

Minutes of the 56th Meeting of Maharashtra Coastal Zone Management Authority (MCZMA) held under Chairmanship of Secretary (Environment) on 24th August 2009 at Mantralaya, Mumbai

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

Principal Secretary, Industries Department, Mantralaya; Principal Secretary (Fisheries), Agriculture & ADF Department, Mantralaya; Additional Chief Secretary (Revenue), Mantralaya; President (Vanarai Pratishtan); Dr. (Mrs.) Leela J. Bhosale (Botanist), Dr. Dilip Kumar, Director, Central Institute of Fisheries Education, Mumbai 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 55th Meeting of the Maharashtra Coastal Zone Management Authority held on 4th August 2009

The minutes of the 55th 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 55th Meeting of the Maharashtra Coastal Zone Management Authority held on 4th August 2009

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

Item No. 3: Processing fees on proposals placed before MCZMA for clearance/ recommendations

Authority noted that as per the minutes of 48th meeting, the decision was informed to MoEF. Therefore, considering the necessity of funds for functioning of MCZMA and implementation of various environmental conservation and protection projects, Authority decided to open a bank account in the name of Chairman, MCZMA in a nationalized bank as per the provision of MoEF Notification dated 04.01.2002, related to constitution of MCZMA, to deposit said fees to be received through Demand Draft/ Pay Order.

It was decided that henceforth the processing fees shall be made applicable to the proposals received by the Authority as given below:

Processing Fees	Investment in the Project
Rs. 10,000/-	Rs. 1 crore to up to Rs. 5 crores
Rs. 20,000/-	Above Rs. 5 crores to up to Rs. 50 crores
Rs. 25,000/-	Above Rs. 50 crores and re-demarcation/ reclassification/ public consultation

Funds received will be utilized for coastal/ mangroves conservation projects, expenditure on court cases, seating fees, TA/ DA, local transport, accommodation of expert members, meeting expenditure, expenditure on site visits of the members, travel, vehicle, communication, office expenditure including manpower, website maintenance etc. Processing fees will be received through Demand Draft/ Pay Order on the name of 'Maharashtra Coastal Zone Management Authority, Mumbai' payable at Mumbai. Separate account book will be maintained for receipts and expenditure of the fees received through processing fees.

Item No. 4: Appointment of technical staff for MCZMA

The matter was placed before the Authority. Authority noted that MCZMA has inadequacy of technical staff to carry out the work of MCZMA. The available staff in the Department is mainly non-technical and helps in the work of MCZMA along with their regular work. There is lack of manpower dedicated purely for the regular work of MCZMA. Since the proposals received by MCZMA are required to be recommended/ cleared within 30 days, it is required to speed up the work with respect to the pending status of the proposals under scrutiny.

Considering the above situation, Authority noted that, there is a need of technical staff for the regularization of monitoring and field activities in comparison of the workload of processing of the proposals for clearance, complaints, court cases and compliance of applications under RTI Act.

Hence, Authority decided to appoint the following technical posts i.e. Coastal Officer, Coordinator and Data Manager immediately on the contractual basis as per the payment proposed before the Authority. Other posts like Assistant Coastal Officer/ Assistant Law Officer and Driver may be appointed on contractual basis as per the requirements with the approval of Chairperson, MCZMA.

Item No. 5: 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 placed before the Authority. Authority noted the decision taken by Cabinet in its meeting held on 24.06.2009. Authority also noted that draft CMZ Notification, 2009 has lapsed as informed by MoEF vide letter dated 06.08.2009.

In such a circumstance, wherein CRZ Notification, 1991 is going to be implemented in the state, after deliberations, Authority decided to carry out demarcation in the scale of 1: 4000 through agency authorized by MoEF. Authority also felt that presentation may also be arranged by MoEF authorized agencies to know the details of methodology of demarcation process.

Item No. 6: Application in prescribed format to MCZMA for obtaining CRZ clearance for car depots at Charkop & Mankhurd along with alignment of 32 km through Mahim creek, Mithi River & Vakola Nalla

Representative of MMRDA presented the revised proposal before the Authority which involves establishment of Car Depots at Mankhurd and Charkop for Charkop-Bandra-Mankhurd Corridor under Mumbai Metro Rail Project. The master plan for Mumbai Metro proposed by DMRC along with its phased implementation includes nine corridors covering a length of 146.50 km out of which 32.50 km is proposed underground and rest would be elevated. The Charkop-Bandra-Mankhurd Corridor is second corridor providing West to East connectivity in greater Mumbai covering length of 31.871 Km. Government of Maharashtra has accorded approval for the projects vide GR No. MRD-3306/2294/CR72/UD-7 dated 14th November 2006. Mumbai Metropolitan Region Development Authority is the implementing agency for the project. It consists of 27 stations. As per the Traffic forecast, daily boarding will be 12.75 Lakhs, 18.77 Lakhs and 22.16 Lakhs in the years 2011, 2021 and 2031 respectively.

This project is being implemented on BOT/ PPP basis. Govt. of India has already accorded approval for Rs. 1532 crores as viability gap funding for this project. Two maintenance depots are proposed at Charkop and Mankhurd with area requirement of 19.69 Ha and 24 Ha respectively in CRZ-I area. These depots are crucial for the operation and maintenance of rakes which include stabling lines, inspection shed, heavy repair & maintenance work shop, minor repairs, cleaning of rolling stock, operational &

functional safety requirements, ancillary buildings, operational control center, power supply, distribution, water supplies drainage, sewerage etc.

Authority noted that the different phases of the project were considered by Maharashtra Coastal Zone Management Authority in its 49th Meeting held on 24.02.2009 and again in 51st meeting held on 24.04.2009 and it was stated that the proposed activities are in CRZ-I and are not permissible as per CRZ, 1991 and the proposal was referred to the Ministry for necessary action and guidance.

Authority also noted the minutes of 77th meeting of MoEF committee which are reproduced as follows:

- (i) Submit layout plan superimposed on the HTL/ LTL map demarcated by an authorized agency.
- (ii) Maharashtra State Coastal Zone Management Authority has not clearly recommended the proposal for issue of CRZ Clearance. They have only sought clarification from the Ministry, which is not in the purview of the EAC but rather this should be responded to separately by the MoEF, if they so choose to do. It is suggested that a clear recommendation should be obtained from MSCZMA.
- (iii) Permission for construction of car depots cannot be permitted in the area identified as CRZ-I. It is suggested that an alternative location outside CRZ-I should be identified.

The MoEF Committee recommended to defer and delist the project since it is located in CRZ-I and the activities are not permissible as per CRZ Notification, 1991 and the MCZMA has not recommended the project and also there is a ban on destruction of mangroves as per the orders of the High Court of Mumbai. The project will be taken only after the recommendations of MSCZMA on the revised location.

In view of above, MMRDA has submitted fresh proposal on 06.08.2009 to MCZMA. As per the submitted information proposed project activity falls in CRZ-I (i), CRZ-I (ii), CRZ-II & CRZ-III. As per the D.P. remarks of MCGM, the proposed activity falls in no-development Zone.

Authority after deliberations noted that:

- I. Effluent generation activities and construction activities as such are not allowed in CRZ-I (i) and CRZ-I (ii) areas as per CRZ Notification, 1991. Authority suggested that feasibility of developing proposed car depots on stilts may be carried out to minimize the damage to the mangroves and

workshop activities should be relocated in non-CRZ areas to avoid coastal pollution.

- II. Authority also noted that mangroves area of the proposed activity is affected by order of Hon. High Court of Mumbai in case of W.P. No. 3246/ 2004 and 87/ 2006 and hence, permission of the same should be obtained through Notice of Motion prior to the commencement of the work on ground.
- III. Proposed site is also appears to be affected by declared mangroves forest and permission of Forest Department will be needed.
- IV. Compensatory mangroves plantation, if approved by MoEF, should be carried out before the implementation of the proposed project and details of area, existing number of species, duration for plantation etc. should also be submitted to MoEF with copy to MCZMA.
- V. MMRDA should not carry out any reclamation of land for the proposed activity since it is prohibited activity as per CRZ Notification, 1991.
- VI. Proper rehabilitation of the project affected people should be done prior to the commencement of the work on ground.

Authority also discussed the necessity of the project to reduce the burden of traffic and minimize the pollution due to existing load. Considering the importance of the project for public at large Authority decided to recommend the project to MoEF subject to all the abovementioned conditions for appropriate decision in the matter.

Item No. 7: NOC for proposed construction of helipad at 'Sea Wind', Cuffe Parade, Mumbai by M/s. Ruchi Properties Pvt. Ltd.

The matter was earlier placed before the Authority in the 55th meeting of MCZMA held on 4th August 2009, where the Project Proponent presented the case before the authority. He explained all technical details of the proposed activity including the helicopters to be used and their impacts on the surrounding environment with respect to noise pollution. In support of this, later on Project Proponent submitted report of 'Noise Assessment of Rooftop Helipad' prepared by 'SENES Consultants India Pvt. Ltd.'

In the 55th meeting, the representatives of the organizations called 'Chunilal Nagar Co-op. Housing Society', 'Nariman Point Churchgate Citizens' Association' and 'Awaaz Foundation' expressed their views/ objections before the Authority and also submitted written representations. Suggestions and objections were also invited through newspapers and notice for the same was also available on the website. On the above

objections, the Project Proponent answered that the main objections are about the possibility of noise pollution. They claimed that, their study using computerized modeling showed very less chances of noise pollution, as only 55 dB noise levels were recorded at the nearest building. He mentioned that the duration of this noise would be very short which will be only at the time of take-off and landing of the helicopter and that too only during day time. He also mentioned that the helicopters to be used viz. Bell-222 & Sikorsky generate less noise as compared to others. Hence, he requested the Authority to grant the permission from CRZ point of view. Authority deliberated on the proposal and scrutinized objections for the same. Authority further decided to direct the Proponent to carry out the detailed study of noise levels for the entire surrounding area and not only for the path of the flight.

In this meeting, Authority discussed on the submitted report of 'Noise Assessment of Rooftop Helipad' prepared by 'SENES Consultants India Pvt. Ltd.' showing noise contours for helicopters to be used. Authority also noted that, as per the submitted report, the noise levels at the nearest building from the proposed site are in the range of 45-55 dB. The standards for noise as per the Noise Pollution (Control & Regulation) Rules, 2000, the limits for residential area for daytime and nighttime are 55 dB and 45 dB respectively.

Authority noted that, in the Hon. High Court order for PIL W. P. Nos. 85/ 2007, 2053/ 2003 & 74/ 2007 along with A.S. PIL No. 1/ 2009 (dated 23rd July 2009), the questions are raised regarding permissibility of helipads, with regards to noise pollution. The issues raised by Hon. High Court are as follows: "(iv) It shall also be stated on record as to whether the impact on noise pollution on the permission to make helipads on the residential buildings was considered by the Competent Authority or not; and (v) whether it has been visualized by the Authorities as to what will be the state of affairs if the helipads are permitted to be constructed on every alternative and/ or on large number of residential and commercial buildings." On these points after deliberations Authority noted following:

- a) Before grant of permission, objections and suggestions were invited from local residents through public notice on website and daily newspapers in English and Marathi. Suggestions were received from three parties.
- b) The MCZMA considered the suggestions received from the three parties in its meeting on the 4th August 2009 in which a presentation was made by an independent consultant of international repute (SENES, Canada) using the latest

software for such study to model the noise contours from operation of the helipad.

- c) It was observed that there was no breach of the norms as stipulated by the MoEF as per the model study.
- d) As per information on the web, there are at present about 1200 high-rise buildings (existing and under construction) in Mumbai. Most of these have multiple occupants. They are unlikely to come together to construct a common rooftop helipad. There may be only a handful of single-owner/ single-family occupants in high-rise buildings.
- e) Among such single-owners/ single-family occupants also, not many may be interested in helipads because the construction and cost of operation are high.
- f) The location, age, structural stability of the building may also render many buildings unsuitable for the purpose.
- g) At present, there is a great paucity of rooftop helipads in the city. At an appropriate time when their number grows, based on experience gained, a suitable policy will be evolved for future permissions.

Authority noted that, as per the Development Control Rules, 1967: Part-II, Residential Zones: Clause-7. (xii) 'Bus, trolley bus, railway stations, taxi stands and heliports' are mentioned as permissible activities. However, as per the remarks of Urban Development Department, DC Rules, 1967 are silent about the permissibility of rooftop helipads on residential buildings in Mumbai.


Authority also noted that, as per the clause 4.2 of MoEF letter dated 25th February 2009, the helipads are permitted on the rooftops of high-rise buildings in CRZ-II area subject to some conditions. As the investment cost of the proposed project is less than Rs. 5 crores and as per the CRZ Notification, 1991 and MoEF Order dated 25th February 2009, powers of according CRZ clearance to the projects having investment less than Rs. 5 crores have been accorded to MCZMA, therefore, as per these provisions and powers delegated, Authority decided to accord the permission to the proposed activity from CRZ point of view only subject to following conditions:

1. The conditions mentioned in the MoEF letter dated 25th February 2009 should be strictly followed by the Project Proponent while construction and operation of the helipad.

2. Use of helipad for take-off and landing of helicopters should be restricted only for the daytime between 6 am to 6 pm and only two landings and two take-offs are allowed during this period.
3. MCGM/ Urban Development Department should verify the permissibility of helipads on rooftops of residential buildings as per the DC Rules, 1967 before granting the permission as these are applicable in CRZ-II areas of Mumbai as per the clarification of MoEF and orders of Hon. Supreme Court.
4. Ambient noise levels in the surrounding and at the nearby buildings should be checked and monitored by Maharashtra Pollution Control Board, MCGM and Police for effective implementation of Noise Pollution (Control & Regulation) Rules, 2000. Project Proponent/ owner should obtain prior Consent to Establish and Operate from MPCB and Noise Authority for the concerned area, prior to the commencement of the work of helipad and its operation.
5. Facility owner/ Project Proponent should install automatic noise level reader as per the norms decided by CPCB and maintain record of the same. Copy of the same data should be made available quarterly to MPCB and Noise Authority of the area and MCGM.
6. Project Proponent should commence the activity only after obtaining all the necessary prior permissions from other Government Departments, Urban Local Body, Authorities, MPCB etc.
7. Project Proponent will only use helicopters mentioned in the application and no other helicopter will be allowed to land on this facility. No maintenance and repair activity shall be carried out at the site.
8. No fuel shall be stored at the site in any circumstances and disaster, if any, occurs, owner will be responsible for the same.
9. Helipad/ helicopter shall not be used for commercial purpose and shall also not be used for handling hazardous substances, cargo etc. at any circumstances.
10. Appropriate measures shall be adopted to keep the level of the air pollutants especially VOC (Volatile Organic Compounds) during the operation of the helipad.
11. Facility owner shall stop any activity immediately on its own on receiving valid complaints regarding air and noise pollution or misuse of helipad and immediately report to the appropriate authorities as an individual social environmental responsibility of the owner.

12. MCGM should ensure that cost of the proposed activity is less than Rs. 5 crores before giving final permission.
13. Structural stability and strength of the building should be verified by MCGM before according the final permission.
14. Government reserves powers to invoke the CRZ clearance in case of violation of Environment Protection Act, 1986 and provisions of CRZ Notification.
15. Government reserves powers to use the helipad and helicopter in case of any emergency, disaster etc. without any prior notice and intimation.
16. This permission is subject to the final order of the Hon. High Court in case of PIL W. P. Nos. 85/ 2007, 2053/ 2003 & 74/ 2007 along with A.S. PIL No. 1/ 2009.

The Meeting ended with vote of thanks to all members.


Chairperson, J.
MCZMA

Annexure-I

List of the Members present for the 56th 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. Dr. S. B. Chaphekar, Botanist, Mumbai
5. Dr. B. N. Patil, Member Secretary, MCZMA