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**Minutes of the 57th Meeting of Maharashtra Coastal Zone Management
Authority (MCZMA) held under Chairmanship of Secretary (Environment)
on 16th October 2009 at Mantralaya, Mumbai**

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

Principal Secretary, Urban Development Department, Mantralaya; Principal Secretary, Industries Department, Mantralaya; Principal Secretary (Fisheries), Agriculture & ADF Department, Mantralaya; Additional Chief Secretary (Revenue), Mantralaya; President (Vanarai Pratihthan); 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 56th meeting of the Maharashtra Coastal Zone Management Authority held on 24th August 2009

The minutes of the 56th 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 56th meeting of the Maharashtra Coastal Zone Management Authority held on 24th August 2009

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

Item No. 3: Proposed Gymnasium building on plot bearing CS No. 625 of Colaba Division at G. D. Somani Marg, Cuffe Parade, Mumbai- 5 for G. D. Somani School

The matter was discussed by the Authority. Authority noted that, Chairman, MCZMA along with Dr. Chaphekar, Member, MCZMA; Member Secretary, MCZMA; Officials of MCGM & Officials of MMRDA visited the site to check the feasibility & applicability of imaginary line for the proposed work on 26.09.2009. It was observed by the visiting members that plot abutting the Southern side of the plot under reference is vacant & therefore, concept of imaginary line as per the clarification of MoEF given vide letter dated 08.09.1998 can not be made applicable for the proposed permanent construction of Gymnasium. Further construction is on the seaward side of imaginary line. Authority also deliberated on the feasibility of construction of temporary Gymnasium on the site.



However, Authority noted that, since plot under consideration is on the seaward side of existing road, the concept of imaginary line as clarified by MoEF is not applicable in this case and permanent construction of Gymnasium can not be allowed on the proposed site. Hence, Authority after deliberations decided to reject the construction of gymnasium on the proposed site. Authority, however, discussed the feasibility of using existing ground floor of the building for gymnasium; after ascertaining feasibility of the same with respect to available FSI as per the DCR, 1967 and directed to revert back to Authority with detailed proposal.

Item No. 4: To issue CRZ clearance for Redi Iron Ore Mine lease (Block 1) for 94.706 Ha, at Village Redi, Taluka Vengurla, Dist. Sindhudurg

Project Proponent presented the case before the Authority. He explained that, land admeasuring 94.706 Ha under proposal is on the lease hold for mining Iron ore in Village Redi, Taluka Vengurla, Dist. Sindhudurg. Authority noted that the submitted coastal land use map is showing only the set-back line of 500 m from HTL. However, the Officials from Urban Development Department brought to notice that with 1 km set-back line no mining activity is allowed as per Town Planning Policy in coastal areas. The Proponent explained that the mining activity will be carried out on the Survey Nos. beyond 1 km set-back line from HTL.

Authority noted that, as per the CRZ Notification, 1991, the mining activity is prohibited in CRZ area. Authority also noted that, as per the submitted affidavit, the Proponent has mentioned that he will not carry out any Mining operations on Survey No. 32 (New) as per the 500 m set-back line. Hence, Authority after deliberations directed the Project Proponent to submit the Survey Nos. under proposal falling within and beyond 1 km set-back line from HTL with activity details (like quantity of generated wastes, their disposal facilities etc.) and also superimposed on the map, before granting the final permission.

Item No. 5: Regarding CRZ clearance for laying of IMEWE Submarine Optical Fiber Cable on Juhu Beach, Mumbai

Project Proponent presented the case before the Authority. He explained that for laying of the Optical Fiber Cable, the alignment for digging the sand will later be buried by the same excavated sand after laying the Cable. He also said that the on-shore construction activities including cable installation will be limited to a period of 3 to 4 days. He explained that the cable, after terminating in Beach Manhole (BMH), will be terminated to the local Bharti Airtel Station. He also explained that, in case of the



alignment crossing nallas/ streams in CRZ areas, the Optical Fiber Cable will be protected with the help of proper enclosures/ through culverts.

After detailed discussions and deliberations, Authority decided to recommend the case to MoEF for further necessary action since cost of the project is more than Rs. 5 crores subject to the condition that activity will not involve cutting of mangroves and no work will be allowed on mangroves buffer zone.

Item No. 6: Modification to Specific Condition A (ii) {Mangroves should not be destroyed} mentioned in clearance given by MoEF for "Proposal for construction of Transmission line in CRZ area"

Project Proponent presented the case before the Authority. He explained that, total 15 transmission towers (8 old + 7 new towers) are proposed in CRZ area; out of which 10 transmission towers will be located in mangroves area. He also explained that, no alternate route can be considered for the proposed transmission line, considering the electric safety measures. He said that, compensatory mangroves plantation will be carried out in case of the proposed project.

Authority noted that, in case of the proposed activity, as per the Order of Hon. High Court in W.P. 3246/2004 and 87/2006, prior permission of Hon. High Court will be required for any construction in mangroves or in the 50 meter buffer zone. Considering the proposed project as an important infrastructure for the public interest, Authority noted that CRZ Notification prohibits the cutting of mangroves and is silent about compensatory plantation of mangroves. Authority decided to recommend the case to MoEF for further necessary action; subject to the condition that:

1. The Proponent should obtain prior permission of Hon. High Court in case of cutting of mangroves as area is affected by order of Hon. High Court.
2. The Proponent should quantify and submit details regarding the area under cutting of mangroves with their exact numbers and respective species as well as the area to be identified for the compensatory plantation of mangroves and submit the same to Hon. High Court, MCZMA and MoEF.
3. Compensatory mangroves plantation, if approved by MoEF, should be carried out on the selected site before commencement of the project, which should be carefully monitored from mangroves protection and conservation point of view.



Item No. 7: Development of land bearing CTS No. 1(Pt) of Village Pahadi Goregaon at Goregaon (West), Mumbai by Vijay Associates (Wadhwa) Constructions Pvt. Ltd.

The matter was discussed by the Authority. Authority noted that, the plot under reference is abutting 60 m wide nalla; hence, some part of the plot is affected by CRZ-II along the nalla stretch. Authority also noted that, the proposed building is situated on the landward side of the imaginary line (parallel to HTL and not crossing nalla) connecting the existing authorized structures and rest of the proposed construction is in non-CRZ area. Authority after deliberations decided to recommend the case to MoEF subject to following conditions:

1. The FSI to be consumed in CRZ affected area can be utilized in CRZ area only; however, the FSI for the non-CRZ area cannot be utilized in CRZ affected area.
2. Planning Authority/ Local body should ensure that the imaginary line is as per the definition given in the MoEF letter dated 08.09.1998. Imaginary line should not cross any nalla or HTL and it should be parallel to HTL.
3. FSI of 1.00 can only be utilized in the portion of the building falling in CRZ area as per DCR, 1967 and construction should be as per the provisions of CRZ Notification, 1991.

Item No. 8: Redevelopment of property bearing CS No. 195, 200, 202, 210, 211 & 212 of Mazgaon Division at Nawab Tank Road in 'E' Ward, Mazgaon, Mumbai

The matter was placed before the Authority. Authority noted that, the land under reference is situated in Residential Zone and is partly reserved for the public purpose of Municipal Primary School, partly reserved for playground (part of larger reservation) and partly reserved for proposed 24.40 m wide D.P. Road. Authority also noted that, the existing structures on plot bearing CS No. 195, 200, 202, 210, 211 & 212 are authorized structures of the year 1929-1930, and as per MHADA, some of these are categorized as "A" category cessed structures and some are non-cessed structures.

Authority noted that, in case of the redevelopment/ reconstruction of cessed buildings of category "A", "The FSI shall not exceed 2.0 or the consumed FSI of the existing old building whichever is higher". After deliberations, Authority decided to recommend the case to MoEF subject to the condition that:

1. All constructions shall be carried out as per the DCR of 1967 and FSI permissible therein.



2. Construction should be as per the provisions of CRZ Notification, 1991 (amended time to time).

Item No. 9: Transplantation of mangroves in creek portions of MHADA Nalla and Avinash Building Nalla at Andheri (West), K/West Ward

The matter was placed before the Authority. Authority noted that, the storm water disposal from MHADA Nalla and Avinash Building Nalla is affected at creek due to mangroves and hence, stagnation of water is observed in these nalla near creek. Hence, Authority noted that, it is essential to widen or train some portions of these nallas for proper disposal of storm water and to avoid flooding in the nearby areas. Authority also noted that for the proposed activity, about 2150 sq. m. area covered by mangroves will be affected and these mangroves are required to be removed or transplanted at suitable locations. For the proposed activity, Hon. High Court has already granted permission to MCGM subject to the permission of appropriate authorities.

Authority noted that, as per the Rule No. 2(iv) and 2(viii) of CRZ Notification, 1991, the widening/ expansion of storm water drains is a permissible activity in the CRZ area; however, CRZ Notification, 1991 is silent about the transplantation of mangroves and cutting of mangroves is prohibited activity. Hence, after deliberations, Authority decided to recommend the case to MoEF subject to the condition that, MCGM should obtain prior permission of Forest Department under Forest Act with respect to cutting of mangroves if the said area is declared as forest as per the Court Order.

Item No. 10: Regarding CRZ permission for proposed reconstruction of existing Sea Rock Hotel on plot bearing CS No. B-1150, B-1153, B-1155 & B-1156, Village Bandra, B. J. Road, Band Stand

Project proponent presented the proposal regarding CRZ permission for proposed construction of existing Sea Rock Hotel on plot bearing CTS No. B/1150, B/1153, B/1155 and B/1156 Village Bandra, B. J. Road, Band Stand, Bandra (West). Authority noted that plot bearing CTS No. B/1153 falls in CRZ-I (ii) and plot bearing CTS No. B/1150, B/1155, B/1156 and B/1153 (pt) falls in CRZ-II and sea ward side of the authorized road.

All these plots are immediately abutting sea and touching HTL. CTS No. B/1153 is separated by HTL. As per the sanctioned D.P. of H/West Ward, the land under reference is in residential zone and not reserved for any public purpose. The plot is affected by 36.6 m wide D.P. Road and D.P. Road with dead end and belongs to Collector, Mumbai Suburban.



The net area of the plot under reference is 9322.72 sq. m. The permissible floor area under proposal is 24104.40 sq. m. prior to 1991 and 28,874 sq. m. as per the new FSI sanctioned on 20.07.2009, i.e. total permissible floor area is 52,852.02 sq. m.

Authority also noted that existing Sea Rock Hotel with plot bearing CTS No. B/1150, B/1155, B/1156 and B/1153 (Pt) was constructed in the year 1976. The existing building has 19 number of floors, the FSI consumed in the existing Building is 2.49 out of which 1.00 FSI permissible for the said area and 1.50 extra FSI allotted by Government in the year 1972.

The said building under reference is situated within 100 m from Heritage property Bandra Fort included in the list of Sr. No. 571, 566 for conservation purpose.

The project proponent has obtained Heritage NOC for reconstruction of the existing Sea Rock Hotel Bldg. with 2.5 FSI on 18th March 2009 and NOC from Archeology Department vide its letter dated 02.12.2006.

Authority noted that MoEF vide their letter dated 17th March 2009 accorded Environment Clearance and CRZ Clearance for Reconstruction of existing Sea Rock Hotel Bldg. with existing FSI of 2.49 with a condition that the height and coverage of the construction should be in accordance with the existing FSI/ FAR norms as per the Coastal Regulation Zone, 1991. Reconstruction proposal as per the MoEF clearance involves construction with existing plinth area without any extension and with existing height only.

Authority noted that in the present proposal project proponent has obtained additional FSI of 3.00 from State Government vide letter dated 20th July, 2009. As per this additional FSI, the total FSI available for construction now is 5.50. With this FSI, total built-up area proposed for construction is 52,640.01 sq. m. as against original 24104.67 sq. m.

Authority after the presentation noted the following:

- i) Plot is on the seaward side. Therefore permission for reconstruction can only be given on the existing plinth of the existing Sea Rock Hotel. Extension of the plinth towards seaward side, North side and South Side will not be permissible as per CRZ Notification.
- ii) It is also noted that as per layout plan submitted, existing plinth is T-shaped shown as dotted on the plot CTS No.B/1150 where as proposed rectangle shaped plinth is shown in Red.
- iii) Authority also noted that heritage NOC of dated 05.09.2009 clearly mentions that "the portion of land bearing CTS No. B/1153(Pt) and B/1156 within the property of Sea Rock Hotel which is desired by the



Committee to be kept open should be maintained only as a garden/ green space even though proposed as Reserved Garden and no built up structure/ shed/ parking (which may otherwise be approvable on a Reserved Garden) should be proposed on the said piece of land, and as long as the portion of land situated within 100 m from Bandra Fort boundary is maintained as a garden as previously instructed and footprint of the proposed reconstruction of the 'Sea Rock Hotel' should not be proposed beyond the line of the existing structure towards Bandra Fort side.

- iv) Authority also noted that MoEF has given clearance for reconstruction of the building only along the existing plinth since plot is located in seaward side. Extension towards north and south implies new construction which would not be permissible as per the clarification of MoEF vide letter dated 08.09.1998 regarding concept of imaginary line. In the instant case plot abutting the site is vacant and hence imaginary line parallel to HTL cannot be plotted. Any extension in the plinth is prohibited activity as per CRZ Notification and clarification of MoEF.
- v) Authority also noted that report of Municipal Corporation indicates that remarks are given without carrying out actual inspection on site and without any reference to the existing and status of the structures, if any, on the land under reference.
- vi) Authority also noted that height of the building exceeds the original height and as the plot is abutting the sea, protection from tidal waves, wind surge, etc. will be important. Feasibility/permissibility of the same from CRZ point of view needs justification.
- vii) It is also noted that as per CRZ Notification, basements are allowed only after 200 meter setback line in CRZ-III area. In the instant case, 3 basements with 12 m depth and area that of twice the plinth area are proposed near the HTL. CRZ Notification is silent about the construction of basement in CRZ-II and CRZ-I areas.
- viii) Authority also noted the large amount of Sewage generation anticipated from the proposed activity. So verification of carrying capacity of existing drainage is needed.
- ix) Authority noted that as per comments of Urban Development Department extension of the work from plinth area is not permissible since plot is on seaward side and imaginary line cannot be drawn in the instant case as



per MoEF classification since abutting plots are vacant. Urban Development Department also comments that site inspection should be done prior to the permission.

- x) As per the property card land on North and South of the existing building is allotted for parking by the Collector.

Authority after deliberation decided to refer the case to Urban Development Department to verify the following:

- (I) Planning authority to verify on site deviation, if any, from the original shape of the plinth of the existing Sea Rock Hotel structure with plinth of proposed new construction
- (II) Details of the open area towards North and South of the existing plinth of the present Sea Rock Hotel and existing structures say swimming pools, parking shed etc. Clear-cut demarcation of existing structure's plinth and proposed limit may be shown on the map along with details of perimeters length, breadth of existing plinth.
- (III) Details with area quantification with regards to work proposed on North Side of existing plinth i.e. towards swimming pool side, and on plot CTS B/1155 which is allotted for parking by the Collector.
- (IV) Details of the activity proposed on south side of the plot and on CTS No. B/1153 and B/1156 facing and within the 100 meter precinct of Heritage Bandra Fort. Whether proposed work is as per condition No.2 of Heritage NOC.
- (V) Whether work proposed on North and South side of the plinth under existing structure is eligible as per the concept of imaginary line clarified by MoEF vide letter dated 8.9.1998. If yes, details of occupation certificate of structures present on abutting plots between which imaginary line is drawn.
- (VI) Comments on permissibility of following as free of FSI as per DCR, 1967 which are applicable in CRZ-II areas of Mumbai:
 - (i) Free FSI for Basement.
 - (ii) To allow service floor of 3.2 m Height free of FSI.
 - (iii) To allow physical R.G. above ground level i.e. on terrace at + 16.40 m level with swimming pool.
 - (iv) To allow staircase, lift, lobby, free of FSI.
 - (v) To allow A.C. Plant room free of FSI.
 - (vi) To allow extra width of passage/ corridor free of FSI.



- (vii) To allow swimming pool free of F.S.I. above 2nd Floor.
- (viii) Impact of three level basement on Coastal area. Exact ground coverage area along with all dimensions of proposed basement.
- (ix) Details of water budgeting, type of STP with discharge standards, carrying capacity of drainage and final disposal point.
- (x) Height of chimney of bhatarkhana, air-pollution abatement mechanism etc. MSW treatment and disposal details.
- (xi) Details of all NOC obtained from Heritage, Archeology, High rise committee etc. and compliance of conditions therein.

Item No. 11: Regarding CRZ clearance of slum redevelopment of Mariamma Nagar, CS 16/47, Lower Parel Division and 47(pt), Worli, Mumbai- 400 018

Project Proponent presented the case before the Authority. He explained that, the proposal is for the construction of 5 Rehabilitation Buildings, 2 Sale Towers and Museum with 64788 sq. m. built-up area in which total 1041 tenements will be constructed. Authority noted that, the project has been cleared by SEAC in its 16th meeting held on 9th September 2009 and the proposal has already been submitted to SEIAA. Authority noted that as per the submitted documents, proposed site is in CRZ-II area and landward side of existing authorized road as per the approved CZMP of Mumbai. Authority also noted that the cost of the project is more than Rs. 5 crores. After deliberations, Authority decided to recommend the case to MoEF for further necessary action subject to the condition that:

1. Construction will be as per the Development Plan and provisions of DCR, 1967 applicable in the area.
2. Construction will be as per FSI provisions in DCR, 1967.
3. Proposed construction should be as per CRZ Notification, 1991.
4. No construction shall be undertaken on areas reserved for road, open spaces, playground etc. and Proponent and Planning Authority shall ensure that there is no violation of Court Order in this regard.

Item No. 12: ONGC – Installation and Operation of Mud Plant at Nhava Shore Base

Project Proponent presented the case before the Authority. He explained the composition and necessity of mud (drilling fluid used for extraction of oil and natural gas) and technical details of the Mud Plant. Authority noted that, ONGC has obtained environmental clearance from MoEF under CRZ Notification, 1991, for 'up gradation and modernization of Nhava Supply Base' (including the Mud Plant) vide letter Ref No.



10-80/2007-IA-III dated 29th May 2008. Authority further noted that, ONGC has also obtained Consent to Establish from MPCB vide Consent No. BO/RO(P&P)/CC-22 dated 28th January 2009 and as per the condition No. 9 mentioned in the Consent to Establish, the applicant is supposed to obtain NOC from MCZMA for the Mud Plant so as to obtain Consent to Operate from MPCB.

Authority noted that, as per the Rule No. 3. 2) (ii) a) of CRZ Notification, 19.02.1991 (amended time to time), 'exploration and extraction of oil and natural gas and all associated activities and facilities' are permissible in CRZ areas. Authority also noted that cost of the proposed activity is Rs. 4,33,95,000/- i.e. less than Rs. 5 crores. Hence, after deliberations, Authority decided to grant the permission for the installation and operation of Mud Plant from CRZ point of view subject to the condition that:

1. Mangroves will not be cut during the proposed activity.
2. The chemicals to be stored at the site should be as per the Annexure-III of CRZ Notification, 1991 (amended time to time) only.

Table Item No. 1: Regarding CRZ permission for proposed construction for commercial use on plot bearing CTS No. 194/A/9/11, Village Ghatkopar, Taluka Kurla

The matter was placed before the Authority. Authority noted that, the land under reference is situated in Residential Zone and the proposal is for the construction of new building of commercial use (comprising of Basement + Ground + 2 floors with proposed FSI of 1.20) on the CRZ-II affected vacant plot. Authority further noted that, as per the DCR, 1967, the land was not reserved for any purpose. Authority also noted that, as per the sanctioned and revised Development Plan of 1993, the land was previously affected by the reservation for proposed Vikhroli-Wadala Goods Railway; however, the reservation was deleted and included in Residential Zone in 1995.

Authority noted that the cost of the proposed project is Rs. 18.00 crores i.e. more than Rs. 5 crores. Authority, after deliberations, decided to recommend the case to MoEF subject to the conditions that:

1. Construction should be carried out strictly as per the DCR, 1967 and provisions of CRZ Notification, 1991 (amended time to time).
2. Urban Development Department should verify the applicability of rule 8(a) and 8(A) of DCR, 1967 for proposed activity in the zone, as the commercial use is proposed on the upper floors also.
3. FSI permissible will be strictly as per DCR, 1967 and Planning Authority should verify the same.



Table Item No. 2: Demarcation of plot bearing CTS No. 1053(Pt), 962(Pt), Village Juhu and Village Bandra, Gazdhar Bandh Road

The matter was placed before the Authority. Authority noted that Proponent through Urban Development Department requested permission for resurvey of their property through MoEF authorized agency. Authority also considered the view of NCZMA, New Delhi that only regional classification proposals shall be considered in future and no single or individual proposal for reclassification shall be considered. However, Authority, after prolonged discussion decided to allow the Project Proponent to carry out resurvey from any authorized agency approved by MoEF with following details:

1. Status of land as per CRZ Notification on 1991, 1994, 1998, 2002, 2004 and 2009 with the help of satellite images.
2. Resurvey of the area with reference to the HTL approved by Chief Hydrographer in CZMP of Mumbai.
3. Details of area if any in CRZ-I (i), CRZ-I (ii) and CRZ-II (seaward side) and CRZ-II (landward side) of authorized road prior to 1991.
4. Permissibility of the proposed activity from CRZ point of view.
5. Reason for change, if any, in set-back line as per approved CZMP with area quantification, details etc.

The Meeting ended with vote of thanks to all members.



**Chairperson,
MCZMA**

Annexure-I

List of the Members present for the 57th Meeting of MCZMA is as follows:

1. Mrs. Valsa R. Nair-Singh, Chairperson, MCZMA and The Secretary, Environment Department, Mantralaya, Mumbai
2. Dr. J. M. Phatak, Municipal Commissioner, MCGM, Mumbai
3. Dr. S. B. Chaphekar, Botanist, Mumbai
4. Dr. B. N. Patil, Member Secretary, MCZMA