadiums, swimming pools, gliding facilities temporary camps for recreation of all types;
- (vi) Amusement parks with the special permission of the Commissioner.

***note :** Amusement park here means a park equipped with such recreational devices as a giant wheel, roller coaster, merry-go-round or similar rides and swimming pool, and containing shops for toys, goods and beverages. No residences excepting those of the essential security staff shall be permitted.

- (vii) Race tracks and shooting ranges;
- (viii) Fish curing on open land/fish farming;
- (ix) Salt manufacture from sea water;
- (x) Brick, tile or pottery manufacture in temporary buildings only;
- (xi) Sand, clay or gravel quarrying;
- (xii) Stone crushing or quarrying with the special permission of the Commissioner;
- (xiii) Stores and drying of fertiliser;
- (xiv) Public utility establishments such as electric sub-stations, radio & T.V. stations, receiving stations, sewage treatment and disposal works, water works along with residential quarters for essential staff for such works;
- (xv) a) A two storeyed residential building with total floor area not exceeding 160 sq.m. in a plot exceeding 0.4 Ha. in area, subject to such conditions as the Commissioner may impose; and
 b) a single-storeyed residential building with FSI not exceeding 0.04 with total floor area not exceeding 100 sq.m. in an independent plot of area less than 0.4 Ha. but existing as an independent plot as on 26th May, 1983 i.e. the date of publication of the Draft Development Control Rules. Provided that no further

sub-division of such ~~xxxx~~ plot shall be allowed and subject to such conditions as the Commissioner may impose.

NOTE : No services of any kind will be provided at any time by the Corporation for any of the users listed.

The Secretary, Government of India, Ministry of Environment and forests in his comments on the D'Souza Committee Report has stated that separate categorisation of NDZ and Green Zone as done by the BMC be retained. Further, he has stated that many activities recommended by the D'Souza Committee to be permitted in the No Development Zone would have adverse environmental effects. These include the following :-

- (a) Brick, tile or pottery manufacture in temporary buildings only;
- (b) Sand, clay or gravel quarrying;
- (c) Stone crushing or quarry with special permission of the Commissioner;
- (d) Stores and drying of fertilizers

None of these activities should be permitted in the NDZ as such uses are incompatible with the character of NDZ.

The Secretaries' Group has agreed with the users suggested in the D'Souza Committee's draft. Regarding residential buildings in the NDZ, the Group has approved permitting low rise and low density residential development since otherwise the owners would lose interest in protecting their lands with likelihood of these being-over-run by slums. The Group has approved the following modified rule:

- (a) Two Storeyed residential building to be permitted with a total floor area not

exceeding 160 sq.mts. in a plot exceeding 0.4 ha. upto 2 Ha. in area subject to such conditions the Commissioner may prescribe. In respect of plot exceeding 2 Ha. such a residential building may be permitted at the rate of one building of 160 sq.mt. for every 2 Ha. of area thereafter and

(b) a single storeyed residential building building with FSI not exceeding 0.04 with total floor area not exceeding 100 sq.mt. in an independent plot of area less than 0.4 Ha.

No services of any kind will be provided at any time by the Corporation for any of the users listed.

So far quarrying is concerned, the Secretaries' Group has approved the recommendations of the D'Souza Committee. The Group also approved the proposal of making quarrying zones specifically on the Dev. Plan after the recommendations of the Committee constituted in the Revenue Department are received and approved by Government.

The above proposals of the Secretaries' Group are submitted for approval.
