

**Minutes of the 52<sup>nd</sup> Meeting of Maharashtra Coastal Zone Management Authority (MCZMA) held under Chairmanship of Secretary (Environment) on 14<sup>th</sup> May 2009 at Mantralaya, Mumbai**

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

Dr. J. M. Phatak, Municipal Commissioner, MCGM, Mumbai, Secretary (Fisheries, Agriculture & A. D. F. Department), Mantralaya; Additional Chief Secretary (Revenue), Mantralaya; President (Vanrai Pratishthan), Mantralaya; Dr. Dilip Kumar, Director, Central Institute of Fisheries Education, Mumbai Dr. (Mrs.) Leela J. Bhosale (Botanist) and Dr. S. K. Gupta, Department of CESE, IIT, Powai, Mumbai could not attend the meeting. Member Secretary, brought to the Notice of the Authority that their was no carom for the meeting. The meeting then was adjourned for 30 minutes for want of carom.

**Item No. 1:** Confirmation of the Minutes of the 51<sup>st</sup> Meeting of the Maharashtra Coastal Zone Management Authority held on 24<sup>th</sup> May, 2009

The minutes of the 51<sup>st</sup> meeting were confirmed by the Authority with some modifications in item no 13.

The word 'or from' is inserted after the word Ahmedabad.

It was also decided that the same modifications will be applicable to item no 11 which was considered in 50<sup>th</sup> meeting of MCZMA.

**Item No. 2:** Action taken on the decision taken in the 50<sup>th</sup> Meeting of the Maharashtra Coastal Zone Management Authority held on 25<sup>th</sup> March, 2009

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

**Item No. 3:** CRZ permission for proposed change in land-use from Industrial to Residential for plot bearing FP No. 1211 & 1216(3) of TPS-IV, Mahim Division, Yadav Patil Marg, Veer Savarkar Marg, Prabhadevi for development of 5-Star Hotel (Hindustan Mill) by M/s. Akruti Nirman Ltd.

Member Secretary introduced the subject as per the agenda to the Authority. Then project proponent Shri Shah presented the case before the authority. He requested

to allow change in land use from 'Industrial Zone' to 'Residential Zone' for plot bearing FP No 1211 & 1216(3) of TPS-IV, Mahim belonging to Hindustan Mill for development of 5-star Hotel which is otherwise not permissible in the industrial Zone as per DC Regulation 1967. As per his presentation and DP remarks of MCGM and Town Planning the plot is reserved for Special Industrial Zone and partly reserved for Recreational Ground.

Authority noted that as per DC regulation 1967 which was in existence on 19.2.1991 change in the land use / zoning is not allowed and Hotel Activity is allowed only in residential zone. Further, as per the CRZ notification, land use change is not permissible.

However, Authority deliberated the issue in detail. Principal Secretary, Urban Development Department emphasized that as per the spirit & preamble of CRZ notification no new industries are allowed in Coastal Regulation Zone, so this area, if remains vacant, will be occupied by slum dwellers and impact of the same on Coastal Ecosystem will be significantly more adverse than the planned development. The proposal of 5 Star Hotel in fact lead to lesser pollution load than the existing use and complements the coastal regulation. Further reference of various studies carried out (MeKenzie Report) for Mumbai City were given which stress the need of more hotel rooms to accommodate the demand of the commercial capital. Authority noted that the plot is in CRZ II and landward side of the authorized structure prior to 19.2.1991.

After detailed discussion Authority decided to recommend the proposal to MoEF for further necessary action subject to following conditions:

- I. Development on the land should be as per the DC Regulation 1967 and as per the provisions of CRZ Notification 19.2.1991.
- II. FSI will be permissible as per the DC Regulation existing on 19.2.1991 i.e. the date of CRZ Notification. Environmental Clearance shall be obtained following appropriate procedure for proposed development to assess the impacts of proposed activity especially on coastal environment viz. sewage/solid waste generation and treatment, total height permissibility, increase in fuel quantity and emissions, fuel storage, height of chimney, effluent from laundry activity, carrying capacity of drainage, environmental management plan and disaster management plan etc.

- III. Local Authorities will have to ensure that there is no violation of CRZ notification 19.2.1991 and any court order pertaining to CRZ regulation.

**Item No. 4:** Proposed Slum Rehabilitation Scheme for Rajivnagar Co-op.Housing Society on plot bearing CS No. 47(pt), Lower Parel Division, Keshavrao Khadye Marg

Member Secretary introduced the proposal as per the Agenda item note. The project proponent Mr. Shah presented the case before the Authority. He presented that proposed site under slum rehabilitation scheme is in CRZ-II and on the landward side of the existing road prior to 1991. The proposed site is in residential zone and reserved for Municipal housing quarters and affected partly for road reservation. He informed the Authority that the original scheme was approved by Slum Rehabilitation Authority (SRA) on 3.03.1997 for transit camps and which was subsequently revised on 16.09.2004 with total 2.58 FSI and SRA allowed development up to 1.66 FSI only since as per CRZ Notification, 1991 FSI more than that is not permissible in CRZ-II areas of Mumbai. Therefore he requested that FSI of 2.41 may be approved to rehabilitate all tenements and to make the scheme economically feasible. He emphasized that original approval to the scheme has been given prior to 8.09.1998. He also reported that substantial work has been done on the site.

Authority deliberated the issue in detail and noted that the site under consideration is in residential zone and reserved for Municipal housing and it is in CRZ II landward side of authorised road as per the CZMP of Mumbai. It was also noted that project proponent has already consumed 1.376 FSI out of 1.66 permissible as per D.C. Rules 1967. The clarification given by MoEF vide letters dated 8.9.1998 and 18 .08.2000 and also as per the directions of Hon. Supreme Court order in SLP(c) No. 14578 of 2007.

As per the report of Urban Development Department and reported by SRA officials , Authority noted that

1. Permission to the said SRA project was accorded on 3.03. 1997 i.e. well before the MOEF clarification regarding applicability of D.C. Regulations

in the CRZ-II area and Hon. Supreme Court order regarding application of DCR 1967.

2. As per the section 51A of MRTP Act 1966,, permission given to any residential project can not be revoked when substantial work has been carried out.
3. Urban Development Department recommended FSI of 2.41 since substantial work has been completed and the slum rehabilitation is partly completed. This FSI of 2.41 will be subject to the out come of PIL No. 16/2005 in High Court which is pertaining to the extra FSI in CRZ areas of Mumbai.
4. Cost of the project is more than Rs.5 crores and needs permission of MoEF.

Authority discussed the impact of existing slums on coastal areas and also emphasized the need for rehabilitation of slum dwellers to raise their living standard and improve the coastal environment. After discussion it was decided to recommend the proposal to MoEF for further necessary action in large interest of public and slum dwellers.

**Item No. 5:** Proposed Slum Rehabilitation Scheme for Mayanagar Co-op. Society on plot bearing CS No. 20(pt), 23(pt), 38(pt), Worli Division, B. G. Kher Marg

Member Secretary introduced the proposals as per the Agenda note pertaining to the item. As per the presentation of the proponent site under consideration for SRA Scheme is in CRZ-II and on the landward side of existing road. However, as per D.C. Regulation 1967, the land is reserved for proposed Garden. Project proponent reported that though site is reserved for proposed garden, it was occupied by slum dwellers prior to 1976. And, some hutments are regularized who had paid compensation to the Collector of Mumbai under 1985 policy of Government.

Authority noted that as per the CRZ Notification 1991 and as per approval condition of CZMP of Mumbai Open spaces, Gardens cannot be used for SRA

Schemes. Authority also noted Hon. High Court order in case of Writ Petition 1152 of 2002 where in it is mentioned that until further orders, no new rehabilitation scheme be sanctioned without the permission of Court in respect of open spaces which are reserved for Garden etc. Authority also noted clarification of MoEF dated 8.9.1998 and 18.8.2000 and directions of Hon. Supreme Court in case of 14578 of 2007, as per which FSI of 1.33 is allowed for SRA Schemes as per DCR 1967.

However, Authority noted that as per the report of Urban Development Department and as reported by SRA officials the scheme was originally approved under SRD Scheme on 14.03.1996 and Letter of Intent (LOI) was issued on 13.06.1996. Thereafter, conversion proposal from SRD to new SR Scheme was approved and LOI issued on 20.08.1998 i.e. well before the clarification of MoEF and Hon. High Court directions in the matter. The Authority further considered that though site is reserved for proposed garden as per D.C.R. 1967, it was occupied by slum dwellers prior to 1976, and some hutments were also regularized by the Collector of Mumbai, and as such site was not open space at the time of declaration of CRZ Notification, 1991.

Considering the above facts on record, Authority after detailed discussion decided to recommend the matter to MoEF for further appropriate discussion in the matter as per CRZ Notification 19.2.1991 and as per the CZMP approved by MoEF. Authority also decided that this should not be considered as a precedence for other cases and SRA and other development authorities should obtain prior approval of MCZMA and MoEF before commencement of the project and the projects in past which do not have appropriate CRZ clearance as per CRZ Notification 1991 amended from time to time will be considered as violation of rules.

**Item No. 6:** Proposed Slum Rehabilitation Scheme on plot bearing CTS No. B-908, B-909, B-910 & B-911 (pt) of Village Bandra (West) at Mount Mary Hill,

Member Secretary introduced the proposals as per the Agenda note pertaining to the said item. The Project proponent Mr. Shah presented the case before the Authority. As per the approved CZMP, the area under SRA Scheme plot bearing CTS Nos. B-908, B-909, B-910 and B-911 (Pt) of village Bandra (West) at Mount Mary Hill falls in CRZ-II and on the seaward side of the existing road. Authority noted that as per approved

condition of CZMP of Maharashtra residential use of open space is not permissible activity. Authority also noted that the proposed SRA Scheme is planned on land reserved for Garden and as such is not allowed. Authority also noted that SRA granted permission for this proposal on 29.12.1998 which was after the clarification of MoEF (8.9.98) that "regulations prevailing and in force as on 19.2.91 will prevail", and subsequently revised the same on 30.10.2004 with 2.289 FSI and allowed construction up to 1.25 FSI. As per the information given by proponent, 45 Transit Camp has been completed and .428 FSI has also been consumed.

Authority discussed the issue in detail and observed that the plot reserved for Garden was no more open space as it was occupied by Slum dwellers prior to 19.2.1991. After discussion, it was decided that matter may referred to MoEF for necessary decision in the matter. Authority also decided that this should not be considered as a precedence for other cases and SRA and other development authorities should obtain prior approval of MCZMA and MoEF before commencement of the project and the projects in past which do not have appropriate CRZ clearance as per CRZ Notification 1991 amended time to time will be considered as violation of rules.

**Item No. 7:** CRZ clearance for proposed 70 MLD Sewage Treatment Plant (STP) by CIDCO at Kharghar, Navi Mumbai

Proposal was presented before the authority by Deputy Chief Engineer CIDCO. Authority noted that Sewage Treatment Plant (STP) is proposed in sector 16 at kharghar road Navi Mumbai. As per the CZMP of Maharashtra and Navi Mumbai the site under reference falls in CRZ-II. Authority noted that as per the CRZ Notification 19.02.1991, STP is not allowed in CRZ-II areas. However project proponent informed that as per the Order of Hon'ble High Court, Mumbai, certain infrastructure projects are allowed in CRZ II areas.

Since the cost of the project is more than Rs. 5 crore after discussion authority decided to refer the matter to MoEF for further necessary action in the matter.

**Item No. 8:** CRZ permission for proposed reconstruction of existing building on plot bearing CTS No. 907, 907/1 to 3, 907/4C of Village Juhu at Juhu-Tara Road, Mumbai

Matter was discussed in detailed. Authority noted that Plot is in CRZ-II and Seaward side of authorized road and falls in Residential Zone. Officers of Municipal Corporation reported that Plots abutting the site are having authorized structures prior to 1991.

After discussion Authority decided to allow the Construction towards the landward side of Imaginary line drawn between, structures on Plot No. 906 & 914 subject to following conditions:-

- I. No Construction including Swimming Pool, Parking etc are allowed in Seaward side of Imaginary line.
- II. Building Construction should be as per the DC Rule 1967 & as per the norms of CRZ Regulation of 1991 amended time to time.
- III. Permission of Ground Water Survey should be obtained for construction of under ground basement.

**Item No. 9:** Demarcation of property bearing CTS No. 657-D of Village Kanjur, 'S' Ward, Kanjur Marg (East), Mumbai

Matter was considered in the 51<sup>st</sup> meeting. As per the decision of 51<sup>st</sup> meeting, site visit was done to the site and observations of site visit were discussed in meeting. It was informed to the authority that there was no 'Nalla' passing through the proposed site and as per NIO report the site is not affected by CRZ regulations.

After detailed discussion authority accepted the NIO report and also decided to recommend the case of reclassification to MoEF for further necessary clearance.

**Table Item No. 1:** Permission for additional FSI for Children's Orthopedic Hospital on Plot bearing CS No. 5/47(pt), 47(pt) of Lower Parel Division comprising of Plot No. 10, Hornbay Vellard Estate Scheme

Matter was discussed in detailed. Authority noted that in the case project proponent has requested to allow them FSI of 3.25 on the plot under reference which falls in CRZ-II for the development of Children's Orthopedic Hospital.

After discussion authority decided to recommend the case to MoEF, since cost of the project is more than Rs. 5 cr subject to following conditions:

- Proposed reconstruction of the Hospital should be as per the sanctioned DC Regulations, 1967.
- Proposed reconstruction should be as per the clarification given by MoEF vide letters dated 08.09.1998 & 18.08.2006 and as per the letter of approval to CZMP dated 19.01.2000.
- Proposed reconstruction should be as per the condition of Mumbai Heritage Conservation Committee.
- The additional FSI for the proposal can be permissible subject to the premium paid to the Government by the Project Proponent.

**The Meeting ended with vote of thanks to all members.**



**Chairperson,**

**MCZMA**



**Annexure-I**

**List of the Members present for the 51<sup>st</sup> Meeting of MCZMA is as follows:**

1. Smt. Valsa R. Nair-Singh, Chairperson, MCZMA and The Secretary, Environment Department, Mantralaya, Mumbai
2. Shri T. C. Benjamin, The Principal Secretary, Urban Development Department, Mantralaya, Mumbai
3. Mr. A. Khan, Principal Secretary (Industries)
4. Dr. S. B. Chaphekar, Botanist, Mumbai
5. Dr. B. N. Patil, Member Secretary, MCMA