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No: GCZMA / H. COURT MATTER / 07 / 656 / Part IV / 311 Date: 10th June, 2011.

Policy for utilization of available open plots in CRZ-III Zone for the purpose of establishing Hotels / Beach Resorts.

Background

1. As per paragraph 32(D) of the directions contained in the Judgement and Order of the Hon'ble High Court of Bombay at Goa, Panaji in Writ Petition No. 422 of 1998 (*Goa Foundation v/s Village Panchayat of Candolim & ors.*) with Writ Petition No. 99 of 1999 (*Goa Foundation v/s Village Panchayat of Calangute & ors.*); the State Government has been directed,

“to identify the open plots in CRZ-III zone which are available for construction of hotels and to frame appropriate policy/regulation for utilization thereof before they are being allowed to be utilized for such construction activities.”

2. The Goa Coastal Zone Management Authority (GCZMA) / Department of Science, Technology and Environment (DSTE), Government of Goa; entrusted this task of identifying and delineating the open vacant plots above an area of 4000 sq. mts., in CRZ-III zone along the coastline of the State of Goa to M/s Remote Sensing Instruments (RSI), Hyderabad. This Agency had carried out the task of identification of structures existing as in 1991 when the CRZ Notification, 1991 came into force and the structures that came up subsequently by temporal study of satellite imagery between 1991 and 2006 followed by field checks; as per directions of the Hon'ble High Court in the same Writ Petitions detailed above. These reports were periodically submitted before the Hon'ble High Court and the data products / mapping of structures in form of survey plans were submitted to the Coastal Village Panchayats / Municipality in terms of the directions of the Hon'ble High Court in M.C.A No. 427 of 2007 in W.P. No. 422 of 1998 dated 18th March, 2008.

3. M/s RSI, Hyderabad has interpreted rectified satellite data, on line to identify and delineate contiguous open plots measuring 4000 sq. mts. and above in the CRZ-III areas of Goa. By overlaying the geo-referenced revenue maps, the locations of each of these open plots in terms of survey numbers and sub-division number have been tabulated and broad landuse patterns in these plots have also been tabulated.

An atlas of the open plots in CRZ-III of all the villages has been made on 1:5000 scale and an table in MS Excel format showing the identification number (ID No) of each plot, its locations in terms of survey of sub-division number and broad landuse / landcover pattern in these open plots has also been prepared.

M/s RSI, Hyderabad has submitted a soft copy in portable document format.

4. In its report M/s RSI, Hyderabad has indicated certain minor limitations to this study, as interpretation of the satellite data is with reference to the year 2005 and the landuse / landcover would need to be ascertained by interpreting latest satellite imagery and /or field checks. Some of the open plots appear to fall in forest, which can be separated by overlaying the reserved forest map of the Forest Department, as and when required. Similarly some open plots fall in sand dune area, which can be identified and separated. Many open plots fall in cultivated areas which need to be identified to ascertain the present status of cultivation / landuse. These features can be identified during site inspection separately.

Provisions of New CRZ Notification, 2011.

5. The Ministry of Environment and Forests (MoEF), Govt. of India; has notified the new Coastal Regulation Zone (CRZ) Notification, 2011 (S.O. No. 19(E) dated 06th January 2011). Annexure-III to the CRZ Notification, 2011 defines the requirements and guidelines for development of beach resorts or hotels in the designated areas of CRZ-III and CRZ-II for occupation of tourist or visitors with prior approval of the Ministry of Environment and Forests. The same is enclosed as *Appendix-I*.

For any new development of a Hotel / Beach Resort / Motels or any structure with rooms for the purpose of temporary accommodation of visiting tourists, to be undertaken within 200m to 500m; shall require to follow the guidelines as detailed above, subject to the State Government Development and Planning Regulations and Policy.

Provisions contained in Regional Plan for Goa, 2021.

6. The Town and Country Planning Department, Govt. of Goa, has prepared the draft Regional Plan for Goa – 2021 (RPG-21). As per draft RPG-21, all CRZ areas are classified as Other Eco-Sensitive zones (ECO-2), except CRZ-I areas, which are classified as Eco-Sensitive zones (ECO-1). Any development in ECO-2 areas will be as per CRZ guidelines.

The Town and Country Planning Department has vide Final Report, RPG-21 (Release One) dated 23rd November, 2010; has specified guidelines and has indicated that beach resorts / hotels / motels would be permitted on special conditions in Settlement Zone as mapped and defined in the land use maps approved by the Government {*Reference: Appendix XI of the Final Report, RPG-21 (Release One)*}.

The Final Report, RPG-21 (Release One) also indicates a policy for Coastal and Hinterland Eco-Tourism for development in backward talukas for specific areas

earmarked as a marker for development in the plans approved by the Government.
{Reference: Chapter 4.2.2 (a) of the Final Report, RPG-21 (Release One)}.

Guidelines for considering project proposals for Hotels / Beach Resorts in CRZ-III areas.

7. Every proposal received by the GCZMA, will be forwarded for examination and assessment by the Goa State Expert Appraisal Committee (Goa-SEAC), in the first instance. While examining the proposal of any new Hotel related project in the open plots / spaces available, the Goa-SEAC, shall follow the guidelines as given below and incorporate the same in the Terms of Reference for the project proponents case:

- (i) The land use / land cover as on site will be verified on ground by inspection. The surrounding land use pattern will be considered to determine the suitability of the land to be utilised for the purpose concerned.
- (ii) The recommendations or findings of the Environmental Impact Assessment (EIA) report, will not be the sole criteria for determining the land use / suitability of the plot, for the purpose concerned. Additional reports on environmental standards / parameters pertaining to the site concerned, shall be identified and project proponents would be required to comply with the same.
- (iii) Only those land area, which are classified as “Settlement” in terms of RPG-21, will be considered for the purpose concerned.
- (iv) The proposed project should essentially meet the requirements of recycling of effluents / sewage, efficient solid waste management practices and such other measures as directed by the Goa State Pollution Control Board.
- (v) The proposed project’s endeavour should be to meet ‘Green’ initiatives such water harvesting (wherever feasible), use of solar and other renewable energy resources for lighting, heating etc.
- (vi) The proposed project should be compliant to the standards prescribed under Environment (Protection) Rules, 1986 (as amended) and should also provide for compliance to the standards and conditions under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.
- (vii) All guidelines prescribed in CRZ Notification, 2011 shall be strictly followed.

8. On receipt of the proposal duly assessed and appraised by the Goa-SEAC, the same will be taken up for consideration by the GCZMA. Thereafter, the recommendations of the GCZMA and the appraisal of the Goa-SEAC, in respect of the project proposal shall be submitted to the Goa State Environmental Impact Assessment Authority (Goa-SEIAA) for its recommendations. Only on obtaining its favourable recommendations and with approval of the State Government, shall the project proposal be submitted to the MoEF for its consideration, in term of the CRZ Notification, 2011.

9. The conditions at para (7) and para (8), shall not apply to the hotel projects approved earlier by the State Government / MoEF or are in the process of being considered for approval by MoEF based on earlier State Govt. / GCZMA approvals.

10. This policy issues with the approval of the Government of Goa vide U. O. No. 96 dated 27th May, 2011.

(Michael M. D'Souza)
Director / ex-Officio Jt. Secy. (STE)

Annexure-III

Guidelines for development of beach resorts or hotels in the designated areas of CRZ-III and CRZ-II for occupation of tourist or visitors with prior approval of the Ministry of Environment and Forests

I. Construction of beach resorts or hotels with prior approval of MoEF in designated areas of CRZ-II and III for occupation of tourist or visitors shall be subject to the following conditions, namely:-

(a) The project proponent shall not undertake any construction within 200 metres in the landward side of High Tide Line and within the area between (Low Tide Line and High Tide Line in CRZ III)⁽¹⁾;

(b) The proposed constructions shall be beyond the hazard line or 200mts from the High Tide Line whichever is more;

(c) live fencing and barbed wire fencing with vegetative cover may be allowed around private properties subject to the condition that such fencing shall in no way hamper public access to the beach;

(d) no flattening of sand dunes shall be carried out;

(e) no permanent structures for sports facilities shall be permitted except construction of goal posts, net posts and lamp posts;

(f) Construction of basement may be allowed subject to the condition that no objection certification is obtained from the State Ground Water Authority to the effect that such construction will not adversely affect the flow of groundwater in that area;

(g) the State Ground Water Authority shall take into consideration the guidelines issued by Central Government before granting such no objection certificate;

(h) though no construction is allowed in the no development zone for the purposes of calculation of Floor Space Index, the area of entire plot including the portion which falls within the no development zone shall be taken into account;

(i) the total plot size shall not be less than 0.4 hectares and the total covered area on all floors shall not exceed 33 percent of the plot size i.e., the Floor Space Index shall not exceed 0.33 and the open area shall be suitably landscaped with appropriate vegetal cover;

(j) the construction shall be consistent with the surrounding landscape and local architectural style;

(k) the overall height of construction upto the highest ridge of the roof, shall not exceed 9 metres and the construction shall not be more than two floors (ground floor plus one upper floor);

(l) groundwater shall not be tapped within 200metre of the High Tide Line; within the 200metre 500metre zone it can be tapped only with the concurrence of the Central or State Ground Water Board;

(m) extraction of sand, leveling or digging of sandy stretches except for structural foundation of building, swimming pool shall not be permitted within 500metres of the High Tide Line;

(n) the quality of treated effluents, solid wastes, emissions and noise levels and the like, from the project area must conform to the standards laid down by the competent authorities including the Central or State Pollution Control Board and under the Environment (Protection) Act, 1986;

(o) necessary arrangements for the treatment of the effluents and solid wastes must be made and it must be ensured that the untreated effluents and solid wastes are not discharged into the water or on the beach; and no effluent or solid waste shall be discharged on the beach;

(p) to allow public access to the beach, atleast a gap of 20metres width shall be provided between any two hotels or beach resorts; and in no case shall gaps be less than 500metres apart; and

(q) if the project involves diversion of forestland for non-forest purposes, clearance as required under the Forest (Conservation) Act, 1980 shall be obtained and the requirements of other Central and State laws as applicable to the project shall be met with; and

(r) approval of the State or Union territory Tourism Department shall be obtained.

II. In ecologically sensitive areas (such as marine parks, mangroves, coral reefs, breeding and spawning grounds of fish, wildlife habitats and such other area as may be notified by the Central or State Government Union territories) construction of beach resorts or hotels shall not be permitted

(1) In Annexure III, in item 1(a), in line 2, the words “Low Tide Line and High Tide Line” be read as at (1) above vide S.O. 651(E) dated 29/03/2011.

P.N.: The Policy above is printed in Official Gazette Series I No 11 dated 16th June, 2011.