

GOVT. DIRECTIVES

No. DCR.1090/3197(RDP)UD-11
Urban Development Department,
Mantralaya, Bombay-400 032.

Dated 25 April 1995.

To
The Municipal Commissioner,
Municipal Corporation of Gr. Bombay,
Mahapalika Marg,
BOMBAY-400 001.

Subject: Development Control Regulation
1991 for Greater Bombay.

Sir,

Govt. vide Notification No. DCR-1090/
3197/(RDP) UD-11, dated 21 April 1995 have sanctioned
abovementioned D.C. Regulation, copies of which
alongwith its accompaniments have been sent to you
separately. While finalising this D.C. Regulation,
Government have observed that it would be necessary
to impose certain additional restrictions. I am,
therefore, directed to convey following restrictions
which shall have the force of additional D.C.
Regulations:-

1. Height of Buildings in "A" Ward.

Notwithstanding anything contained in
the Development Control Regulations 1991, for
Greater Bombay, in 'A' Ward (exclusive of
Backbay Reclamation Blocks where BMRDA is the
Special Planning Authority) the height of the
buildings after reconstruction shall be
limited to the existing height of the
buildings of similar age in the surrounding
area.

Similarly any new buildings shall
conform to the general height pattern of the
surrounding locality.

In the case of listed heritage
buildings and in the case of all buildings
within the Fort Precinct (whether or not
they are listed buildings) due clearance from
Heritage Conservation Committee would be
required.

All other development permission cases from "A" Ward (except the Backbay Reclamation Area (BBR) Blocks where the Municipal Corporation of Greater Bombay is not the Planning Authority) shall be referred to the Heritage Conservation Committee, whenever question of permission of height of the building is involved.

2. Special Regulations for Precincts.

(i) In cases of listed heritage buildings and Precincts notified as per the provisions of the heritage conservation regulation No.67, the development permissions shall be granted in accordance with the special separate regulations prescribed for respective precincts which shall be drafted by Commissioner in consultation with the Heritage Conservation Committee and got approved from the Government from time to time.

(ii) Road widening line shall be so prescribed under the Bombay Municipal Corporation Act, 1888 as to preserve and not detract from the said heritage precincts and

(iii) If there are any new roads or road widening lines proposed in the Revised sanctioned Development Plan of Greater Bombay, the Commissioner shall consider the heritage provisions while considering applications for development permissions in these precincts. Necessary steps may be

taken to modify the Development Plan accordingly. Pending this action, the widening shall not be carried out.

- (iv) If there are any sanctioned Revised Development Plan reservations shown on listed heritage buildings, the same shall not be implemented unless they are absolutely necessary. If required, Commissioner may in consultation with the Heritage Conservation Committee move Govt. to get them deleted/modified as need be. However for this purpose required procedure under law needs to be followed.

- (v) No road widening of the existing road shall be allowed under the Bombay Municipal Corporation Act or in Revised Development Plan for Gr. Bombay in such a manner so as to affect the existing heritage building as per the list sanctioned by the Government even though they are not included in the Precinct.

3. Recycling the use.

The Development Control Regulation No.52(4) bans office user in Island City of Bombay. However in cases of buildings included in the Heritage Conservation List, if the owner/owners agree to maintain the listed heritage building as it is in the existing state and to preserve its heritage state

with due repairs and the owner/owners give a written undertaking to that effect, the owner/owners may be allowed with the approval of the Heritage Conservation Committee to convert part thereof or the entire non-commercial area within such a listed heritage building for the commercial/office user, provided that if the heritage building is not maintained suitably or if the heritage value of the building is allowed to be spoiled in any manner, the commercial/office user shall be disallowed.

4. Mhatar Pakhadi Precinct/Khotachiwadi Precinct
Bandra Village Precincts

In case of above precincts, following additional Regulations shall prevail:

(i) No internal roads shall be allowed to be converted into through traffic roads and no widening of small lanes/gullies within the precinct shall be allowed.

(ii) The ground floor buildings wherever existing may be allowed to have ground and two upper floors as per the permissible FSI. However, no building within this precinct shall be allowed to be constructed more than ground and two upper floors. No building shall exceed surrounding heights.

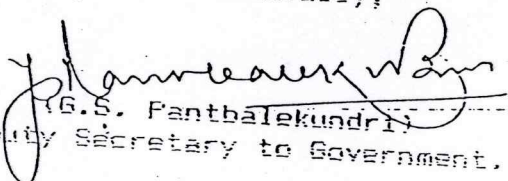
Whereas Govt. has given careful consideration to the importance of heritage features of areas, precincts, buildings etc. and is convinced that the foregoing restrictions/provisions are necessary for the efficient implementation of the provisions of the Act, as envisaged in the clause-i of section 22 of that Act,

Now therefore in exercise of the powers under section 37(1) of the Maharashtra Regional and Town Planning Act, 1966, Govt. directs the Municipal Corporation of Gr. Bombay to take steps to modify the said Regulations and the Development Plan to incorporate the points in the foregoing paragraphs No. 1 to 4.

I am also directed to enclose lists of additional buildings and precincts received by the officer who conducted hearing on suggestions and objections received on the draft regulation. The Commissioner, in consultation with Heritage Conservation Committee, shall consider whether to include these above buildings or precincts (as well as others which were published by Govt. on 20.2.1991 but not included in the final list), in the Heritage list after following due procedure of inviting objections and suggestions by publishing a notice in the local newspapers having wide circulation. The procedure u/s 37 of MR&TP Act, 1966 need not be followed. Similarly, I am also directed to inform you that the Commissioner in consultation with the Heritage Conservation Committee shall also examine define their boundaries and recommend suitably for inclusion of the following areas as heritage precincts:-

1. Marine Drive Precinct,
2. Napean Sea Road Precinct,
3. Old Cuffe Parade Precinct,
4. Cooperage Development,
5. Khodadad Circle Precinct,
6. Area to the south of Gamdevi Precinct,
7. Five Gardens Precinct, Matunga.

Yours faithfully,


G.S. Pantbalekundri
Deputy Secretary to Government.

Copy forwarded for information and necessary action to:

The Director (Municipal Engineering & Services),
Municipal Corporation of Gr. Bombay,

The Dy. Director of Town Planning, Bombay Division,
Bombay.