

**(MASTER PLAN SECTION)  
PUBLIC NOTICE**

Delhi Development Authority has proposed '**Draft Regulations for Transit Oriented Development (TOD) in Delhi**' prepared under Section 57 of DD Act, 1957. It has been decided to put these regulations in the public domain to get the views/ Suggestions of the general public / stakeholders. Accordingly, these regulations have been put up in public domain on DDA's website i.e. **www.dda.org.in** (under '**HOT LINKS**' and '**PUBLIC NOTICES**') for inviting views of the public/ stakeholders within a period of **Thirty Days (30) days** from the date of issue of this Notice.

Any person having any views/ suggestions with respect to the proposed draft regulations may send the same in writing to the Commissioner-cum-Secretary, Delhi Development Authority, 'B' Block, Vikas Sadan, New Delhi-110023, within the above stipulated time period. The person making the views/ suggestions should also give his/ her name, address, telephone/ contact number(s) and e-mail which should be legible.

The text of the draft regulations for Transit Oriented Development (TOD) in Delhi shall also be available for reference at the Office of the Dy. Director, Master Plan Section, 6th Floor, Vikas Minar, IP Estate, New Delhi-110002, on all working days within the period referred above.

Sd./-

File No : F.20(7)2015/MP/Pt.-I

**(D. Sarkar)**

Date : 10.03.2019

Commissioner-cum-Secretary,

Place : New Delhi

Delhi Development Authority

**Please give your feedback on DDA Apps at** **Please Visit DDA's Website at [www.dda.org.in](http://www.dda.org.in) or Dial Toll Free No. 1800110332**

# **TRANSIT ORIENTED DEVELOPMENT (TOD) REGULATIONS**

## **1. SHORT TITLE AND COMMENCEMENT**

- I. These regulations shall be called the “Transit Oriented Development (TOD) Regulations”
- II. These regulations shall come into force with effect from the date of publication of this Notification in the Gazette of India.
- III. All words and expressions used in these regulations but not defined shall have the meaning assigned to them in the Delhi Development Act, 1957, the Master Plan in force, and the Delhi Municipal Corporation Act, 1957 and the New Delhi Municipal Council Act, 1995, as the case may be.
- IV. If any question arises relating to the interpretation of these Regulations, it shall be decided by the Central Government.

## **2. DEFINITIONS**

- 2.1. **“Active Frontage”** include arcades, shop-fronts, entrance doorways, access points, entry/exits and transparent windows.
- 2.2. **“Competent Authority”**(CA) means a special committee constituted for providing all approvals for IZPs and TOD Schemes as per Clause 27 of the TOD Policy.
- 2.3. **“Developer Entity”** (DE) means a government or private land/property owner, a group of land/property owners, or an entity (developer/business/corporate entity) representing a group of land/property owners who intend to plan and develop a TOD Scheme. If the DE comprises of multiple entities, they have to come together through a valid and legally enforceable agreement between all the constituent land owners to participate in, apply for, and abide by and be bound by the terms and conditions of TOD Schemes.
- 2.4. **“External Development Charges”** (EDC) mean the charges to be paid by DE towards the cost of augmentation of infrastructure and services, including inter-alia, roads, water supply, sewerage, solid waste management, drainage systems, etc.
- 2.5. **“Development License”** means the license issued pursuant to Clause 6.8 of the Regulations.
- 2.6. **“Influence Zone”** of a transit station is an approximate area of 500-800m radius (a walking distance of 5-10-minute) from the points of alighting at the station. The Influence `Zone will have two components.
  - 2.6.1. **“TOD Planning Area”** is a notional area of 800m radius around transit stations. Actual boundaries of TOD Planning Area will be delineated by DDA/UTTIPEC through a realignment of the notional circle with closest roads, natural and topographical features, railway lines, etc. as applicable, within the 800m horizon.
  - 2.6.2. **“Intense Development Area”** is a notional area of 500m radius around the transit station. All development/redevelopment of plots as per the Development Control Norms of this Policy and Regulations thereof will be applicable to TOD Schemes falling completely or partly within this area.

- 2.7. **“Influence Zone Plan”** (IZP) is an integrated plan, customized to the site characteristics and context of each TOD Node, detailing various area improvement works such as upgrading public streets to include multi-utility zones, and facilities for IPT, pedestrian and NMT facilities, multi-modal integration, provision of public parking, urban furniture, signage, public conveniences, street vending zones and others as per the Clauses 12 to 15 of the TOD Policy.
- 2.8. **“TOD Charges”** means charges paid by a Developer Entity to concerned local body for the additional FAR proposed to be utilised (over and above existing permissible FAR) as per the norms of the TOD Policy.
- 2.9. **“TOD Fund”** means an escrow account setup under respective local bodies to utilise the funds accrued from TOD Schemes. The TOD Fund is ring-fenced for utilization within the TOD Planning Area, for upgradation of infrastructure and other area improvement works.
- 2.10. **“TOD Nodes”**, the transit station and the Influence Zone together form a ‘TOD Node’.
- 2.11. **“TOD Scheme”** means a development proposal for an area of minimum 1 hectare, fulfilling all eligibility criteria as per Clauses 19 to 26 of the TOD Policy.

### 3. APPLICABILITY OF THE POLICY

- 3.1. DDA will notify the list of selected TOD Nodes from time to time as per Clauses 5 to 8 of the TOD Policy, along with maps showing the delineated TOD Planning Area for each TOD Node. The TOD Policy will only be applicable in the influence zones of such notified TOD Nodes.
- 3.2. The TOD Policy will **NOT** be applicable in the following areas:
- 3.2.1. Environmental Protection Zones as identified in the Master Plan
  - 3.2.2. Zone O and buffers
  - 3.2.3. Villages notified under Green Belt
  - 3.2.4. Lutyen’s Bungalow Zone, Chanakyapuri (as per layout plan of New Delhi Municipal Council, L&DO)
  - 3.2.5. Walled City
  - 3.2.6. Villages notified under LDRA
  - 3.2.7. Villages notified under the Land Policy
  - 3.2.8. Monument Regulated Area (Development in Monument Regulated Area shall be allowed under the TOD Policy, subject to compliance of ASI/NMA Act/Guidelines. If part of any TOD Scheme falls within a Monument Regulated Zone, the benefit of FAR can be availed on those areas of the TOD Scheme that lie outside the regulatory boundaries)
  - 3.2.9. Civil Lines Bungalow Area (as per layout plan of North Delhi Municipal Corporation, DDA)

### 4. PREPARATION OF INFLUENCE ZONE PLANS

- 4.1. Each concerned local body will notify a Competent Authority (CA) under their respective Act for facilitating various approvals of IZPs and TOD Schemes, and overall implementation of

the Policy. The Municipal Commissioner, will act as the Chairperson of the CA, which will include senior officers nominated as dedicated CA members from the following agencies/departments:

- 4.1.1. Planning Dept., DDA
  - 4.1.2. Land Management, DDA
  - 4.1.3. UTTIPEC, DDA
  - 4.1.4. Relevant departments of the concerned local body
  - 4.1.5. Delhi Urban Arts Commission
  - 4.1.6. Dept. of Transport, GNCTD
  - 4.1.7. Delhi Jal Board
  - 4.1.8. Delhi Fire Services
  - 4.1.9. Dept. of Power, GNCTD
  - 4.1.10. Public Works Dept., GNCTD
  - 4.1.11. Others as necessary
- 4.2. DDA/UTTIPEC shall commission preparation of IZPs for all the notified TOD Nodes in a time bound manner as per the provisions of Clauses 12 to 15 of the TOD Policy, so as to facilitate further development of these areas.
- 4.3. Each CA shall set up a team/cell in the premises of the respective local body, comprising of ULB staff with additional charge of TOD related technical support. DDA/UTTIPEC will provide technical advisory support to this team/cell Competent to verify eligibility of schemes and facilitate development of TOD Nodes as per the objectives of the TOD Policy.
- 4.4. An IZP will assess the following:
- 4.4.1. Likely demand for infrastructure and services due to intense TOD development.
  - 4.4.2. Assessment of existing traffic conditions and capacity of existing transport infrastructure to meet the requirements of new developments.
  - 4.4.3. Audit of streets to review walkability and integration of NMT. This will include reviewing the availability of public amenities.
  - 4.4.4. Identification of activity patterns, including informal commercial areas, and uses of public space
  - 4.4.5. Identification of likely sites for multi-level parking facilities
  - 4.4.6. Assessment of existing pattern of greens, and availability of iconic public areas and assets such as sites of ecological/cultural/heritage interest.
  - 4.4.7. Mapping of ongoing and proposed infrastructure projects or other public works by various service providing agencies like DJB, PWD, CPWD, urban local body, DDA, etc. in the node
- 4.5. An IZP will cover the following recommendations for area improvement:
- 4.5.1. Traffic and parking management plan (including upgradation of transport infrastructure if necessary)
  - 4.5.2. Projects for upgradation of public streets to facilitate IPT, pedestrian and NMT movement (taking into account any plans or schemes proposed for the area such as plans for improving walkability, Parking Management Districts, street improvement,

infrastructure augmentation, etc.). This will also include improvement of urban furniture, signage, number and frequency of public conveniences, etc.

4.5.3. Integration of projects of over station development, Station Area Development, Multi-Modal Integration (MMI), etc. proposed for the TOD Node by concerned transit agencies.

4.5.4. Projects for improvement of open spaces, public spaces, location of vending zones, etc.

4.6. IZPs will be prepared in consultation with the various stakeholders, service providing agencies, and the concerned local bodies.

4.7. All IZPs will be approved by the concerned Competent Authority and published in the public domain.

## **5. PREPARATION AND SUBMISSION OF TOD SCHEMES**

5.1. TOD Schemes for a TOD Node can be submitted for approval at any time after the IZP for the Node has been approved by the CA. TOD Schemes shall be submitted through the single window facility created for the purpose.

5.2. The final approval for TOD Schemes will be given by the concerned CA.

5.3. In order to participate, individual/ group of owners may need to partner with other adjoining land owners/ property owners to form a Developer Entity (DE) and prepare a single TOD Scheme.

5.4. TOD Schemes fulfilling the criteria set out in Clauses 19 to 26 of the TOD Policy can be submitted by DEs after payment of a registration fee as prescribed.

5.5. DEs shall ensure the following while preparing TOD Schemes:

5.5.1. Developer Entity shall have valid and lawful ownership and physical possession of, the land area for which TOD scheme has been prepared, except public land and roads.

5.5.2. In case the DE is constituted of multiple landowners:

5.5.2.1. Each landowner shall have a valid and lawful ownership and physical possession of the respective land which is offered for the TOD Scheme;

5.5.2.2. There should be a valid and legally enforceable agreement among all the land owners constituting the DE to participate in, apply for, abide by and be bound by the terms and conditions of a TOD Scheme.

5.6. In cases where 100% of existing apartments/ flats/ properties within the TOD Scheme area have been converted to freehold, the entire amalgamated plot of land shall be automatically considered as freehold overall, without levying of any additional conversion charges by anybody or any further paperwork/ application/ sanction.

5.7. TOD Schemes shall be submitted in the prescribed format, along with all requisite documents. The application must include the following:

5.7.1. Digital copies of various drawings and data as under:

- 5.7.1.1. Dimensioned plan of the land/Scheme area proposed for development at a scale of 1:1000 showing the boundaries and dimensions, locations of existing streets, existing greens, existing buildings/ plots/ premises and relevant physical features, etc. within the Scheme area.
- 5.7.1.2. Base map with site surroundings/ context, main access roads (including min. 18m mandatory road access from junction to junction), Metro station, bus stops, etc. on 1:1000 scale showing the neighbouring context upto approx. 1km around the site.
- 5.7.1.3. Photo documentation of site and surroundings, main access roads, parks, etc.
- 5.7.1.4. Multi-Modal Integration plan at 1:500 scale or larger (applicable only for MRTS station sites)
- 5.7.1.5. TOD Scheme at a scale of 1:1000 or larger based on the MPD and Delhi UBBL, showing the following:
  - a. Proposed mix of land uses as per Clause 40 of the TOD Policy
  - b. Location and design of Green Public Open Spaces
  - c. Street network for vehicular and pedestrian/ NMT movement, use of setbacks for providing connections to surrounding neighbourhoods and transit stops/stations
  - d. Location and type of Active Frontages
  - e. Distribution and planning of various uses – location of retail and commercial dominated buildings, mix of various residential typologies, social infrastructure and EWS housing
  - f. Phasing Plan along with infrastructure development works of each phase
- 5.7.2. Traffic Impact Assessment (including demand for permanent and temporary parking) and plan for mitigation of likely impacts;
- 5.7.3. Expected demand for various services like water supply, solid and liquid waste disposal and power;
- 5.7.4. Social Impact Assessment and Environmental Impact Assessment reports for the proposed TOD Scheme;
- 5.7.5. Contract amongst all constituent landowners of the DE for undertaking joint development/ redevelopment, including proposed sharing plan of built area amongst the landowners;
- 5.7.6. Bank Guarantee from a Nationalised bank equivalent to twenty-five percent of the External Development Charges as may be prescribed;
- 5.7.7. Undertaking to pay TOD Charges and External Development Charges (EDC) as per the schedule prescribed in these Regulations.

5.8. The documents submitted as part of TOD Schemes shall be self-attested by the DE who shall at all times remain liable for any false information, misrepresentation, or error of any nature whatsoever and in addition to being proceeded against in accordance with law, the application of the DE shall be deemed to be *void ab initio* and shall automatically stand rejected and any action that has been taken pursuant to the such application shall stand automatically revoked.

- 5.9. TOD Schemes will be examined by DDA/UTTIPEC for eligibility as per criteria set out under Clauses 19 to 26 of the TOD Policy. Only eligible schemes will be processed for further review and approval by the CA.
- 5.10. The CA shall issue the approval of a Scheme to the DE specifying that the EWS housing, public roads, parks, amenities, etc. required to be developed as per the Policy shall be handed over to the local body post completion.
- 5.11. The maximum time limit for approval of TOD Schemes by the CA shall be 180 days. Once a TOD Scheme is approved by the CA, the same will be conveyed to the DE and published through the respective single window facility.
- 5.12. Land owners who want to ascertain eligibility of their land/TOD Scheme area before developing a detailed TOD Scheme can also submit a preliminary proposal to the concerned local body through the single window facility. This will be forwarded to DDA/UTTIPEC for scrutiny. Once the general applicability is approved by DDA, a detailed TOD Scheme can be submitted for further processing. The preliminary proposal shall include:
- Map showing the sites proposed to be redeveloped as a 'TOD Scheme' as per the conditions set out in Clauses 19 to 26 of the TOD Policy;
  - List of land owners with details of location and area of land proposed under the TOD Scheme;
  - Letters of consent from all landowners involved.

## **6. LAYOUT PLAN APPROVAL AND BUILDING PLAN APPROVAL**

- 6.1. Within twelve (12) months of receiving approval on the TOD Scheme, the DE shall apply for sanction of layout plans and building plans for participating plots to the concerned local body, through the single window facility.
- 6.2. All service plans and building plans shall be in compliance with the UBBL and the Development Control Norms set out in the TOD Policy. All necessary NOCs and approvals from regulatory agencies like DDA, DUAC, DJB, DFS, AAI, etc., shall be managed through the single window facility.
- 6.3. The application will contain *inter-alia* the following:
- 6.3.1. location and extent of the land;
  - 6.3.2. conformity with the land use, and development controls;
  - 6.3.3. proposed layout plan of the area with respect to the Master Plan;
  - 6.3.4. proposed plan regarding infrastructure development works to be executed;
  - 6.3.5. plans showing the cross-sections of the proposed roads indicating, in particular the width of the proposed drainage ways, cycle tracks and footpaths, green areas, positions of electric poles and any other works connected with such roads;
  - 6.3.6. services plans indicating the positions of sewers, storm water channels, water supply (including strategies to reduce water demand) and any other public health services;

- 6.3.7. detailed specifications and designs of sewerage, storm water and water supply schemes with estimated cost of each;
  - 6.3.8. detailed specifications and designs for disposal and treatment of storm and sewage water with estimated cost of each;
  - 6.3.9. solid waste management and disposal plan (zero waste strategies);
  - 6.3.10. detailed specification and designs for electric supply including street lighting;
  - 6.3.11. Fire-fighting scheme; and
  - 6.3.12. Other such information/documents as may be prescribed
- 6.4. The concerned local body shall process the TOD scheme as per the provisions of the TOD Policy and Regulations, UBBL and other related statutory provisions updated from time to time.
- 6.4.1. In case of any conflicting provisions between the redevelopment/other norms and TOD norms within the MPD, the norms (and development controls) of TOD Policy and Regulations shall prevail, for any site/scheme falling within TOD Nodes.
- 6.5. The observations/suggestions if any, as may be made by such authorities/agencies, shall be incorporated by the DE and revised plans shall be submitted through the single window facility for approvals.
- 6.6. The concerned local body shall convey its approval of the layout and building plans to the DE, and notify the DE to pay all prescribed charges/fees through the single window facility as follows:
- 6.6.1. TOD Charges: The DE shall pay to the concerned local body TOD Charges as per prescribed rates, irrespective of land use/ use premises, on a per sq.m. basis for the additional built up area that is proposed to be built under the Policy.
  - 6.6.2. External Development Charges (EDC): The DE shall pay to the concerned local body EDC as determined by the local body for the purpose of upgradation of infrastructure and services and effectuating the area improvement works envisaged under the IZP for the TOD Node. This will include the cost of additional public works for road infrastructure, water supply & sewerage distribution, solid waste management, wastewater recycling, power supply, new public utilities, landscaping, etc.
  - 6.6.3. Any other charges as per Value Capture Finance (VCF) mechanisms such as Tax Increment Financing (TIF), betterment levy, etc. that may be adopted by the State Government/ concerned local body for augmenting public finances.
- 6.7. The various charges may be paid by the DE in the form of instalments as follows:
- 6.7.1. first instalment equivalent to 25% at the time of release of the Development License
  - 6.7.2. balance to be paid by DE either in lump sum within 90 days from the date of issuance of Development License or in 8 six-monthly instalments spread over 48 months, including interest to be charged on instalments (as notified from time to time by the Government/DDA).
- 6.8. The Development License shall be issued by the concerned local body within the time limit for sanction/ approval of building plans as prescribed under Delhi UBBL. Issue of

Development License shall be subject to payment of all charges as mentioned in Clauses 6.6 and 6.7 above.

## 7. DEVELOPMENT OF TOD SCHEMES

- 7.1. Completion and occupancy certificate for any building (which is part of an approved TOD Scheme) shall be issued by concerned local body only after ensuring that the development of the service lanes/ roads, parks, public amenities, etc., both existing and proposed, has been completed as per the approved TOD Scheme. EWS housing to be handed over by DE to DDA as per MPD provisions before issue of completion certificate.
- 7.2. Part completion certificate for premise/building level plan within any approved phase of development may be issued as per the Building Byelaws in force at the time, subject to obtaining the part/full completion certificate for infrastructure development works of that phase.
- 7.3. Considering that any delay in completion/ implementation of the individual blocks comprising an approved TOD scheme by the DE shall undermine the implementation of TOD Policy, the following measures shall be applicable:
- 7.3.1. The validity of the approvals for TOD scheme as well as building sanctions shall be five years for schemes less than or equal to 4 ha and seven years for larger schemes, counted from the date of the issuance of Development License by the concerned local body.
- 7.3.2. In the event of non-completion of the project beyond this period, the validity of the sanctioned TOD Scheme shall be deemed cancelled, and re-approvals will have to be taken by DE before any (re)development work is taken up.
- 7.3.3. In case of undue delay (more than seven years) in completion of development, the concerned local body shall have the right to recover penalty from the DE (after giving the DE a reasonable opportunity of being heard) calculated on the basis of commercial value of the unused additional FAR granted for the TOD scheme based on the prevailing circle rates of transfer of property in Delhi.
- 7.4. In case DE fails to complete the required development within the prescribed period for reasons beyond its control, it may apply to the CA for extension of the Development License in the prescribed form, at least 30 days before expiry thereof and the said application shall be accompanied by prescribed fees, clearances and supporting documents providing evidence of the status of development and reasons for non-completion.
- 7.5. After receipt of the application for extension, the CA, if satisfied, may approve the extension of the Development License up to maximum of three extensions of one year each, subject to payment of the extension charges fixed by the DDA/Government from time to time. The suggested rates are as under:

| <b>Extension</b> | <b>Extension charges to be paid</b> |
|------------------|-------------------------------------|
| First            | 5% of EDC                           |

|        |            |
|--------|------------|
| Second | 10% of EDC |
| Third  | 15% of EDC |

## **8. IMPLEMENTATION OF IZPs BY LOCAL BODIES**

- 8.1. The concerned local bodies shall execute the various area improvement works envisaged under the approved IZP for the TOD Node in a time bound manner.
- 8.2. The local body shall set up a ring-fenced TOD fund so that TODCharges and EDC levied during approval of TOD Schemes may be escrowed and used exclusively for infrastructure upgradation of the area within the respective TOD nodes, by transferring the adequate funds to service providing agencies as per local needs.
- 8.3. In case of surplus funds received by way of EDC, TOD Charges, auction of advertisement rights and donations or funds received for upgradation of the amenities, such funds shall be invested in high interest yielding government securities and the accrued interest shall also be utilized for upgradation of amenities of the TOD Nodes.
- 8.4. Public parking charges collected by the local body in the TOD Node shall be invested locally for creation, upgradation and maintenance of public roads, especially footpaths, cycle tracks, public transport systems (like buses, cycle sharing, etc.) and all the related public amenities to be provided in the TOD Nodes.
- 8.5. The TOD Fund shall be used for capital expenditure for development in the TOD Nodes, and not on expenditure of any other kind such as salary disbursement, etc. Up to 5% of the estimated cost of area improvement projects may be used for project development, and IEC/public awareness activities.
- 8.6. Since the TOD Charges and EDC are being collected by the local body, concerned local body may in accordance with law acquire any land (that has not yet been offered for TOD Schemes), which is required for effectuating TOD. This may be required for the creation of continuous new street networks, open spaces, city/ district level social infrastructure, amenities, etc.
- 8.7. The local body shall also ensure that the public spaces/roads created as part of the TOD Schemes shall continue to be used for public purposes only. For this purpose, the local bodies may prepare monitoring and enforcement guidelines including penalty charges etc. to prevent any encroachment or illegal activity on public spaces/roads.

## **9. GRIEVANCE REDRESSAL MECHANISM**

- 9.1. All the Grievances emerging during the implementation of the Policy will be examined by the Competent Authority in a time bound manner and the CA will give its decision within 45 days of receipt of grievance through the single window facility.

- 9.2. Where such a decision is not acceptable to any of the parties, the parties may resort to arbitration. Selection of arbitrators, functions and duties should be in accordance with 'The Arbitration and Conciliation Act, 1996'.
- 9.3. Further, in the event that all the processes of conciliation, mediation and arbitration fail to resolve the disputes between the parties, the aggrieved party may take recourse to the courts of law in the jurisdiction of Delhi/New Delhi.
- 9.4. The DEs shall register themselves under Real Estate Regulatory Authority (RERA) and shall be governed as per provisions of the RERA Act, 2016.
- 9.5. The Competent Authority may amend any terms and conditions in the forms of applications, agreements, fees, required documents and any other relevant condition as may be necessary from time to time particularly in the overall interest and efficacy of the TOD Policy.

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