

**GOVERNMENT OF GUJARAT
URBAN DEVELOPMENT AND URBAN HOUSING DEPARTMENT
SACHIVALAYA, GANDHINAGAR.**

NOTIFICATION

Dated : 05-05-2007

THE GUJARAT TOWN PLANNING AND URBAN DEVELOPMENT ACT, 1976.

NO.GH/V/157 of 2007/DVP-112007-1595-L : WHEREAS the Government of Gujarat is of the opinion that it is necessary, in the public interest, to make variation in the General Development Control Regulation of the Revised Development Plan of Ahmedabad Urban Development Authority, sanctioned under Government Notification, Urban Development and Urban Housing Department No.GH/V/59 of 2002/DVP-1599-1368-L, dtd. 18-05-2002 (hereinafter referred to as "the said G.D.C.R. of Development Plan" and "the said Authority").

NOW THEREFORE, in exercise of the power conferred by of section 19(1) of the Gujarat Town Planning and Urban Development Act, 1976 (President's Act No. 27 of 1976), (hereinafter referred to as "the said Act") the Government of Gujarat hereby: -

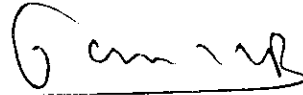
3. Proposes to modify the aforesaid G.D.C.R. of development plan by way of variation in the manner specified in the Schedule appended hereto, and ;
4. Calls upon any person to submit suggestion or objection, if any, with respect to the proposed variation to the Principal Secretary to Government of Gujarat, Urban Development and Urban Housing Department, Block No. 14th, 9th Floor, Sachivalaya, Gandhinagar, in writing, within a period of two months from the date of the publication of this notification in the Official Gazette.

SCHEDULE

Proposed variations in the G.D.C.R. of Revised Development Plan of the said Authority sanctioned by Government Notification, Urban Development and Urban Housing Department No.GH/V/59 of 2002/DVP-1599-1368-L, dated 18-05-2002.

Proviso of Regulations no.17.20 of sanctioned in force G.D.C.R. of AUDA is replaced with Annexure - 1 enclosed herewith.

By order and in the name of the Governor of Gujarat,



(K. B. Pankhania)

Officer on Special Duty & Ex-Officio Deputy Secretary
to the Govt. of Gujarat
Urban Development and Urban Housing Department.

Copy forwarded with compliments to :

- ❖ The Municipal Commissioner, Ahmedabad Municipal Corporation, Ahmedabad.
- ❖ The Chief Executive Officer, Ahmedabad Urban Development Authority, Ahmedabad
- ❖ The Chief Town Planner, Gujarat State, Gandhinagar (With scheme papers receipt of which may be acknowledged.) He is requested to take necessary actions as per Rule No. 31 and 32 of the Gujarat Town Planning and Urban Development Rules, 1979
- ❖ The Senior Town Planner, North Gujarat Region, Children Hospital Building, Rasala Marg, Mithakhali, Elisbridge, Ahmedabad-9
- ❖ The Collector, Ahmedabad. Dist. Ahmedabad.

- ❖ The District Development Officer, Ahmedabad. Dist. Ahmedabad.
- ❖ The Manager, Government Central Press, Gandhinagar - With a request to publish the aforesaid notification in Part IV-B central Section, in the Gujarat Government Extra Ordinary Gazette of 05-05-2007 and forward 10 printed copies of the same to this department. The Gujarati version of the Notification will be forwarded shortly to you by the Legislative and Parliamentary Affairs Department, Sachivalaya, Gandhinagar.
- ❖ The Legislative and Parliamentary Affairs Department, Sachivalaya, Gandhinagar - with request to send Gujarati version of the said Notification directly to the Manager, Government Central Press, Gandhinagar for its publication in the official gazette urgently.
- ❖ The Director of Information, Gandhinagar- with request to issue a suitable press note.
- ❖ The Revenue Department, New Sachivalaya, Gandhinagar.
- ❖ The P.S. to Hon'ble Minister (U.D. & U.H.Deptt.) New Sachivalaya, Gandhinagar.
- ❖ System Manager, Urban Development and Urban Housing Department, Gandhinagar- with request to publish in the department web site.
- ❖ The Select file of ' L ' Branch, (U.D. & U.H.Deptt.) (2007)
- ❖ The personal file of Dy. Section Officer, (U.D. & U.H.Deptt.) (2007)

17.20 HERITAGE REGULATIONS :

17.20.1 APPLICABILITY

This regulation will apply to those buildings, artifacts, structures, areas and precincts having aesthetic and/or architectural and/or cultural and/or environmental significance (hereinafter referred as listed heritage buildings/ listed heritage precincts) and natural areas of scenic beauty including but not limited to sacred groves, hills, hillocks, water bodies (and the areas adjoining the same), open areas, wooded areas (hereinafter referred to as 'natural features') which will be listed in a notification to be issued by Government.

For the purpose of this regulation, 'precinct' will hereinafter refer to any area delineated within the Ahmedabad Urban Development Area, containing listed heritage buildings, artifacts, structures of historic and /or aesthetic and / or architectural and /or cultural and /or environmental significance being bound on all sides by paths and /or roads and/or water bodies and/or railway lines and/or plot lines and/or buildings for which special regulations may henceforth be devised.

17.20.2 RESTRICTION ON DEVELOPMENT / REDEVELOPMENT / REPAIRS ETC.

- i) No development or redevelopment or engineering operation or additions- alterations, repairs, renovation including the painting of buildings, replacement of special features or plastering or demolition of any part thereof of the listed heritage buildings or listed heritage precincts or listed natural features shall be allowed except with the prior written permission of the Competent Authority. Before granting any such permission, the Competent Authority shall consult the Heritage Conservation Committee to be appointed by Government (hereinafter referred to as the said Heritage Conservation Committee) and shall act on the advice of the Heritage Conservation Committee.
- ii) Provided that before granting any permission for demolition or major alterations/ additions to listed heritage buildings (or buildings within listed heritage precincts), or construction at any listed natural features, or alteration of boundaries of any listed natural features, objections and suggestions from the public shall be invited and duly considered by the Heritage Conservation Committee.
- iii) Providing that only in exceptional cases, for reasons to be recorded in writing, the competent Authority may refer the matter back to the Heritage Conservation Committee for reconsideration.

However, the decision of the Heritage Conservation Committee after such reconsideration shall be final.

17.20.3 PREPARATION OF LIST OF HERITAGE BUILDINGS, HERITAGE PRECINCTS AND LISTED NATURAL FEATURES

The list of buildings, artifacts, structures, areas and precincts of historic, and/or aesthetic and / or architectural and/or cultural significance and/or environmental significance and the said list of those natural features of environmental significance and/or scenic beauty including sacred groves, hills, hillocks, water bodies (and the areas adjoining the same), open areas, wooded areas, etc. to

which this regulation applies shall not form part of this Regulation for the purpose of Section 19 of the Gujarat Town Planning and Urban Development Act, 1976.

The list shall be supplemented / altered / deleted / modified from time to time by Government and/or the Competent Authority on the advice of the said Heritage Conservation Committee, or by Government *suo moto* or by the Competent Authority *suo moto*, or by the Heritage Conservation Committee *suo moto*, provided that after the list is supplemented/altered/deleted/modified, the modifications to the list shall be published in the official gazette and in such other manner as may be prescribed along with a notice in the prescribed manner, inviting objections and suggestions from the public within a period of 30 days from the date of its publication. The objections and suggestions received shall be duly considered by Government and/or the Competent Authority and on the advice of the Heritage Conservation Committee the list shall be finalized and notified.

When a building or group of buildings or natural features is listed it would automatically mean unless otherwise indicated that the entire property including its compound subsidiary structures etc. form part of the list.

17.20.4 POWER TO ALTER, MODIFY OR RELAX OTHER GENERAL DEVELOPMENT CONTROL REGULATIONS

On the advice of the said Heritage Conservation Committee and for reasons to be recorded in writing the Competent Authority may/shall alter, modify or relax the provisions of other General Development Control Regulations of the Draft Development Plan for AUDA (hereinafter referred to as the said Regulations if it is needed for the conservation, preservation or retention of historic and/or aesthetic and/or cultural and/or architectural quality of any listed heritage buildings or listed heritage precincts and / or the preservation of any listed natural features.

17.20.5 SPECIAL REGULATIONS FOR LISTED HERITAGE PRECINCTS

In cases of heritage precincts and (where deemed necessary by the Heritage Conservation Committee) of natural features notified as per the provisions of this Heritage Conservation Regulation no. 17.20.2 above, development permissions shall be granted in accordance with the special regulations prescribed for respective precincts natural features which shall be framed by the Competent Authority on the advice of the Heritage Conservation Committee.

Before finalizing the special regulations for precincts/natural features, the draft of the same shall be published in the official gazette and in leading newspapers for the purpose of inviting suggestions and objections from the public. All suggestions and objections received within a period of 60 days from the date of publication in the official gazette shall be considered by the Competent Authority / Heritage Conservation Committee.

After consideration of the above suggestions and objections, the Competent Authority acting on the advice of the Heritage Conservation Committee, shall modify (if necessary) the aforesaid draft special regulations for precincts/natural features and forward the same to Government for sanction.

Provided that pending consideration of suggestions and objections and pending final sanction from Government to the above draft special regulations for

precincts, the Competent Authority/Heritage Conservation Committee shall have due regard to the above draft special regulations while considering applications for development/ re-development, etc., in the respective precincts / natural features.

17.20.6 APPLICABILITY OF DEVELOPMENT PROPOSALS TO LISTED HERITAGE BUILDINGS/ LISTED HERITAGE PRECINCTS

- i) If road widening lines are prescribed under Section 12(2)(d) and/or Section 40(3)(c) of the Gujarat Town Planning & Urban Development Act, 1976, and or any other Act.. They shall be such so that they will protect and not detract from the listed heritage precincts / natural features.
- ii) If there are any new roads or road widening lines proposed under Section 12(2)(d) in the Revised Draft or Sanctioned Development Plans the Competent Authority shall consider the heritage provisions and environmental aspects while considering applications for development permissions in these precincts. Necessary steps may be taken to modify the Development Plan accordingly. Pending this action, the road widening/development of new roads shall not be carried out.
- iii) No widening of the existing roads under the Gujarat Municipalities Act or in the Revised Draft or Sanctioned Development Plan for Ahmedabad shall be carried out in a manner which may affect the existing heritage buildings (even if they are not included in a Heritage Precinct) or which May affect listed natural features.
- iv) If there are any Development Plan reservations shown on heritage buildings, or on listed natural features the same shall not be implemented. If required, the Competent Authority on the advice of the Heritage Conservation Committee shall move Government to get these reservations deleted modified as need be.

17.20.7 INCENTIVE USES FOR LISTED HERITAGE BUILDINGS

Section 10, Section 11, and Section 12 of these regulations define areas where commercial/ office / hotel uses are not permitted. However, in cases of buildings included in the Heritage Conservation List, if the owner/ owners/lessees 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/ lessees give a written undertaking to that effect, the owner/ owners/ lessees may be allowed by the Competent Authority on the advice of the Heritage Conservation Committee to convert part or the whole thereof of the non-commercial area within such a heritage building to commercial office use/hotel use. 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/ hotel use shall be disallowed.

17.20.8 CREATION OF NEW INCENTIVES FOR HERITAGE CONSERVATION

Incentives may be created for heritage conservation of listed heritage buildings / listed heritage precincts by the Competent Authority on the advice of the Heritage Conservation Committee. Where applicable under the provisions of the General Development Control Regulations of the Revised Development Plan for AUDA or special regulations for listed heritage buildings/listed heritage precincts, these incentives may include Transfer of Development Rights, the creation of a Repair Fund, etc.

The specific provisions for these incentives, where applicable, may be framed by the Competent Authority on the advice of the Heritage Conservation Committee following the Bombay and Hyderabad models for heritage regulation, and the same submitted to the government for sanction.

17.20.9 MAINTAINING SKYLINE AND ARCHITECTURAL HARMONY

Buildings within listed heritage precincts and in the vicinity of listed Grade I heritage buildings / listed natural features shall maintain the skyline and follow those architectural styles so 'as not to diminish or destroy the value and beauty of or the view from the said listed heritage precinct / listed heritage building or of the listed natural features. The term "vicinity" shall be interpreted by the Heritage Conservation Committee. The development within the listed heritage precinct or in the vicinity of the listed Grade I heritage building / listed natural features shall be in accordance with the guidelines framed by the Heritage Conservation Committee.

17.20.10 RESTRICTIVE COVENANTS

Restrictions existing as on date of this Notification imposed under covenants, terms and conditions by the leasehold plots either by Government or by Municipality / Panchayat shall continue to be imposed in addition to the General Development Control Regulations. However, in case of any conflict with the heritage preservation interest/ environmental conservation, this Heritage Regulation shall prevail.

17.20.11 GRADING OF THE LISTED HERITAGE BUILDINGS/ LISTED HERITAGE PRECINCTS

In the last column of the said list of Heritage Buildings, Heritage Precincts, grades such as I, II, III have been indicated. The meaning of these grades and basic guidelines for development permissions are as follows.

Listing does not prevent change of ownership or usage. However, such usage should be in harmony with the said listed precinct/building. Care will be taken to ensure that the development permission relating to these buildings is given without delay.

| GRADE I | GRADE II | GRADE III |
|--|--|--|
| A) DEFINITION | | |
| Heritage Grade I comprises buildings and precincts of national or historical importance, embodying excellence in architectural style, design, technology and material usage and/or aesthetics; they may be associated with a great historic event, personality, movement or institution. They have been and are the prime landmarks of the region. All natural sites shall fall within Grade I. | Heritage II (A&B) comprises buildings and precincts of regional or local importance possessing special architectural or aesthetic merit or cultural or historical significance though of a lower scale than in Heritage Grade I. They are local landmarks which contribute to the image and identity of the region. They may be the work of master craftsmen or may be models of proportion and ornamentation, or designed to suit a particular climate. | Heritage Grade III comprises buildings and precincts of importance for townscape; they evoke architectural, aesthetic, or sociological interest though not as much as in Heritage Grade II. These contribute to determining the character of the locality and can be representative of the lifestyle of a particular community or region and may also be distinguished by setting on a street line, or special character, of the facade and uniformity of height, width and scale. |

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| B) OBJECTIVE | | |
| Heritage Grade I richly deserves careful preservation. | Heritage Grade II requires intelligent conservation. | Heritage Grade III deserves intelligent conservation (though on a lesser scale than Grade II) and special protection to unique features and attributes. |
| C) SCOPE FOR CHANGES | | |
| No interventions are permitted either on exterior or interior of the heritage building or natural feature unless it is necessary in the interest of strengthening and prolonging the life of the building/s or precincts or any part or features thereof. For this purpose, absolutely essential and minimal changes would be allowed and they must be in accordance with the original. | GRADE II (A) Internal changes and adaptive reuse and external changes may by and large be allowed but subject to strict scrutiny. Care would be taken to ensure the conservation of all special aspects for which it is included in Heritage Grade II. GRADE II (B) In addition to the above, extension or additional building in the same plot or compound could, in certain circumstances, be allowed provided that the extension/additional building is in harmony with (and does not detract from) the existing heritage building(s) or precincts, especially in terms of height and facade. | External, internal changes and adaptive reuse would by and large be allowed. Changes can include extensions, and additional buildings in the same plot or compound. However, any changes should be such that they are in harmony with the surrounding area and should be such that they do not detract from the existing heritage building Precinct. |
| D) PROCEDURE | | |
| Development permission for the changes would be given by the Competent Authority on the advice of the Heritage Conservation Committee to be appointed by the State Government. | Development permission for the changes would be given by the Competent Authority on the advice of the Heritage Conservation Committee to be appointed by the State Government. | Development permission for the changes would be given by the Competent Authority on the advice of the Heritage Conservation Committee to be appointed by the State Government. |
| E) VISTAS - SURROUNDING DEVELOPMENT | | |
| All development in areas surrounding Heritage Grade I shall be regulated and controlled, ensuring that it does not mar the grandeur of, or the view from Heritage Grade I. | | |

17.20.12 DEMOLITION / RECONSTRUCTION / ALTERATION

Nothing mentioned under these regulations should be deemed to confer a right on the owner / occupier of the plot to demolish and/or reconstruct and/or make alterations to his listed heritage building / buildings in a listed heritage precinct if in the opinion of the Heritage Conservation Committee, such demolition / reconstruction / alteration is undesirable.

17.20.13 EXTERIOR DESIGN AND HEIGHT OF BUILDINGS

So as to preserve the beauty of the heritage precincts and/or buildings, the Heritage Conservation Committee shall have the power to direct, especially in areas designated by them, that the exterior design and height of buildings should have their prior approval.

17.20.14 COMPOSITION OF HERITAGE CONSERVATION COMMITTEE

- A. The Government shall constitute a Heritage Conservation Committee and frame the terms of reference.
- B. The composition and qualifications of the Heritage Committee shall be as follows:

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|----|------------------|---|
| 1 | Chairperson | Retired Municipal Commissioner of the Municipal Corporation or retired Secretary of Govt. of Gujarat with relevant experience. |
| 2 | Member | A Structural Engineer having experience of 10 years in the field |
| 3 | 2 Members | Two Architects having 10 years experience in design and membership in the Council of Architecture: i) Urban designer ii) Architect having experience in conservation architecture |
| 4 | Member | A technical officer of the Archaeological Survey of India (not below the rank of Asst. Director) |
| 5 | Member | A technical officer of the State Archaeological Dept. (not below the rank of Asst. Director) |
| 6 | Member | An Environmentalist having in-depth knowledge and experience of 10 years of subject matter |
| 7 | Member | An Architectural /Urban Historian having 10 years experience in The field. |
| 8 | Member | Chief Town Planner, Govt. of Gujarat or his representative not below the rank of Senior Town Planner. |
| 9 | Member | Chief Executive Authority, AUDA |
| 10 | Member | Senior Town Planner, AUDA |
| 11 | Member Secretary | Head of the Heritage Cell, Ahmedabad Municipal Corporation |

The tenure of the members of category (2), (3), (6), and (7) above shall change after every three years provided that the same person shall be eligible for re-appointment as Member.

C) The terms of reference of the Committee shall be, inter-alia,

- (i) to advise the Competent Authority whether development permission should be granted (under Regulation no. 17.20.2), and the conditions of such permissions.
- (ii) to prepare a supplementary list of buildings, artifacts, structures, areas, precincts of historic, aesthetic, architectural, cultural, or environmental significance and a supplementary list of natural features of environmental significance or scenic beauty including sacred groves, hills, hillocks, water bodies (and the areas adjoining the same), open areas, wooded areas, etc., to which this Regulation shall apply (vide Regulation no. 17.20.3)
- (iii) to advise whether any relaxation, modification, alteration, or variance of

any of the General Development Control Regulations, is called for (vide Regulation no. 17.20.4).

- (iv) to advise the Competent Authority in framing special regulations for listed heritage precincts (vide Regulation no. 17.20.5).
- (v) to advise the Competent Authority on applicability of development proposals affecting listed heritage buildings/listed precincts and on moving the Government to modify the same (vide Regulation no. 17.20.6)
- (vi) to advise the Competent Authority whether to allow commercial/ office/ hotel uses in the listed heritage buildings/heritage precincts and when to terminate the same (vide Reg. 17.20.7)
- (vii) to advise the Competent Authority in creating new incentives for heritage conservation (vide Regulation no. 17.20.8).
- (viii) to recommend to the Competent Authority guidelines to be adopted by those private parties or public/government agencies who sponsor beautification schemes at public intersections and elsewhere within listed heritage buildings /listed heritage precincts.
- (ix) to prepare special designs and guidelines / publications for listed heritage buildings, control of height and essential facade characteristics such as maintenance of special types of balconies and other heritage items of the buildings and to suggest suitable designs adopting appropriate materials for replacements keeping the old form intact to the extent possible.
- (x) to prepare guidelines relating to design elements and conservation principles to be adhered to and
- (xi) to prepare other guidelines for the purposes of this Regulation.
- (xii) to advise the Competent Authority on any other issues as may be required from time to time during the course of scrutiny of development permission and in overall interest of heritage/ environmental conservation.
- (xiii) to appear before the Government either independently or through or on behalf of the Competent Authority in cases of appeals related to listed heritage buildings /listed heritage precincts.