

Minutes of the 53rd Meeting of Maharashtra Coastal Zone Management Authority (MCZMA) held under Chairmanship of Secretary (Environment) on 22nd June 2009 at Mantralaya, Mumbai

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

Principal Secretary (Industries), Mantralaya; Additional Chief Secretary (Revenue), Mantralaya; President (Vanarai Pratishthan); Dr. (Mrs.) Leela J. Bhosale (Botanist) and Dr. S. K. Gupta, Department of CESE, IIT, Powai, Mumbai could not attend the meeting. The meeting was adjourned for 30 minutes for quorum.

Item No. 1: Confirmation of the Minutes of the 52nd Meeting of the Maharashtra Coastal Zone Management Authority held on 14th May 2009

The minutes of the 52nd Meeting of the Maharashtra Coastal Zone Management Authority were confirmed by the Authority without any modifications.

Item No. 2: Action taken on the decision taken in the 52nd Meeting of the Maharashtra Coastal Zone Management Authority held on 14th May 2009

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

Item No. 3: Proposed extension to the School/ College building on plot bearing CTS No. A/761 of Bandra Village, Bandra Reclamation, Bandra (West), Construction of 'C' Wing

The matter was discussed in detail by the Authority and Authority from the available documents noted that:

1. The land under reference, owned by Mumbai Educational Trust (MET), falls in CRZ-II and on the landward side of the existing road and the said land falls in Bandra-Kurla notified area where MMRDA is the special planning authority for that area; wherein Development Control Regulations sanctioned in 1979 are applicable.



2. As per the Assessment Report of the MCGM to Urban Development Department, (No. CE/2544/WS/AH), it is mentioned that the exiting FSI consumed in Building 'A' and 'B' is 2.407 i.e. 17002.6 sq. m. The MMRDA has also given their NOC to MCGM for full occupancy for consumption of 2.407 FSI.
3. The Occupancy Certificate issued (No. CE/9609/BSII/AH dated 11th October 2005) by the MCGM shows the plans with 2.407 FSI for the existing buildings.

Authority also confirmed that the school has been set up in 1975 i.e. prior to the Bandra-Kurla notified area Development Control Regulations, 1979. Authority also took on record that:

1. MoEF vide letter dated 18.08.2006 has clarified that DCR, 1967 is applicable for Greater Mumbai and as per the same, FSI up to 4.00 can be permissible in Greater Mumbai area subject to approval of Government for educational institutes.
2. As per the amendment to DCR of 1979 applicable to Bandra-Kurla MMRDA area vide notification dated 10.05.1994 and 25.06.2008, FSI up to 4.00 can be permitted by Government to educational institutes. However, these amendments are made after 19.02.1991.
3. It was also noted that DCR, 1979 for Bandra-Kurla notified area Development Control Regulations was silent about permissibility of extra FSI to educational institutes up to 10.05.1994.

Authority further noted that Bandra-Kurla MMRDA area is a part of Mumbai Metropolitan area. After detailed discussion, Authority decided to recommend the proposed construction from CRZ point of view as per the CRZ Notification, 19.02.1991, subject to the condition that:

1. Proposed construction should be as per the DC Regulations existed and in implementation on the date of CRZ Notification, 19.02.1991 (amended time to time).
2. Proposed construction should be in compliance with the CRZ Notification, 1991 and as per the Hon. High Court orders related to CRZ areas.
3. Urban Local Body and Regulatory Authority should ensure that proposed construction is carried out as per the CRZ Notification, 1991 amended time to time and as per the approval conditions to CZMP.



Item No. 4: Construction of Second Liquid Chemical/ Specialized, Grades of Petroleum, Oil and Lubricant (POL) Berth at Pir-Pau, Mumbai
Modification of Environmental Clearance issued by Ministry of Environment and Forests, Govt. of India

The officials of MbPT presented the case before the Authority. Authority noted that the project will not envisage/ require any land acquisition/ reclamation and is in Mumbai Port Water limit at a distance of about 2 km from the HTL inside the sea. MbPT requested to grant the permission for rock dredging for second liquid chemical berth by pre-treatment with underwater controlled blasting. Officials of Central Water & Power Research Station (CWPRS), Khadakwasla, Pune explained the process and planning of underwater controlled blasting activity in the instant case through presentation and assured that there will be no adverse impacts on the coastal environment due to the same.

Authority also noted that, MbPT will submit details of blasting to be carried out, its sensitivity with impact range on nearby installations, heritage structures, biological impacts on marine life, debris disposal plan etc. to MCZMA and MoEF.

Authority also noted that, the project site as such is not affected by CRZ since it is located towards the seaward side of LTL and handling of chemicals is permissible activity in the said area. However, Authority directed that MbPT should take utmost care while handling chemicals in the area so as to avoid water pollution and any unwarranted incident since this area is very close to the human habitation.

Authority also noted that, though proposed chemical berth is in non-CRZ area, the list of chemicals to be handled as submitted by MbPT indicates the name of chemicals which cannot be stored in the storage tanks located in CRZ-II area; except as permissible in Annexure-III of CRZ Notification, 1991. Authority also expressed its concern over storing hazardous chemicals in the areas since storage sites are abutting dense human population and are in CRZ-II as per the approved CZMP of Mumbai. Hence, Authority directed MbPT that the Port Trust will ensure that:

1. MbPT will not allow storage of chemicals in CRZ-II area except as mentioned in Annexure-III of CRZ Notification, 1991 and will also ensure that it will not give chemicals which are hazardous in nature and not permissible in CRZ area to the parties which are having storage sites in CRZ-II and CRZ-I areas, to avoid the envisaged risk and MbPT will be responsible for ensuring compliance of the same to avoid violation of provisions of CRZ Notification.



2. MbPT will inform MCZMA and MoEF regularly regarding nature of the chemicals handled and list of the parties to which chemicals will be given for storage along with their location with respect to CRZ as per the approved CZMP of Mumbai.
3. MbPT will take appropriate measures to ensure safe transport of chemicals through CRZ area to their destined point.
4. Legal action under Environment Protection Act, 1986 will be initiated for violation of abovementioned conditions.

Subject to the above conditions, Authority after deliberations recommended the case to MoEF from CRZ point of view.

Item No. 5: Regarding CRZ clearance for Sion- Panvel Highway expansion at Taloja Junction by MSRDC

Mr. R. K. Das, Vice President (Environment), MSRDC presented the case before the Authority. According to the Project Proponent, total 6 piers (of 1.2 m diameter each) will be constructed out of which 4 piers will be constructed in mudflats while 2 terminal piers will be located in sparse mangroves area consisting of species like *Avicennia marina* and *Salvadora persica*. He mentioned that the technology used (especially cofferdams) will ensure the decrease in turbidity of water during construction. He also ensured that there will be compensatory mangrove plantation for the mangroves affected by the proposed activity.

Authority discussed the matter in detail and expressed its concern about the patches of *Acanthus* species which might get affected due to the proposed activity.

Authority noted that the proposed activity falls in CRZ-I (i) and CRZ-I (ii) as per the approved CZMP of Maharashtra. As per the CRZ Notification, 1991 (amended), no construction shall be permitted in the CRZ-I area and activity as such needs clearance from MoEF. Authority after discussion decided to recommend the case to MoEF for further necessary action; subject to the condition that the mangroves should not get affected due to the proposed activity and MSRDC should ensure that there is no violation of Court Order given in case of 3246/ 2004 regarding mangroves cutting and CRZ Notification, 1991 (amended time to time) and work will not be carried out in buffer zone kept for mangroves and on the land occupied by mangroves.



Item No. 6: Regarding CRZ Clearance for proposed Inland Passenger Water Transport (IPWT) East Coast project by MSRDC

Mr. R. K. Das, Vice President (Environment), MSRDC presented the case before the Authority. He explained that, the said project will involve construction of terminal station and associated facilities at Jamshedji Bunder near Colaba and another terminal station at Nerul Kille Gaothan and the transportation facility will depend on the response of the passengers. He mentioned that, the technology used during the construction (especially for dredging) will minimize the water quality impacts to the extent possible and necessary precautions will be taken so as to avoid the adverse impacts of sound and vibrations on the heritage structures nearby. He also ensured that there will be compensatory mangrove plantation for the mangroves affected by the proposed activity.

Authority noted that the Jamshedji Bunder terminal site falls in CRZ-I and on the seaward side of the existing road. The terminal site at Nerul falls in CRZ-I (i) and CRZ-III and this site comprises of partly tidal reclaimed land with some sparse growth of mangroves at Nerul. Authority also pointed out the crossing of route of the Naval War-Ships by the proposed transport system; on which the Project Proponent was ready to take necessary permissions.

Authority also noted that, the proposed activity falls in CRZ-I (i) and CRZ-I (ii) and is permissible as per MoEF Notification, 19.02.1991 except cutting of mangroves and activity in mangrove buffer zone. Authority also noted that, project activity is affected by Hon. High Court order given in case of W. P. 3246/ 2004; wherein permission of Hon. High Court, Mumbai will also be required. After discussion and as per decision, Authority recommended to refer the case to MoEF subject to permission of Hon. High Court.

Item No. 7: Demarcation of HTL, LTL and CRZ areas in Coastal Districts of Maharashtra as per the approved CZMP and CRZ Notification, 19.02.1991 amended time to time

The matter was discussed in detail by the Authority. Authority noted that the Coastal Zone Management Plan (CZMP) of Maharashtra (sanctioned in 1996) gives CRZ maps showing the HTL, LTL and CRZ, but these maps in the CZMP are in 1:25000 scale (6 pixels) and do not have cadastral level information which is required to identify the HTL and LTL accurately in the field. Authority also noted the cadastral base maps in 1:4000 scale are available for Mira-Bhayander Municipal Corporation, Thane Municipal



Corporation and Kalyan Municipal Corporation and under preparation for Vasai-Virar sub-region. Cadastral level maps of rest of the coastal area are not available.

MoEF vide its letter No. J.17011/ 08/ 92-I A III dated 04.01.1999 directed that the coastal states may prepare CRZ/ CZMP maps in cadastral scale for proper local level implementation. Authority also felt the need of more resolution up to 1:4000 for the present CZMP. However, knowing the importance and necessity of the same in Mumbai, Navi Mumbai and all such urban and semi-urban areas of Maharashtra, Authority decided to prepare CZMP of Maharashtra in the digital and print format in the scale of 1:4000 through satellite map and ground truthing showing all cadastral level information on it to enable accurate decision making at local level, with following objectives:

1. Preparation of CRZ maps in cadastral scale without any change in approved CZMP of 1:25000 scale of Maharashtra and Mumbai.
2. Demarcation of HTL (as defined in the CRZ Notification, 1991 and as in approved CZMP) and LTL along the sea coast and banks of rivers and backwaters influenced by tidal action and tidal characteristics.
3. Demarcation of CRZ areas based on remote sensing data and approved CZMP.
4. Providing recommendations on CRZ categories as per CRZ Notification, 1991 and Hon. High Court order in W.P. 3246/ 2004.

These digital maps can be converted in any scale as per the requirement say up to 1:500. This will also help to provide information regarding status of land with respect to CRZ regulations through information kiosks or through internet on demand.

Item No. 8: Proposed development at Village Majiwade, Thane Municipal Corporation, District Thane by M/s. Kapstone Constructions Pvt. Ltd., JMC House, Bisleri Compound, Western Express Highway, Andheri (East), Mumbai- 400 099

The matter was placed before the Authority. The Project Proponents assured that there will be no construction in CRZ-I and CRZ-II (seaward side) area and the construction will take place only in CRZ-II area on landward side of the existing road prior to 1991. The cost of the project is Rs. 248 crores. The Project Proponent has planned to use MBBR technology in the proposed Sewage Treatment Plants (STP) of 650 m³/day capacity for commercial buildings and of 350 m³/day capacity for residential building.



The matter was discussed by the Authority. Authority also noted that there was complaint from Mr. Ravi Rao regarding CRZ status of the land. However, as per the report of Urban Development Department, complainant took back his complaint and no need to take cognizance of the same. Authority also noted that same complaint was also discussed in its 47th Meeting (minutes confirmed in 48th Meeting) and it was decided by the Authority to go by the CZMP prepared by CESS which is one of the approved agency by MoEF and also decided not to take resurvey as per the complaint as it was taken back by complainant through written letter. Authority after deliberations decided to recommend the proposed construction to MoEF subject to following conditions:

1. Considering the ecological sensitivity of the project site, the construction and operation should be under the scrutiny of the State Government/ Authority and specifications for STP and MSW given by the Environment Department.
2. Any work undertaken for sewage treatment plant, its technology, discharge standards, location etc. should be brought to the notice of the Authority and no occupation shall be given without obtaining completion certificate from MPCB for STP and MSW site.
3. Proponent should submit an undertaking about recycling of generated waste water. And During the construction phase, the debris or solid waste generated should be disposed properly on area out side of CRZ.
4. Committee Members of MCZMA may visit and inspect the site during construction phase for the proper compliance of the conditions and Project Proponents should regularly inform the Authority regarding the compliance of environmental conditions as well as regarding proper operation of STP and Municipal Solid Waste (MSW) site.
5. No construction shall be undertaken in CRZ-I (i), CRZ-I (ii) and CRZ-II (seaward side) of the land under consideration.
6. Project Proponent and Local Authority will ensure that there is no violation of any Court Order including High Court Order of 3246/ 2004 and project construction will be as per the DC Regulations in implementation as on CRZ Notification, 19.02.1991.
7. Area development should be as per the CRZ Notification, 19.02.1991 (amended time to time).



Item No. 9: CRZ permission for construction of proposed 'Resort' on Plot bearing CS No. 1917, 1923, 1925 & 1940, Village Gorai, Taluka Borivali

The matter was placed before the Authority. Authority discussed about whether the site is classified in CRZ-II or CRZ-III. However, the Project Proponent ensured to change the proposed STP site and set up the Sewage Treatment Plant (STP) in the basement of the proposed Resort.

The Project Proponent explained that the Resort site has neither water supply nor sewerage lines and due to the contours conditions of the land, they had to propose the STP (of capacity 10 m³/hr) in CRZ-II area. However, the Project Proponent submitted a letter to the MCZMA, undertaking that the STP will be set up in the basement of the Resort causing no discharge from Resort premises and there will be mechanical composting of generated solid waste. Project Proponent also informed that he will shift existing STP located in CRZ area to non-CRZ area as early as possible and he will also shift MSW disposal site from CRZ area to non-CRZ area.

During the discussion, Authority also noted that the Project Proponent also has an old STP in Gaothan area which falls in CRZ area. Authority directed the Project Proponent to submit an undertaking to shift this STP in the non-CRZ region. Authority also directed the Project Proponent to submit the details of water consumption/ water balance, details of generation and management of wastes during construction phase (e.g. debris, construction waste material etc.) as well as operational phase (e.g. Municipal Solid Waste, plastic waste etc.) along with plant design details of unit operations/ processes with details of non-treated and treated water quality (according to prescribed discharge standards) for the old as well as new Sewage Treatment Plant (STP). After deliberations, Authority decided to consider the case in the next Meeting of MCZMA, subject to the condition that Project Proponent submits all above information and commitments on non-judicial stamp papers.

Item No. 10: Regarding CRZ Clearance for laying of EIG Submarine Optical Fiber Cable on Versova Beach, Mumbai

The matter was placed before the Authority. During the presentation, the Project Proponent showed the specimen of Optical Fiber Cable (of data transfer rate of 128 Gbps) to be laid to the Committee Members. He explained that for laying of the cable, the alignment for digging the sand will be 30 cm wide and 1 m deep which will later be



buried by the same excavated sand after laying the cable and the entire activity will take about 24-36 hours. He also explained that the cable, after terminating in Beach Manhole (BMH) of size 3 m X 2 m, will be terminated to the local Bharti Airtel Station.

After detailed discussions and deliberations, Authority decided to recommend the case to MoEF for further necessary action.

Item No. 11: Representation from 'Remaking of Mumbai Federation' regarding 'Relaxation/ Removal of provisions of CRZ-II in 'C' & 'D' Wards of Mumbai to save lives of over 62000 people'

Member of the 'Remaking of Mumbai Federation' presented the case before the Authority. He explained the present condition of residents of the dilapidated buildings falling in CRZ-II in 'C' & 'D' Wards of Mumbai. After discussing various reasons regarding the same, he requested the Authority to take necessary action for relaxation/ removal of provisions of CRZ-II in 'C' & 'D' Wards of Mumbai to save lives of over 62000 people.

Authority informed applicant that this and similar issues have been sent to MoEF while sending suggestions and objections on draft of CMZ Notification, 2008 through Government for appropriate consideration. Authority after discussion decided to forward the representation to MoEF. Authority also noted that reconstruction of the existing buildings is permissible as per the CRZ Notification, 19.02.1991.

Table Item No. 1: Transposition of mangroves in creek portion of Akhil Nalla and Kumbhar Kala Nalla at Charkop in R/ Central Ward

The matter was discussed in detail by the Authority and noted that the channel clearing activity is permissible as per the CRZ Notification, 1991 and decided that:

1. As per the Court Order, removal/ destruction of mangrove vegetation is not permissible and CRZ Notification is silent on re-plantation/ relocation of mangroves.
2. In the low-lying area under reference, the dense mangroves are acting as the barriers for the tidal effects and protecting landward side from salinity ingress. If the widening is carried out with removal of mangroves, the tidal water (salt water) is likely to enter the channels and this can cause increase in the dense growth of



mangroves along the nalla up to 1 km of the landward side. Mangroves are also acting as drainage water purifiers in that location.

Hence, after deliberations Authority suggested to carry out the deepening and channel clearing of the Nallas entering the creek/ sea without disturbing the existing mangroves vegetation to clear the water flow towards the sea. In case of cutting of mangroves, MCGM should take permission of Forest Department and Hon. High Court.

The Meeting ended with vote of thanks to all members.



Chairperson,
MCZMA

Annexure-I

List of the Members present for the 53rd 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. Dr. J. M. Phatak, Municipal Commissioner, MCGM, Mumbai
4. Shri S. L. Goyal, The Secretary (Fisheries), Agriculture and A. D. F. Department, Mantralaya, Mumbai
5. Dr. S. B. Chaphekar, Botanist, Mumbai
6. Dr. Sushanta Chakraborty, Director-In-Charge, Central Institute of Fisheries Education, Mumbai
7. Dr. B. N. Patil, Member Secretary, MCZMA