

**Minutes of the 48th meeting of Maharashtra Coastal Zone Management Authority held
under Chairmanship of Secretary (Environment) on
17th January, 2009**

List of the members present at the meeting is enclosed at Annexure I.

Additional Chief Secretary (Revenue), President (Vanrai Pratishtan), and Director, Central Institute of Fisheries Education, Mumbai, could not attend the meeting.

Item No. 1: Confirmation of the minutes of the 47th meeting held on 26th September, 2008.

The minutes of the 47th meeting were confirmed by the Authority without any modifications.

Item No. 2: Statement of follow up action taken in respect of the decisions taken at the last meeting of the Authority.

Follow up action in respect of decisions taken in the previous meeting of the Authority were noted.

Item No. 3: Details of the proposals sent directly to MoEF as per MoEF's Office Memorandum dated 7/11/2008.

The tenure of the previous Maharashtra Coastal Zone Management Authority was expired on 31/09/2008 and the Authority is reconstituted vide the MoEF Notification dated 31/12/2008. In the meantime the MoEF vide their letter dated 7/11/2008 directed the Environment Department to send the proposals received for CRZ clearance directly to MoEF in the absence of MCZMA within 30 days of receipt of the proposal in the Department. Accordingly following proposals were sent to the MoEF for further necessary action.

1. Setting up of Power Plant and Captive Jetty by M/s. Patni Energy Pvt. Ltd. at Village Medhekar, Tal. Alibaug, Dist. Raigad.
2. CRZ Clearance for the proposed mega shipyard at Vetye, near Rajapur, Dist. Ratnagiri, Maharashtra.
3. Proposed reconstruction of existing Sea Rock Hotel Building on plot bearing CTS No. B/1150 & B/1153 at Bandstand, Bandra, Mumbai

4. Proposed redevelopment on plot bearing CS No. 8/492 of Malbar & Cumballa Hill Division, Laburnum Road, Gamdevi, Mumbai.

The Authority noted and approved the action taken in above said listed matters at 1 to 4.

Item No. 4: Powers and functions of MCZMA constituted vide MoEF Notification No. 1835 dated 31/12/2008.

Authority discussed in detailed on the proposals placed before it through this item and in view of the MoEF's directions vide letter dated 07/11/08 to streamline the functions of MCZMA to bring in further transparency and speedy disposal of the cases following decisions were taken by the Authority:

1. Agenda list and minutes of the meeting of MCZMA should be posted on website by MCZMA.
2. Check List of the documents and information viz. maps, coastal maps, layouts, study reports, zonal remarks, contour, site location, NOCs, application formats etc. to be required with the application for CRZ recommendation / clearance should be prepared by Urban Development Department and Environment Department and post it on the website to avoid further delay in processing the proposals.
3. Proposals received from Government Departments and which require MCZMA's approval will be placed before the MCZMA for consideration as per the powers and functions of MCZMA as mentioned in MoEF Notification No. 1835 dated 31/12/2008. Since proposals received by MCZMA are required to be recommended / cleared within 30 days to ensure this Authority decided that Chairman, MCZMA as per the powers delegated under CRZ Notification, 1991 and Environment Protection Act, 1986, will recommend such cases to MoEF. As per the powers given as above Chairman, MCZMA will provide comments / recommendations to MoEF for CRZ clearance on the cases which are within the framework of such approved plans and CRZ notification, 1991 for speedy disposal of cases. List of such cases recommended will be placed before the Authority for information.
4. It was decided by the Authority that activities involving investment of less than Rs. 5 Crs. shall be regulated by Chairman, MCZMA as per the powers delegated under CRZ Notification and Environment Protection Act, 1986. Accordingly, proposal for CRZ clearance / recommendations will be examined in accordance with :-
 - i. CRZ Notification, 1991 amended time to time.
 - ii. Coastal Zone Management Plans of respective area along with conditions stipulated by MoEF while approving CZMP of the State / Local Body / Planning Authority / Ports etc.

iii. Proposals related to construction / reconstruction / redevelopment of existing building, area development, etc. will be processed by Urban Development Department in the State as per the approved Development Control Rules existed on 19/2/1991 and will also provide specific comments related to eligible height, use, location, zoning, FSI etc. with respect to approved coastal land use / zonal map and compliance of the court orders / judgments etc., if any on case to case basis. However, approval of Chairman, MCZMA should be obtained before issuing final permission by the Urban Development Department to the above projects with investment less than Rs. 5 Cr. because powers of MCZMA cannot be further sub delegated as per CRZ Notification and Environmental Protection Act 1986.

5. Authority decided that one set of approved CZMP of the State, Local Bodies, Ports establishments etc. should be with MCZMA for ready reference. The Principal Secretary, Urban Development Department, as per the request of the Authority, agreed to make available all above CZMP's to MCZMA at the earliest.
6. Application of Nominal Processing Fees: Authority discussed the matter of levying nominal processing fees to generate funds to meet the financial requirements of the Authority, especially towards seating fees, actual TA, hiring vehicle, accommodation, local conveyance, transport, manpower, expenditure towards Court matters and funds to carry out the studies for coastal protection and conservation or to obtain the expert opinion from the outside institutes / agencies.

Following structure for one time processing fees is considered and approved.

Processing Fees	Investment in the Project
Rs. 10,000	Rs. 1 Cr. to upto Rs. 5 Cr.
Rs. 20,000	Above Rs. 5 Cr. to upto Rs. 50 Cr.
Rs. 25,000	Above Rs. 50 Cr. And re demarcation / reclassification

It was also decided to open a bank account in the name of Chairman, MCZMA in a nationalized bank as per the provision of MoEF Notification dated 4/01/2002, related to constitution of MCZMA, to deposit said fees to be received through Demand Draft.

Authority deliberated the issue and decided that above decision should be brought to the notice of MoEF for information & further necessary action at the earliest.

Item No. 5: Construction of Major Bridge on Bankot Velas Kelashi Harne Road (MSH-4) on Kelashi Creek, in Ratnagiri District.

Execute Engineer, PWD or his representative was not present at the time of discussion on the matter. However, it was brought to the notice of the Authority that as directed by Hon. High Court comments of the MCZMA on the survey of the said area carried out by NIO are submitted to the Hon. Court. As per the NIO report and revised alignment of the proposed bridge, sand dunes are not affected. However, portion of the bridge falls in mangroves buffer zone of CRZ I(i) area wherein as per the CRZ Notification construction is not allowed and activity as such requires permission of the MoEF.

Authority after discussion decided to direct the PWD to reexamine the alignment so as to avoid the mangroves and mangroves buffer zone and revert back to Authority at the earliest.

Item No. 6: Proposed Water Purification Project at Gut No. 102 (pt), Mouza Aarathi, Tal. Shriwardhan, Dist. Raigad

The proposal of proposed water purification project at Gut No. 102 (pt), Mouza Aarathi, Tal. Shriwardhan, Dist. Raigad was discussed. Since proposed activity is permissible in CRZ III as per the CRZ Notification 1991 Authority decided to clear the proposal from CRZ point of view subject to the condition that cost of the project is less than Rs. 5.00 Cr. and also decided to refer the matter to Urban Development Department for further necessary action.

Item No. 7: Proposed change of user and additions & alteration in the existing ground floor residential premises C.S. No. 469 in Building No. 22 Ward No. 2795 (5), Vachha Gandhi Road, "D" Ward.

Project Proponent presented the case before the Authority. After examination Authority decided to clear the case from CRZ point of view since the cost of the project is less than Rs. 5.00 Cr., subject to condition that project proponent will not further change its use from Kinder Garden classes to other purpose in future.

Item No. 8: Proposed redevelopment of the property situated at C.S.No. 1/578 of Malabar Cumbala Hill Division, Laxmibai Jagmohan Marg (Napean Sea Marg), Mumbai

Project Proponent presented the case before the Authority. After deliberation authority noted that proposed activity of reconstruction is in CRZ II and on landward side of existing approved road and decided to recommend the case to MoEF since cost of the redevelopment is more than Rs. 5.00 Cr.

Item No. 9: Proposed addition & alterations to the existing bldg. on plot bearing CTS Nos. 999A & 999B of village Juhu, Juhu-Tara Road, Santacruz West, Mumbai

The matter was discussed in detailed with respect to permissibility of Departmental Store on 1st floor as per DC Rules, 1967. Authority decided to defer the case for want of more information in the matter from Chief Engineer, (D.P.), MCGM, Mumbai.

Item No. 10: In the matter of excluding the Coastal Regulation Zone-II classification as per High Tide Line demarcation carried out in respect of plot bearing C.S.No.,122, 1/122, 2/122, 123 and 3/47 of Lower Parel Division, Mumbai-regarding

The project proponent presented the case before the Authority. After detailed discussion Authority noted that

1. M/s. Lokhandwala Shelter India Pvt. Ltd. had done HTL demarcation of their plot bearing CS No. 122, 1/122, 2/122, 123 and 3/47 of Lower Parel Division, Mumbai through the National Institute of Oceanography, Goa. As per the revised demarcation Coastal Zone Area which was originally 3305.40 sq. m. (47.73%) has been reduced to 1500 sq.m. (21.7%). Considering the request of the project proponent the Urban Development Department vide their letter dated 30/09/2006 had submitted a proposal of reclassification to MoEF.
2. The proposal was taken up in the 17th NCZMA meeting on 2nd June, 2008 and decided that a three member committee of the NCZMA would undertake a site visit and submit a site visit report, based on which MCZMA would take necessary action in accordance with the CRZ Notification, 1991. The three-member committee of the NCZMA visited the site on 22.09.2008 and submitted their site report to MoEF.
3. MoEF vide their letter dated 10/10/2008 informed the MCZMA that the Ministry agrees with the revised 500 meter line as proposed based on the HTL demarcated by NIO and further directed Chairman, MCZMA & Secretary Environment that, while approving the building plan the Competent Authority should take into account the

strength, safety aspects including wind load and storm surge in the sea. The MCZMA was asked to take necessary action in accordance with the CRZ Notification , 1991 and approved Coastal Zone Management Plan of Mumbai.

4. Authority also noted that since MCZMA was not in existence upto 30/12/2008 and matters of delineation / reclassification are in the purview of MCZMA and hence matter could not be taken up at the level of Secretary, Environment.
5. As per the decision of MoEF communicated vide letter dated 10/10/2008, Authority, after detailed discussion, noted change in Coastal Zone Management Plan as per HTL demarcation carried out in respect of plot bearing C.S. No. 122, 1/122, 2/122, 123 and 3/47 of Lower Parel Division, Mumbai.
6. Authority, as per the orders given in the above said MoEF letter, also directed project proponent and Competent Authorities to ensure strict compliance of the following:
 - 1) Proposed construction should take into account the strength, safety aspects including wind load and storm surge in the area,
 - 2) Proposed construction in CRZ area shall be carried out within the FSI permissible as per Development Control Rules, 1967 and as per the norms laid down in CRZ Notification, 1991 amended time to time.
 - 3) Proposed construction shall be carried out as per the directions / judgments given by Hon. Court time to time with regard to applicability of D. C. Rules and Floor Space Index in the CRZ area.

Table Item No. 1: Proposed building on property bearing F.P.No. 147 of T.P.S. II of Mahim situated at Lt. Dilip Gupte Marh, Mahim, Mumbai.

As per the DCR 1967 the lift, lobby and staircase area is included while computing FSI. As per the directions of the Hon. Supreme Court in the matter of Suresh Estate V/s. state of Maharashtra, the permission for free FSI for lift, lobby & staircase cannot be considered as there is no such provision in the DCR 1967. Accordingly proposal was discussed in detailed by the Authority. Finally it was decided that proposed reconstruction on the said plot bearing F.P.No. 147 of T.P.S. II of Mahim should be strictly as per D.C. Rules 1967 and should be in compliance of the direction of the Hon. Supreme Court with respect to applicability of D. C. Rules of 1967 for proposed construction / reconstruction in CRZ area.

Table Item No. 2: Proposal for commissioning of Helipad at Cuffe Parade – getting exemption from CRZ.

Authority discussed the matter and recommended to refer the case to MoEF since there is no clear cut provision with respect to permissibility of Helipad activity in the CRZ area. Authority also noted the necessity of the proposed helipad in case of emergencies like flood, terrorist attack and from the point of view of disaster management. However Authority also directed that project proponent should take into consideration appropriate measures to reduce / mitigate noise and air pollution due to proposed activity and also take in to account suggestions, if any, from the nearby residents to reduce the impact of proposed activity in the nearby areas.

Table Item No. 3: Proposed extension to the existing school / college building on plot bearing CTS no A / 761 of Bandra village, Bandra Reclamation, Bandra (W) construction of ‘C’ wing.

After discussion Authority decided to refer the matter to MoEF for further examination, clarification & guidance.

Table Item No. 4: Proposed S R Scheme on plot bearing CS No. 523(pt) of Mazgaon Division at Barister Nath Pai Rd (Reay Road) and Mhatar pakhadi Road, Mumbai, ‘E’ Ward.

As per the Coastal Regulation Zone Notification 1991, amended time to time, reconstruction is permissible in CRZ II area irrespective of the period for which the residents are living therein. However, as per CRZ notification 1991, building/structure under reconstruction should be authorized prior to 19/2/1991 and reconstruction should be as per approved DCR 1967. The land under reference falls in CRZ II and on the landward side of existing road. As per the Coastal Regulation Zone Notification 1991 the abovementioned proposal is already approved by MCZMA since the investment in the project is less than Rs 5 Cr.

Therefore Authority decided that Urban Development Department should take decision regarding deletion of condition no 1 and 4 from NOC accorded by them to the

project appropriately at their level as per the Slum Rehabilitation policy and provisions of CRZ Notification.

Table Item No. 5: Construction of Two Car Decks and Three Foot Over Bridges on KAGK road at Worli.

Vice President, MSRDC presented the case before the Authority. After deliberation Authority decided to recommend the case to MoEF.

Meeting ended with vote of thanks to all members.

**Chairman,
MCZMA**

Annexure I

List of the members present for the 48th meeting of MCZMA is as follows:

1. Smt Valsa R Nair-Singh, Chairperson, MCZMA and the Secretary, Environment Department, Mantralaya
2. Dr J M Phatak, Municipal Commissioner, MCGM, Mumbai
3. Shri A M Khan, The principal Secretary (Industries), Mantralaya
4. Shri T C Benjamin, The Principal Secretary, Urban Development Department, Mantralaya
5. Shri S L Goyal, The Secretary, Fisheries, Agriculture & A.D.F. Department, Mantralaya,
6. Dr S B Chaphekar, Botanist, Mumbai
7. Dr S K Gupta, Head, Department of CESE, IIT, Powai, Mumbai
8. Dr Leela Bhosale, Botanist, Kolhapur
9. Dr B N Patil, Member Secretary, MCZMA