

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Municipal Administration & Urban Development Department – The Andhra Pradesh
Building Rules, 2017 – Certain amendments – Orders - Issued

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (M) DEPARTMENT

G.O.Ms.No.180

Dated:01.10.2020
Read the following:

1. G.O.Ms.No.119, MA&UD (H) Dept., dt: 28.03.2017.
2. G.O.Ms.No.401 MA&UD (M) Dept., 15.11.2017.
3. G.O.Ms.No.223 MA&UD (M) Dept., 09.07.2018.
4. Govt., Memo.No.3052433/M1/2019, dt:22.11.2019.
5. From the DTCP, AP, Lr. RoC.No.MAU03-17/406/2019-PLG-DOTCP, dated: 24.03.2020, 03.06.2020, 16.06.2020 and 30.08.2020

ORDER:

In the reference 1st read above, the Government have issued the Andhra Pradesh Building Rules, 2017 applicable to the building activities in the State, based on the Model Building Bye-Laws, 2016 of Government of India.

2. In the reference 2nd and 3rd read above, Government have issued certain amendments to the AP Building Rules, 2017 issued in the reference 1st read above.

3. The Government in the reference 4th read above have constituted a Technical Committee and requested to submit comprehensive report on all the aspects to suggest Town Planning reforms.

4. In the reference 5th read above, the DTCP, AP has informed that, a stakeholders workshop on town planning issues was held by the Government and certain issues have been brought to the notice of the Government in the said workshop and it has been decided to streamline the procedure for EoDB and to ensure transparent system. Accordingly, the Technical Committee has examined various procedures being followed in other states and submitted its suggestions. The DTCP, AP while furnishing the suggestions has proposed for certain amendments to AP Building Rules, 2017 issued vide G.O 1st read above.

5. After careful examination of the matter, Government have decided to issue amendments to the AP Building Rules, 2017 issued vide G.O 1st read above.

6. A copy of this order is available on the internet and can be accessed at the address <https://goir.ap.gov.in/>.

(P.T.O)

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7. Accordingly, the following notification will be published in Extraordinary Issue of Andhra Pradesh Gazette dated:01.10.2020.

8. These orders shall come into force with immediate effect.

[BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH]

J. SYAMALA RAO
SECRETARY TO GOVERNMENT

To

The Commissioner, Printing, Stationery & Stores Purchase Department, Vijayawada for Publication of the Notification in the Gazette and furnish copies.

The Commissioner & Director of Municipal Administration, A.P., Guntur.

The Metropolitan Commissioner, Amaravati Metropolitan Region Development Authority, Vijayawada.

The Metropolitan Commissioner, Visakhapatnam Metropolitan Region Development Authority, Visakhapatnam

The Director of Town and Country Planning, A.P., Mangalagiri

The Director General, Andhra Pradesh State Disaster Response & Fire Services Department, A.P.

The Chairman & Managing Director, APTRANSCO, Vijayawada.

The Commissioner & Inspector General of Registration & Stamps, Vijayawada.

All Municipal Commissioners of ULBs in the State **through** the C&DMA, AP

All Vice Chairpersons of Urban Development Authorities in the State.

Copy to:

The Revenue (R&S) Department.

The Energy Department.

The I&C Department.

The Home Department.

OSD/PS to Additional Secretary to Hon'ble Chief Minister

OSD to Hon'ble Minister for MA&UD Department

PS to Secretary to Government, MA&UD Department

SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER

NOTIFICATION

In exercise of the powers conferred by section 585 read with section 592 of the Andhra Pradesh Municipal Corporation Act, 1955 (adapted GHMC Act, 1955); section 18 of the Andhra Pradesh Municipal Corporations Act, 1994; section 326 of the Andhra Pradesh Municipalities Act, 1965, section 44 (1) of the Andhra Pradesh (Andhra Area) Town Planning Act, 1920 and section 117 of the Andhra Pradesh Metropolitan Region and Urban Development Authorities Act, 2016, the Government of Andhra Pradesh, hereby make the following amendments to the Andhra Pradesh Building Rules, 2017 issued in G.O.Ms.No.119, MA&UD (H) Department, dated: 28.03.2017.

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AMENDMENTS

In the said Rules:-

I. In rule 3,-

(1) for sub-rule (19), the following shall be substituted namely,-

“(19) City level Infrastructure Impact fee applicable in certain cases:

(1) With a view to ensure development of city level infrastructure facilities, the City Level Infrastructure Impact Fees shall be levied in case of large projects/buildings as given in the table below:

**TABLE – 4
City Level Infrastructure Impact Fees**

S. No.	Areas	Use of the building, No. of floors, and rate in Rs.Per sq. m of built up area			
		Residential use		Other than Residential & Industrial uses	
		From 6 th floor To 17 th floor	Above 17 th floor	From 6 th floor To 17 th floor	Above 17 th floor
(A)	(B)	(C)	(D)	(E)	(F)
1	GVMC	500	750	1000	1500
	VMC				
	GMC				
2	Other Municipal Corporations	350	500	500	1000
3	Selection Grade Municipalities	150	350	250	500
	Special Grade Municipalities				
4	a.Other Municipalities	250	500	500	1000
	b.Gram Panchayats falling in Development Authorities				
	c.Gram Panchayats falling in Master Plan areas notified under APTP Act, 1920				

(2) Above rates of City level Infrastructure Impact Fee (CLIF) are also applicable for all the applications which are under process at various stages.

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- (3) In order to encourage the Housing activity and construction industry in the State, the payment of City Level Infrastructure Impact Fees is allowed in six (6) equated interest free instalments with in a period of three (3) years and to obtain post dated cheques for the above payments at the time of release of building permission subject to insisting mortgage of additional 5% built up area to the sanctioning authority, which shall be over and above the 10% built-up area to be mortgaged under Rule 3 (20) (d).
- (4) For the first five floors of the building (excluding stilt floor) there will be no levy of City Level Infrastructure Impact Fee.
- (5) In case of Multiplex Complex, the rates given in the Multiplex Complex Rules shall be applicable.
- (6) The Government may revise the above rates from time to time.
- (7) The above rates shall not be applicable for Government Departments and Public Agencies like Development Authority, Andhra Pradesh Industrial Infrastructure Corporation (APIIC) and Local bodies. This exemption shall not be applicable for commercial projects taken up by such agencies.
- (8) The amount levied and collected under the above Rule shall be credited and maintained in a separate escrow account by the concerned sanctioning authority and 50% of it shall be utilised for development of infrastructure in the same area and balance amount is to be utilised towards improvement of city level capital infrastructure in the area. An Infrastructure Plan and Action Plan for implementation is required to be undertaken by the Competent Authority and the said Fund is utilised accordingly.”

(2) in sub-rule(22), for clause (c) the following shall be substituted, namely,-

“(c) After sanctioning of the building permissions through online, the applicant can proceed with construction as per rules, except in cases where proceedings are initiated for misrepresentation or deficit payment of fee.”

(3) sub-rule (23) shall be omitted.

(4) the existing sub-rules from (24) to (37) shall be renumbered as (23) to (36) respectively.

- II. **in Rule 56, for sub-rule (1) the following shall be substituted, namely,-**
“(1) Energy Conservation Building Code, 2017 and subsequent updations/clarifications / amendments made from time to time as adopted

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by the Bureau of Energy efficiency (BEE) is applicable to the buildings mentioned in sub rule (2) of Rule (56).”

III. in rule 61,-

(1) for sub-rule (12), the following shall be substituted, namely,-

“(12) A thorough public access road of 12m width with 2-lane black-topped is to be developed within the applicant’s site on any one side at the periphery / as per suitability and feasibility for the convenience of accessibility to improve the circulation pattern in the locality to the satisfaction of the competent authority. This condition would not apply if the site is surrounded by proper road circulation network as per the planning standards to the satisfaction of competent authority. However, in respect of industrial proposals, above condition of peripheral road is applicable when the total site area is above 10,000 sq.mts.”

(2) After sub-rule (14), the following sub-rule (15) shall be added, namely,-

“(15) In respect of industrial proposals of single industry, the applicants shall provide a minimum of 10% of the net site area for organized open space and submit an undertaking in the prescribed format that they will maintain the open space so provided intact for greenery and if any structure comes in that open space, the local authority can demolish that structure without any notice. This open space shall be provided maximum in two locations up to site area of 40,000 sq.mts (10 acres) and for the sites beyond 10 acres, it can be allowed in more than two locations subject to condition that the extent shall not be less than 2000 sq.mts at any location.”

IV. In rule 103, the sub-rule (8) shall be omitted.

V. In Rule 167,-

(1) for sub-rule (2), the following shall be substituted, namely,-

“(2) i) Upon surrendering affected site area, the owner of the site would be entitled to TDR as given in Rule-168 of AP Building Rules, 2017.

ii) The TDR as issued above is allowed to be utilised for construction of additional built up area as detailed below:

(a) Non-High Rise Buildings (upto 18m Height from ground level including TDR Floors):

To construct up to two additional floors, or setback relaxations, or up to two additional floors with setback relaxations subject to maintaining minimum setback as given below

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S.No	Width of the Road (in mts)	Minimum front setback (in mts)	Minimum setbacks on remaining sides (in mts)
1	30 and above	3.00*	<u>For site areas</u> i. upto 300 Sq.mts - 1.50 m ii. above 300 to 500 Sq.mts -2.00m iii. above 500 Sq.mts - 2.50m
2	Above 18 and below 30	3.00	
3	Below 18	2.00	

*Subject to condition that the applicant shall provide parking in ground floor to a depth of 3.00 mts within the building.

(b) High Rise Buildings including Multiplexes:

To construct up to two additional floors with same setbacks or set back relaxations subject to maintaining minimum setbacks as given below:

Sl.No	Height of Building	Minimum all-round setbacks (in mts)
1	Up to 30m	7.00
2	30 m to 70 m	9.00
3	Above 70m and up to 120 m	12.00
4	Above 120m	16.00

(iii) Adjustment of TDR value towards fee and charges is henceforth dispensed. However, it is allowed for building applications which are under process at various stages of approval in online portal.

(2) the sub-rule (3) shall be omitted.

(3) sub-rule (4) and (5) shall be renumbered as (3) and (4) respectively.

VI. in rule 168, in sub-rule (2), after clause (c), the following clause (d) and clause (e) shall be added, namely,-

“(d) Any traffic and transport infrastructure development such as bus stops or Bus stands, metro rail, Bus Rapid Transport System: equivalent to 400% of such areas surrendered.

(e) For the sites required by the Government/ULB for weaker sections or social housing, any other urban infrastructure development such as water supply, sewerage, education, health or any public purpose: equivalent to

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400% of such areas surrendered. However, in case of sites covered by existing slums wherein, ULB proposed for removal and redevelopment of slums with a sanctioned redevelopment plan for the area proposed to surrender, in such cases land owners is eligible for 100% of such areas covered by slums. In above such cases the proposal shall be submitted to Government with justification report through the DTCP for approval before considering for issue of TDR.”

VII. In rule 169, the following shall be substituted, namely,-

“(169) Guidelines on Transferable Development Rights:

- (1) Any transaction i.e. issue, utilisation and transfer of TDRs shall be done through online. No manual applications or transactions shall be allowed for fresh as well as for older cases. DTCP shall monitor all TDR related issues in the State.
- (2) TDR can either be sold or can be utilized by the owner depending on convenience.
- (3) In case of ULBs, where the town planning section head is in the cadre of Deputy Director or above, the Municipal Commissioner is competent to approve the Road Development Plan/Circulation Plan and TDR and in case of other ULBs shall obtain technical approval of concerned RDDTP for approval of Road Development Plans/Circulation Plans and TDR.
- (4) (a) In case of Gram Panchayat falling in Development Authorities Jurisdiction, the Commissioner/Vice-Chairperson/ Metropolitan Commissioner of the concerned Development Authority is competent to approve and implement the Road Development Plan/Circulation Plan and to issue TDR.

(b) Road Development Plans/Circulation Plans shall be prepared for entire jurisdiction of Urban Local Body/Development Authority and uploaded in online module as prescribed.
- (5) Applicability of TDR in certain cases:
 - (a) In case where land owner has already obtained permission with or without relaxation of setbacks or height duly earmarking site required for road widening; any further claims for TDR are not allowed, since the applicant has agreed for the condition for leaving road widening portion.
 - (b) In case where the building has been approved, constructed with permission or unauthorizedly by already leaving the road widening portion, any claim for TDR is not allowed.

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- (c) If the land owner sub-divided the land unauthorisedly, duly leaving the road portion and utilising the same as access, he cannot claim for any TDR or relaxation. As per the provisions of the Act, it is obligation of the owner to obtain layout approval for any sub-division and formation of new street.
- (d) Claiming of TDR for the portion of road formed by the owners or real estate developers to get access to the real estate project is not allowed.
- (e) Any additional TDR for the cases where already TDR was issued shall not be considered.”

J.SYAMALA RAO
SECRETARY TO GOVERNMENT

SECTION OFFICER