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ABSTRACT

Rules - Framing of the Tamil Nadu Combined Development and Building Rules, 2019 - Notification - Issued.

MUNICIPAL ADMINISTRATION AND WATER SUPPLY (MA.I) DEPARTMENT

G.O.(Ms) No.18

Dated: 04.02.2019

**(Thiruvalluvar Aandu 2050,
Vilambi, Thai - 21)**

Read:

1. From the Secretary, MoUD, GOI, D.O.No.K-14011/ 83/2016-UD-II, dated 12.09.2016.
2. From the Member-Secretary, CMDA, letter No.C1/ 20172/2013, dated 09.03.2017 and 02.06.2017.
3. G.O.Ms.No.81, MAWS(MA1) Dept, dated 21.08.2018.
4. From the Principal Secretary/Member-Secretary, CMDA, D.O.Ir.No.C1/14867/2018, dated 24.10.2018.
5. Meeting held on 22.11.2018 to discuss the recommendations of the Committee on the comments from public.
6. From the Principal Secretary/Member-Secretary, CMDA, D.O.Ir.No.C1/14867/2018, dated 29.11.2018.
7. The Public (SC) Department, letter No.C.D No.18 (02/2019), dt.19.01.2019, communicating the Extract of the Minutes the meeting of the Council of Ministers held on 18.01.2019.

ORDER:

There is a need to ensure more efficient and sustainable utilization of scarce land, ensuring availability of land for various purposes to make housing more affordable, ensure effective enforcement of regulations relating to development and building construction and to promote ease of doing business in the State of Tamil Nadu. Therefore, the Government after careful consideration, have decided to revise and re-issue various existing Building Rules under various Acts for Corporations, Municipalities, Town Panchayats and Village Panchayats and Development Rules/Regulations issued under the Tamil Nadu Town & Country Planning Act, 1971 as the Tamil Nadu Combined Development and Building Rules, 2019.

2. The Tamil Nadu Combined Development and Building Rules, 2019 are aimed at simplifying the rules and procedure for approval, for development of layouts and buildings with focus on safety, security and sustainability as also to enhance consistency and transparency. This exercise

is based on a number of studies, reports and International consensus reflected in the United Nations Habitat's New Urban Agenda, which advocate greater urban density and compactness of cities to promote better use of scarce land and the easing of Floor Space Index (FSI) restrictions to enable persons belonging to the Low Income Group to buy houses at affordable prices. Provisions of the National Building Code, 2016 and the Model Building Bye-laws, 2016 have also been incorporated. The Rules cover the provision of barrier free environment for differently abled, elderly, children, Rain Water Harvesting, Re-cycling of Grey Water, Solar Energy Capture, Provision of Closed Circuit Televisions and Regulation of Swimming Pools.

3. Accordingly, the appended Notification will be published in an Extra-Ordinary issue of the Tamil Nadu Government Gazette dated 04.02.2019.

4. This G.O. issues with the concurrence of Housing & Urban Development Department vide its U.O.No.2167/ UD4(3)/2019, dated 01.02.2019.

(BY ORDER OF THE GOVERNOR)

**HARMANDER SINGH
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Works Manager, Government Central Press, Chennai - 600 079.
The secretary to Governor, Raj Bhavan, Chennai - 600 022.
The Additional Chief Secretary, RD&PR Dept, Chennai - 600 009.
The Principal Secretary, Hg&UD Dept, Chennai - 600 009.
The Member Secretary, Chennai Metropolitan Development Authority, Chennai - 600 008.
The Commissioner, Greater Chennai Corporation, Chennai - 600 003.
The Commissioner of Municipal Administration, Chennai - 600 005
The Director of Town and Country Planning, Chennai - 600 002.
The Director of Town Panchayats, Chennai 600 108.
The Director of Rural Development and Panchayats Raj, Chennai-600 015.

Copy to

The Secretary to Chief Minister, Chennai - 600 009.
The Senior Personal Assistant to Dy.Chief Minister, Chennai - 600 009.
The Sr P.A. to Minister (MA&RD and Impl, Spl, Prgm), Chennai - 600 009.
The Law Department, Chennai - 600 009.
The Hg&UD Dept, Chennai - 600 009.
The RD&PR Dept, Chennai - 600 009.
SF/SC.

// forwarded by order //

R. Konnalya

Section Officer.

APPENDIX

NOTIFICATION

In exercise of the powers conferred by sub-section (4) of section 32 and section 122 of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972), section 191 and 303 of the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), section 242 of the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994), section 230 and 347 of the Chennai City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919), section 268 and 431 of the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971), section 268 and 430 of the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981), section 11 of the Tiruchirappalli City Municipal Corporation Act, 1994 (Tamil Nadu Act 27 of 1994), section 11 of the Tirunelveli City Municipal Corporation Act, 1994 (Tamil Nadu Act 28 of 1994), section 11 of the Salem City Municipal Corporation Act, 1994 (Tamil Nadu Act 29 of 1994), section 10 of the Tiruppur City Municipal Corporation Act, 2008 (Tamil Nadu Act 7 of 2008), section 10 of the Erode City Municipal Corporation Act, 2008 (Tamil Nadu Act 8 of 2008), section 10 of the Vellore City Municipal Corporation Act, 2008 (Tamil Nadu Act 26 of 2008), section 10 of the Thoothukudi City Municipal Corporation Act, 2008 (Tamil Nadu Act 27 of 2008), section 10 of the Thanjavur City Municipal Corporation Act, 2013 (Tamil Nadu Act 24 of 2013), and section 10 of the Dindigul City Municipal Corporation Act, 2013 (Tamil Nadu Act 25 of 2013), the Governor of Tamil Nadu, hereby makes the following Rules:-

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- (7) An application in Form - A in Annexure - I accompanied by proof of ownership, plans, specifications, etc., mentioned therein shall be submitted to the competent authority in case of subdivision or layout or reconstitution or amalgamation of land for building purposes.
- (8) An application in Form - B in Annexure - II accompanied by proof of ownership, detailed plans, specifications, site plan, key plan and topo plan showing existing developments to a radius of 100 metres drawn to a scale of 1:500 and such other details as may be required from time to time shall be submitted to the competent authority, in the case of development of land and buildings, change of land and building use and in the case of site approval.
- (9) An undertaking in Form - C in Annexure -III by the registered professionals to the competent authority in the case of developments such as Non High Rise Buildings and High Rise Buildings and other developments as may be decided by the competent authority.
- (10) The competent authority may seek any additional particulars as deemed fit for processing the application.
- (11) The applicant may address the competent authority for clarification before filing an application and such clarification shall be issued within 2 months from the date of receipt of application seeking such clarification.

7. Scrutiny fees.— (1) Scrutiny Fee means a fee for scrutinizing the applications, collected from the applicant along with the plan or revised plan or modified plan submitted by the applicant.

(2) Every application for planning permission shall be accompanied by a scrutiny fee as calculated in the following manner:

(i) (a) Plans submitted along with planning permission applications per sq.m. of floor area of the building	Rs.2.00
(b) 1st revised plan per sq.m. of floor area of the building	Rs.1.00
(c) 2nd revised plan per sq.m. of floor area of the building	Rs.0.40
(d) 3rd revised plan per sq.m. of floor area of the building	Rs.0.20
(e) Subsequent revised plans	Nil
(ii) Layouts/subdivisions, reconstitutions per sq.m. of land area	Rs. 0.75
(iii) Re-classifications (lump sum)	Rs.30,000 (for CMA) 1-50 Rs.20,000 (for other areas)

(3) In case of layouts or subdivisions or site approval applications, the rates of scrutiny fee shall be prescribed and notified by the Government from time to time

guideline value of the land or 20% of the Guideline Value of the land area equal to which the additional floor area is availed, whichever is higher. The caution deposit is acceptable in the form of an irrevocable Bank Guarantee issued in the format prescribed, in favour of the Executive Authority of Local Body from any scheduled bank

- (b) The Bank Guarantee shall be kept alive till a final decision is taken by the Executive Authority of Local Body.
 - (c) The Bank Guarantee towards caution deposit is returnable after a period of five years, from complete occupation and commencement of commercial operation subject to confirmation by a certificate from the appropriate authority (ELCOT) certifying that the building is put into continuous use for Information Technology (IT) parks or Bio Informatics units for the said five years.
 - (d) If the building is utilised for any other purpose during this period and the occupancy confirmation certificate from the appropriate authority (ELCOT) is not furnished, the Bank Guarantee shall be invoked and the caution deposit shall be forfeited by transferring the same to the Executive Authority of Local Body's account.
 - (e) The caution deposit referred to above shall be different from, and over and above the security deposit to be paid in the normal course of issue of Building Permit.
 - (f) The decision of the Executive Authority of Local Body is final in the invocation or release of Bank Guarantee.
- (6) Other Parameters: Except for the above said specific provisions, the developments shall conform to these rules in respect of all other parameters.

41. Reservation of land for community recreational purposes in certain developments.—

(1) The reservation of land for community recreational purposes such as park or play ground shall be as given below at ground level in a shape and location abutting a public road to be specified by the competent authority:

Extent of site		Reservation
(a)	For the first 3,000 square metres	Nil
(b)	Between 3,000 square metres and 10,000 square metres	10% of the area excluding roads or in the alternative he shall pay the Guideline value of the equivalent land excluding the first 3000 sq.m. as per the valuation of the Registration Department. No such area reserved shall measure less than 100 square meters with a minimum dimension of 10 meters. Such area to be reserved shall not be more than 2 parcels. The space so reserved shall be transferred to the Local body, free of cost, through a registered gift deed. In cases of residential developments, the local body concerned may

		permit the Residents Association or Flat Owner's Association for maintaining such reserved space as park or playground.
(c)	Above 10,000 square metres	Ten per cent of the area excluding road with the dimension in the ratio of 1:5 and such area to be reserved shall not be less than 500 square meters and this space shall be transferred to the local body designated by it, free of cost, through a gift deed. It is obligatory to reserve and hand over the space and no charge in lieu can be accepted in case of new developments or redevelopments.

Explanation.—

- (i) The gifting of the reservation of land for community recreational purposes in respect of Institutional developments and Industrial Developments to the local body is not required. However the space may be maintained by the owner concerned subject to the supervision and monitoring of the concern local body.
 - (ii) The plot area including the area reserved for community recreational purposes shall be considered even when there is change of ownership to determine the plot extent.
- (2) The site so reserved shall be exclusive of the set back spaces and spacing between blocks prescribed in these rules, and shall be free from any construction or structure.
 - (3) For the purpose of this regulation, existing development is defined as one where the extent of ground area covered by structures already existing prior to application for Building Permit is 25 per cent and above of the total site area.
 - (4) In case of additions to existing developments, where it is difficult to leave the 10 per cent area as open space for community recreational purposes, the executive authority of the local body reserves the right to collect the guideline value of equivalent land in lieu of the land to be reserved. However, if on a future date, the applicant wants to demolish the existing structures and raise new structures on the site in question, the community recreational space as per the rule shall be reserved.
 - (5) In the case of developments of Government departments or agencies, the executive authority of local body reserves the right to enforce the maintenance of such reserved lands by the department or agency to the satisfaction of the Local Body or order the department or agency to transfer the land to the local body free of cost.
 - (6) Structures for watchman's booth, gardener's instrument room, public toilet and police booth for the purpose of maintenance and toilets may be permitted with total floor area not exceeding 5 percent of the total OSR area in one place.
 - (7) Public parking lot may be permitted in basement below the OSR.
 - (8) Rain water harvesting, water tanks and STP may be permitted below the OSR.

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