

The Odisha Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 185 CUTTACK, MONDAY, JANUARY 28, 2013/MAGHA 8, 1934

BHUBANESWAR DEVELOPMENT AUTHORITY, BHUBANESWAR

NOTIFICATION

The 19th January 2013

No. 2626—BDA.—In supersession of the Gazette Notification No. 104, dated the 11th January 2013, the following draft of certain regulations further to amend the Bhubaneswar Development Authority (Planning & Building Standards) Regulation, 2008 which the Bhubaneswar Development Authority proposes to make with the previous approval of the State Government in exercise of the powers conferred by Section 124 of the Odisha Development Authorities Act, 1982 (Odisha Act 14 of 1982) is hereby published as required by Section 125 of the said Act for information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the expiry of a period of 15 (fifteen) days from the date of publication of this notification in the *Odisha Gazette*.

Any objection or suggestion which may be received from any person in respect of the said draft before the expiry of the period so specified above will be considered by the Bhubaneswar Development Authority.

1. (1) These regulations may be called the Bhubaneswar Development Authority (Planning and Building Standards) Amendment Regulations, 2013.
- (2) They shall come into force on the date of their publication in the *Odisha Gazette*.
2. In the Bhubaneswar Development Authority (Planning and Building Standards) Regulation, 2008 (hereinafter referred to as the said regulations) in regulation-2—
 - (a) for clause (64) the following clause shall be substituted, namely :

“(64) ‘Group Housing’ means a housing complex constructed comprising two or more apartment blocks and individual houses in one premises and could be normal height buildings or highrise blocks or combination of both”.

3. In the said regulations, in regulation-7, in sub-regulation-1(A) the following shall be substituted, namely :—

(1) The applicant shall deposit a refundable non-earning security deposit at the rate of Rs. 500 per Sq. Mtr. of covered area for the following categories of building namely—

A. Group Housing/Apartment Buildings

B. Commercial buildings having 300 Sq. Mtr. or more of floor area.

4. In the said regulations, in regulation-15, in sub-regulation-2, after clause (d) the following clauses shall be added, namely :—

“15(2)(e) Structural Safety Certificate from the Empanelled Engineer /Structural Engineer in Form-VI Part-II

(f) Certificate from Engineer/ Consultant of the utility services to the effect that all utility services for the building are physically provided”.

5. In the said regulations, in regulation-15, in sub-regulation-4 the following shall be substituted, namely :—

“15(4) On receipt of such notice , site inspection shall be conducted with regard to the following aspects :

(i) Number of floors

(ii) External set backs

(iii) Parking space provisions

(iv) Abutting road width

and shall communicate approval or refusal of occupancy certificate within thirty days or may issue the same after levying and collecting compounding fee if any as per the provisions of regulation”.

6. In the said regulations, in regulation-15, after sub-regulation (4) the following sub-regulation shall be added, namely :—

“15(5) In case of occupation of a building before obtaining the occupancy certificate from the Authority a penalty shall be imposed at the rate of Rs. 100.00 (one hundred) per square meter of total covered area per year or a part thereof so occupied to be calculated from the date of occupation till issue of occupancy certificate. This penalty amount may be revised by the Authority from time to time.

In such cases, the date of occupation of the building shall be determined keeping in view the last date of validation of the approved plan or the date of obtaining permanent electrical or water connection to the premises, whichever is earlier, or such other evidence to the satisfaction of the authority”.

7. In the said regulations, in regulation-16, in sub-regulation-2, the following clauses shall be added, namely :—

- (i) The functional/line agencies dealing with electric power, water supply, drainage and sewerage shall not give regular connections to the building unless such Occupancy Certificate is produced.
- (ii) The Registration Authority shall register only the approved and permitted covered area as shown in the sanctioned building plan upon production and filing of a copy of such sanctioned building plan.
- (iii) The financial agencies/institutions shall extend loan facilities only to the permitted covered area as per the sanctioned building plan.

8. In the said regulations, in regulation-33, sub-regulation-2 shall be deleted and, the following shall be substituted, namely :—

“33(2) In case of important buildings and buildings to be constructed by Govt. or Statutory Bodies, or Public Sector Undertakings, the Govt. may allow FAR in excess of the maximum permissible FAR”.

9. In the said regulations, in regulation-33, sub-regulation-7 shall be substituted, namely :—

“33(7) The Authority may allow premium FAR up to 0.25 on payment of fees to be decided by the Authority from time to time, on roads of width 12 Mtr. and above. The Authority may refund the fee proportionate to 0.10 premium FAR in case of platinum/ gold certified green buildings”.

10. In the said regulations, in regulation-33, after sub-regulation-10(D) the following clause shall added, namely :—

(33)(10)-E. The space in the building constructed for EWS/LIG housing under stilt and used for community facility without enclosures”.

11. In the said Regulations, in regulation-34, in sub-regulation-1, clause(a) & (a) shall be deleted.

12. In the said regulations, in regulation-35, after sub-regulation-14, the following sub-regulation shall be added, namely :—

“35(15) In case of Apartment/Group Housing / Commercial /Corporate and IT/ITES building with an area of not less than 2,000 Sq. Mtr. double envelope stilt floor may be allowed to be constructed over the entire plot area leaving 3 Mtr. from the boundary of the premises subject to following :

- (a) At least 6 Mtr. wide passage all around shall be provided on the roof of the top most envelope stilt floor for movement of fire tender. The access to the top of stilt floor should be provided through ramp of maximum 1:10 slope. In case separate entry and exit to the stilt top is provided, the width of the ramp should be at least 3.6 Mtr. and in case single ramp is provided, it shall not be less than 5.4 Mtr.
- (b) The slab over which the fire tender shall move, shall be capable of taking load of fire engine, fire vehicle of at least 45 tonnes”.

13. In the said regulations, in regulation-35, in table -10 after N:B: the following shall added, namely :—

N.B.— (ii) However for Residential Apartment/Group Housing building constructed under EWS/LIG category, the parking requirement shall be at least 10% of the covered area in all floors.

14. In the said regulations, in regulation-40, after sub-regulation(1) the following sub-regulation shall be substituted.

However, provision of lift for EWS/LIG houses in Apartment/Group Housing building with a height less than 15 Mtr. may not be insisted.

15. In the said regulations, in regulation-44, after sub-regulation-1 the following sub-regulation shall added, namely :—

44(2) All building of the following category may provide Solar Water Heating System and Solar Roof Top System as specified below and Annexure-V(3) of Regulation, 2008 may be provided—

(A) Solar Water Heating System:

Following standard for determination of the capacity of Solar Water Heating System to be adhered to—

- | | | |
|-----------------------------|----|-------------|
| (a) Hospital | .. | 10 Ltr/bed |
| (b) Hotels 5 star | .. | 15 Ltr/room |
| (c) Hotel other then 5 star | .. | 10 Ltr/bed |
| (d) Police/Army/Barrack | .. | 200 LPD |
| (e) Canteen/Messes | .. | 200 LPS |

- | | | |
|--|----|---|
| (f) Hostel (School, Colleges & other | .. | 10 Ltr./student Institutions where hot water is needed) |
| (g) Laboratory and Research Institutions | .. | 100 LPD |
| (h) Household having plinth area 200 sq.mtr or above | .. | 100 LPD |
| For Flats (for residential purpose) covered area 200 sq.mtr and above. | .. | 100 LPD/flat |
| (It is to be managed by Resident Society) | | |
| (i) Guest houses/Banquet hall/Circuit house | .. | 200 LPD |
- (B) Off Grid/Grid connected Solar roof top system :
- | | | |
|---|----|--|
| (i) Individual house hold | .. | With plinth area more than 300 sq.mtr or above
Minimum 100 watt |
| (ii) Hotel Five star | .. | Minimum 5 KWp |
| (iii) Other hotels | .. | Minimum 2 KWp |
| (iv) Commercial building with covered area more than 500 Sq. Mtr. | | 2 KWp |

16. In the said regulations, in regulation-47, after sub-regulation-4 the following sub-regulation shall added, namely :—

(5) For apartment buildings, with plot size exceeding 2000 Sq. Mtr. at least 15% of the covered area used for residences shall be earmarked for construction of housing units for EWS/LIG category with EWS units not being less than 60% of such earmarked units. The cost and method of allotment of such houses may be decided by the Authority:

“Further that the Developer may be given the option of depositing an amount, as decided by the Authority from time to time, to a fund named as ‘Urban Poor Shelter Fund’ established by Govt. in lieu of constructing the EWS/LIG houses. The proceeds of this fund will be utilized for construction of EWS/LIG houses and slum rehabilitation and development”.

17. In the said regulations, in regulation-48, after sub-regulation-7 the following sub-regulation shall added, namely :—

“(8) For Group Housing Projects, at least 15% of the covered area used for residences will be earmarked for construction of housing units for EWS/LIG category, However in case of housing schemes undertaken by Government, Public Sector undertakings and Statutory Bodies comprising of EWS/LIG housing, additional FAR equivalent to the FAR utilized for EWS/LIG housing may be granted subject to ceiling of 50% of permissible FAR with maximum FAR of 3.50. The cost and method of allotment of such houses shall be decided by the Authority”.

18. In the said regulations, in regulation-67, the following shall be substituted :—

In addition to the general provision contained in Regulation-15 and partial modification thereof every applicant/ owner shall submit a notice in Form-VI (Part-I and Part-II) regarding completion of the construction of multi-storied building to the Authority through the registered Architect/Structural Engineer, who has supervised the construction. The said notice shall be accompanied with the following documents:—

- a. Three copies of plan of the completed building.
- b. A fee of Rs. 5,000.
- c. Record of Rights (RoR) relating to ownership.
- d. Evidence to the effect of all public utility services, and in particular, sewerage, drainage, water supply, and electricity have been linked to the main public utility system.
- e. No Objection Certificate from Fire Prevention Officer.

19. In the said regulations, in regulation-73, the following sub-regulation shall added, namely :—

(4) At least 20% of the Saleable residential land will be earmarked for of EWS/ LIG category. The cost and method of allotment of such plots shall be decided by the Authority.

“Further that in case of projects taken over an area as decided by the Authority, the Developer may be given the option of contributing an amount, to be decided by the Authority from time to time, to a fund named as ‘Urban Poor Shelter Fund’ established by Government. The proceeds of this fund will be utilized for construction of EWS/LIG houses and slum rehabilitation and development”.

20. In the said regulations, in regulation-77, sub-regulation(1) the following shall substituted :—

- (1) The applicant shall deposit a refundable non-earning security deposit at the rate of Rs. 500 per Sq. Mtr. of plot area (excluding area under road, utilities and open spaces) for development of land for a plotted development scheme.

21. In the said regulations, in regulation-78 after sub-regulation-3, clause-C , the following clause shall be added :—

“78 (3)(D) In case of houses constructed on a plot having area not more than 40 sq.mtr and height not exceeding 10 Mtrs. compounding of offence relating unauthorized/ deviated construction shall be allowed with reference to set backs and coverage. The maximum deviation in FAR shall be ten per cent of the permissible FAR”.

22. In the said Regulation, in Regulation-88 the following clause shall be added :

(ii) “In case of EWS/LIG scheme any decision taken for relaxation of building norms at the State Level Steering Committee(SLSC) constituted under Slum Rehabilitation and Development Policy(SRDP) for Odisha or by the State Government the same shall be deemed to have been relaxed under these regulations”.

23. In the said Regulation, after Annexure-V the following annexure shall be added :

Annexure-VI—Applicability of Odisha Energy Conservation Building Code (OECBC)2010.

2.1. Applicable Building system:

The provisions of this code shall apply to:

- (a) Building envelopes, except for non air-conditioned storage spaces or warehouses,
- (b) Mechanical systems and equipment, including heating, ventilating, and air conditioning,
- (c) Service hot water heating
- (d) Interior and exterior lighting, and
- (e) Electrical power and motors

2.2. Exemptions:

The provisions of this code shall not apply to:

- (a) Buildings that do not use either electricity or fossil fuel and
- (b) Equipment and portions of building systems that use energy primarily for manufacturing processes.

2.3. Safety,Health and Environmental Codes Take Precedence :

Where this code is found to conflict with safety, health, or environmental codes, the safety,health, or environmental codes shall be take precedence.

2.4. Reference Standards :

Energy Conservation Building Code, 2007 and National Building Code, 2005 are the primary reference documents/standard for lighting levels,HVAC,comfort levels, natural ventilation, pump and motor efficiencies, transformer efficiencies and any other building materials and system performance criteria.

3.1 Compliance Requirements:

3.1.1. Mandatory Requirements :

Compliance with the requirements of this energy code shall be mandatory for all applicable buildings as specified in Clause 2

3.1.2. New Buildings :

New buildings shall comply with either the provisions of Clause 4 through Clause 9 of this code or the whole Building Performance Method of Appendix B-11.

3.1.3. Additions to Existing Buildings :

Where the addition plus the existing building exceeds the conditioned floor area of Clause 2, the additions shall comply with the provisions of Clause 4 through Clause 9. Compliance may be demonstrated in either of the following ways:—

- (a) The addition alone shall comply with the applicable requirements, or
- (b) The addition, together with the entire existing building, shall comply with the requirements of this code that would apply to the entire building, as if it were a new building.

Exception to Clause 3: When space conditioning is provided by existing systems and equipment, the existing systems and equipment need not comply with this code. However, any new equipment installed must comply with specific requirements applicable to that equipment.

3.1.4. Alterations to Existing Buildings:

Where the existing building exceeds the conditioned floor area threshold in Clause 2, portions of a building and its systems that are being altered shall meet the provisions of Clause 4 through Clause 9. The specific requirements for alterations are described in the following sub-sections.

Exception to Clause 4: When the entire building complies with all of the provisions of Clause 4 through Clause 9 as if it were a new building.

3.1.4.1. Building Envelope:

Alterations to the building envelope shall comply with the requirements of Clause 4 or fenestration, insulation, and air leakage applicable to the portions of the building and its systems being altered.

Exception to Clause 4. 1 The following alterations need not comply with these requirements provided such alterations do not increase the energy usage of the building:

- (a) Replacement of glass in an existing sash and frame, provided the U-factor and SHGC of the replacement glazing are equal to or lower than the existing glazing.
- (b) Modifications to roof/ceiling, wall, or floor cavities, which are insulated to full depth with insulation.
- (c) Modifications to walls and floors without cavities and where no new cavities are created.

3.1.4.2. Heating, Ventilation and Air-conditioning

Alterations to building heating, ventilating and air-conditioning equipment or systems shall comply with the requirements of Clause 5 applicable to the portions of the building and its systems being altered. Any new equipment or control devices installed in conjunction with the alteration shall comply with the specific requirements applicable to that equipment or control device.

3.1.4.3. Service Water Heating

Alterations to building service water heating equipment or systems shall comply with the requirements of Clause 6 applicable to the portions of the building and its systems being altered. Any new equipment or control devices installed in conjunction with the alteration shall comply with the specific requirements applicable to that equipment or control device.

3.1.4.4. Lighting

Alterations to building lighting equipment or systems shall comply with the requirements of Clause 7 applicable to the portions of the building and its systems being altered. New lighting systems, including controls, installed in an existing building and any change of building area type as listed in Table 7.1 shall be considered an alteration. Any new equipment or control devices installed in conjunction with the alteration shall comply with the specific requirements applicable to that equipment or control device.

Exception to Clause 4.4: Alterations that replace less than 50% of the luminaires in a space need not comply with these requirements provided such alterations do not increase the connected lighting load.

3.1.4.5. Electric Power and Motors

Alterations to building electric power systems and motor shall comply with the requirements of Clause 8 applicable to the portions of the building and its systems being altered. Any new equipment or control devices installed in conjunction with the alteration shall comply with the specific requirements applicable to that equipment or control device.

3.1.4.6. Star Labelling and minimum Star Rating

All equipments and materials of type and specification coming under the purview of the star labeling programme as notified by BEE and as amended from time to time shall have minimum star rating as notified by the Govt. of Odisha or as amended from time to time. Refer to Appendix-K for further details.

3.2 Compliance Approaches

The building shall comply first with all the mandatory provisions (4.2,5.2,6.2,7.2 and 9) and either of the following :—

(a) Prescriptive Method(4.3,5.3,7.3)

Exception to 3.2(a):The envelopes trade –off option of 4.4. may be used in place of the prescriptive criteria of 4.3

(b) Whole Building Performances Method(Appendix B 11)

The OECBC compliant buildings in the design stage shall achieve an Energy Performance Index value at least that of a three star level building as specified in appendix H,Annexure-II.

3.3. Administration Requirements

Administrative requirements relating to permit requirements, enforcement interpretations, claims of exemption, approved calculation methods and rights of appeal are specified by the authority having jurisdiction.

3.3.1 Authority having jurisdiction

For the administration and enforcement of the Odisha ECBC, the State designated Agency shall act as the “authority having jurisdiction” who shall be responsible for specifying permit requirements, code interpretations, approved calculation methods, worksheets and formats, compliance forms, manufacturing literature, rights, of appeal, and other data to demonstrate compliance. The Appendix-J Clause 19 specifies the proposed framework for administration and enforcement of the Odisha ECBC by the State Designated Agency.

SHREEKANTA KABI

Secretary

Bhubaneswar Development Authority