

**Minutes of the 61<sup>st</sup> Meeting of Maharashtra Coastal Zone Management Authority (MCZMA) held under Chairmanship of Secretary (Environment) on 25<sup>th</sup> March 2010 at Mantralaya, Mumbai**

The list of members present in the meeting is enclosed as **Annexure-I**.

Principal Secretary, Industries Department, Mantralaya; Principal Secretary (Fisheries), Agriculture & ADF Department, Mantralaya; Additional Chief Secretary (Revenue), Mantralaya; Municipal Commissioner, Municipal Corporation of Greater Mumbai; President (Vanarai Pratishtan); 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 60<sup>th</sup> meeting of the Maharashtra Coastal Zone Management Authority held on 25<sup>th</sup> February 2010**

The minutes of the 60<sup>th</sup> meeting of the Maharashtra Coastal Zone Management Authority were confirmed by the Authority with the following changes:

Item No. 5: Following condition is added (on Page No. 8) in case of the recommendation of 'Pedder Road Viaduct': "MSRDC should install an air purifier system at strategic locations and identified junctions/ check points/ bottleneck to reduce the air pollution due to the vehicles".

After confirmation of minutes, Member Secretary (MCZMA) placed before the Authority the letter of Dr. Mohan Dharia, President (Vanarai Pratishtan), member of MCZMA. Member Secretary circulated copies of letter dated 23<sup>rd</sup> February 2010 received from Dr. Dharia to all members. Authority expressed that, as per the order of MoEF dated 07.11.2009, Authority has to conduct its meeting every month. Taking into account all workload of secretariat processing, Authority felt that time available with the Authority is very short and needs capacity building. For effective communication, Authority, as per the directions of MoEF, has adopted all measures such as communication through e-mails. Agenda and minutes are sent to all members through e-mail and the same is also notified on the website. Authority also noted that, sometimes for priority projects of Government such as infrastructure projects like Airport, Sea Link, Metro etc. meetings have been called on short notices. After deliberation, Authority decided to communicate Dr. Dharia all measures taken so far by the Authority to make the work speedy, transparent and web-enabled.

Authority also decided to inform all members requesting them to attend the meetings regularly. List of members who are not attending the meeting should be sent to Chief Secretary and MoEF with request to replace the members.

**Item No. 2:** Action taken on the decision taken in the 60<sup>th</sup> Meeting of Maharashtra Coastal Zone Management Authority (MCZMA) held on 25<sup>th</sup> February 2010  
Follow-up actions in respect of decisions taken in the previous meeting of the Authority were noted.

**Item No. 3:** Construction of proposed Coastal Road connecting Koparkhairane to Airoli Node, Navi Mumbai by CIDCO

Project proponent presented the case before the Authority. Authority noted following project details during the presentation:

1. Considering the development of transportation and so as to avoid the future traffic congestion in Navi Mumbai, CIDCO has proposed an alignment of 4.560 km to provide direct link between Koparkhairane to Airoli as well as link Navi Mumbai with Mumbai via existing Mulund-Airoli Bridge over Thane Creek.
2. This proposed connecting road would predominantly connect Ghansoli Node with Airoli. The width of the road is 34 m.
3. The proposed alignment comprises of 400 m embankment, 200 m bridge portion and again 400 m embankment i.e. 1000 m road passes through creeklet which is offshoot of Thane creek.
4. After the detailed study of the 3 alternatives proposed by CIDCO for the same link, one alternative was selected considering the feasibility of the project. This alternative is of 4560 m in length and 34 m wide. 1000 m of the alignment passes through a small bay along the Eastern shore of Thane creek. To shorten the distance, bridge of 200 m is proposed across Thane creek from Ghansoli Node to Airoli Node. Estimated cost of the project is around 32.50 crores. Area admeasuring 155040 sq. m. will be covered in proposed project.
5. For this alternative, the resettlement and rehabilitation of project-affected people is not required as the proposed alignment is away from the unplanned and thick existing settlement of Gothivali and Talavali Villages.
6. As per the submitted details, main features of the proposed alignment is as follows:



Particulars	Specification
Total length of the Palm: Beach Road:	21.15 km
a) CBD to Koparkhairane (completed):	13.08 km
b) Koparkhairane to Airoli (partly completed):	4.56 km
c) Airoli to Dighe (completed):	3.51 km
a) Koparkhairane to Ghansoli (completed):	2.42 km (landward)
b) Ghansoli to Airoli:	1.95 km
CRZ-I:	1.05 km (in creeklet)
CRZ-II:	0.9 km
c) Airoli to connecting junction (completed):	0.19 km (landward)
Length of the major bridge:	200 m
No. of culverts proposed:	Two (each 10 m wide)
Length of embankment (either sides):	400 m each
HTL of creek (maximum):	3.25 m RL
Abutment portion (both sides)	
a) Average road top level:	5 m RL
b) Existing GL:	0.4 to 2.9 m RL (Avg. 1.65 m)
Bridge portion:	
a) Road top level:	6.5 m RL
b) Soffit level:	4.45 m RL
c) Existing GL:	(-) 0.4 to 0.4 m RL (Avg. 0.0 m)

As per the submitted information, the entire alignment (except creek portion) traverses through flat terrain. Across the alignment, the land slopes gently towards the creek on the Western side along with few natural drainage lines crossing the proposed alignment.

7. As per the submitted application, as the project corridor covers approximately 3.4 Ha of creek area including bridge of 200 m, there will be small and localized impact on the marine environment.
8. The land under reference consists of sparse mangrove vegetation and shrubs along the road stretch and transitional ecosystem between land and sea. There will be destruction of the mangroves to some extent along the stretch of 800 m.
9. As per the submitted information, the details regarding mangroves are as follows:

Total area covering mangroves:	0.28 Ha
Total area covering mangroves associated species:	2.41 Ha
Total area for compensatory plantation:	4.03 Ha



Details of mangroves to be cut for the proposed project are as follows:

Species	Total No. of individuals/ Ha	Total area covered (in Ha)	Total No. of individuals to be cut
<i>Aegiceras corniculatum</i>	100	0.28	28
<i>Avicennia marina</i>	1020		286
<i>Sonneratia alba</i>	120		34
<i>Soneratia apetala</i>	100		28
<i>Bruguiera sp.</i>	60		17
<i>Rhizophora mucronata</i>	80		22
<i>Derris pentaphyla</i>	60		17
<i>Acanthus ilicifolius</i>	16180	2.41	38994

10. As per the submitted information, during construction of the bridge and road along the East side of the Thane creek, the total area under developmental activity, are 3.46 Ha. For this activity, the mangrove swamps on and along the road will be reclaimed.
11. As per the submitted application, cost of the proposed project is Rs. 50.00 crores. As per the submitted information, estimated cost of the proposed extension road is Rs. 66.49 crores with contingencies and Rs. 63.33 crores without contingencies. Estimated cost for the mangroves plantation is Rs. 20.00 Lakhs.
12. As per the Hon. High Court Order given in case of W. P. No. 3246/ 2004 and 87/ 2006, cutting of mangroves is not allowed as well as 50 m buffer zone as No Development Zone (NDZ) should be kept for mangroves protection. CIDCO has filed Notice of Motion in Hon. High Court in this regard for its important projects including the proposed project. Hon. High Court, vide order dated 28.07.2008, has given permission for the development of proposed road subject to the condition that CIDCO should obtain prior permission of MoEF in this regard.
13. Accordingly CIDCO submitted this proposal to MoEF. However, MoEF vide letter dated 20.08.2009 has conveyed CIDCO to first obtain recommendations of MCZMA in this regard.

14. As per the Court Order, infrastructures involving cutting of mangroves are classified as Category-5 projects. As per the categorization, proposed project falls in Category-5 (15) (28).
15. As per the Hon. High Court Order dated 27.01.2010, no non-forest activity will be allowed on mangroves and will need permission of Forest Department and Court. After deliberations, Authority noted that:
  1. As per the CRZ Notification, 1991 (amended time to time), construction of roads is permissible activity in CRZ-II area, however, not permissible in CRZ-I area. Construction of bridge is permissible in CRZ-II and CRZ-I (ii) area, however, not permissible in CRZ-I (i) area.
  2. CIDCO should ensure that the proposed work is as per the terms and conditions given in the High Court Order dated 28.07.2008 given in the NMW 538 of 2006 and it should also brought to the notice of Hon. High Court as required, prior to the commencement of the work.
  3. CIDCO should ensure that there is no violation of provisions of CRZ Notification, 1991 (amended from time to time) and conditions mentioned in the order given in case of Writ Petition No. 3246/ 2004 and 87/ 2006 at the time of proposed construction. CIDCO should also obtain permission for non-forest activity if mangroves are going to be cut for proposed activity from appropriate authority as per Hon. High Court Order dated 27.01.2010.
  4. It should also be ensured that there is no change in the topography of the land under reference due to the proposed construction, and there is no change in the alignment/ plan of the proposed project.
  5. The proposed construction should be as per the Order of Hon. High Court of Mumbai and should not cut any mangroves.
  6. It should be ensured that tidal free flow should not be obstructed. CIDCO should provide sufficient number of culverts to ensure the same.
  7. Authority discussed about the various technical details with respect to the proposed project. Authority also expressed the concern regarding the future obstruction to the tidal flow and accordingly its adverse effect on the mangroves vegetation. In this regard, the project proponent explained about the technical & hydraulic details and calculations carried out with respect to the longitudinal & cross section of the proposed road and bridge. He also mentioned that, CIDCO would submit the detailed report of IIT, Powai regarding the hydraulic adequacy design so as to avoid the obstruction to the tidal flow in the proposed project.





Authority, after deliberations, decided to consider this matter after submission of the detailed report from CIDCO on hydraulic adequacy design and relevant calculations so as to avoid the obstruction to the tidal flow and recommendations of IIT, Powai accordingly.

**Item No. 4: Redevelopment and beautification of Chaitya Bhumi at Dadar (West) in Mumbai City**

Chief Engineer of MCGM presented the matter before the Authority. Authority noted that, as per its directions in 58<sup>th</sup> meeting, Chief Engineer, MCGM has submitted modified plans. The phase-wise activities proposed now in CRZ area are listed below:

Phase	Activities proposed in CRZ area
I	<ol style="list-style-type: none"><li>1. Reconstruction of existing SW Drain with walkway over it in CRZ-I</li><li>2. Placing of boulders along the already repaired/ reconstructed retaining wall in CRZ-I</li><li>3. Placing of boulders along the existing retaining wall and the proposed reconstruction of SWD outlet in CRZ-I</li></ol>
II	<ol style="list-style-type: none"><li>1. Construction of proposed Torna of 25.3 m height and Ashok Stambha having clear open space of less than 10 m from HTL in CRZ-II</li><li>2. Reconstruction of existing Stupa of size 21.5 m X 21.5 m X 19.5 m (height) extending on the seaward side of existing structure and with less than 10 m from the HTL in CRZ-II</li><li>3. Two water fountains proposed on the seaward side of existing structure with less open spaces in CRZ-II</li><li>4. Construction of circular meditation pavilion on the seaward side of existing structure with clear open space of 1.5 m from HTL in CRZ-II</li><li>5. Shifting of existing gate to Chaityabhumi on the seaward side of existing structure towards West in CRZ-II</li></ol>
III	<ol style="list-style-type: none"><li>1. Construction of retaining wall in CRZ-I along the boundary (including placing of boulders for protection) of additional land handed over to Corporation by the Collector of Mumbai</li><li>2. Landscaping in newly added portion by filling up the low lying land falling in CRZ-I</li><li>3. Construction of Torna and Ashok Stambha along Suryavanshi Sabhagriha Road</li></ol>



Authority also noted that as per CRZ Notification, 1991 (Amended time to time) no Construction is allowed in CRZ-I (i) and CRZ-I (ii) area except bridges in CRZ-I (ii) area. Cost of the project is around Rs. 37 Crores.

Authority also noted that, on auspicious days, Chaitya Bhumi gets overcrowded due to large number of floating population and at present only one way is available for entry and exit.

After deliberation, Authority suggested that, cantilever bridge along the existing sea wall can only be allowed in CRZ-I area without disturbing tidal flow and the beach, since only bridges are allowed in CRZ-I (ii) area.

Authority also noted that, activities, which are proposed in CRZ-II area, can be undertaken since they are on the landward side of the existing authorized sea wall/ protection wall, existing prior to 19.02.1991. MoEF vide its letter dated 20<sup>th</sup> May 2005 has accorded CRZ clearance to Phase-II & Phase-III of the project at the said site. Authority also noted that there is Court Order dated 28.10.2005 in the said matter (W.P. 454/ 1997).

Authority also decided to allow the erosion control measures to protect the dilapidated sea wall/ protection wall which is authorized and in existence prior to 1991. However Authority decided not to allow landscaping in CRZ-I area.

Authority after discussion decided to recommend the project to MoEF subject to the following conditions:

1. The construction shall be carried out as per the norms laid down in the CRZ Notification, 1991 as amended from time to time and the approved CZMP of Maharashtra.
2. Public toilets shall be located at proper locations and they should be connected to sewer lines.
3. Appropriate safety measures should be provided to avoid accidents. The cantilever must have adequate height to avoid any untoward incidents and it should be of such design as to enhance the aesthetic value.
4. It shall be ensured that no commercial activity shall be undertaken in the project area.
5. Green belt development shall be taken up all around the boundary at sea front of the project area.
6. No fresh acquisition of the land shall be undertaken.
7. All development should as per existing town and country planning norms.



8. It shall be ensured that due to the project, there is no adverse impact on the drainage of the area and recharge of ground water.
9. No landscaping and filling allowed in CRZ-I area.
10. Municipal Corporation Greater Mumbai has to strictly obey the order dated 28.10.2005 of Hon. High Court, given in the case of W.P. No. 454 of 1997 in the said matter and obtain permission of the court before commencement of the proposed work.

**Item No. 5:** Regarding CRZ permission for regularization of construction on plot bearing CTS No. 1066, Village Pahadi Goregaon, Goregaon (West)

The matter was placed before the Authority. Project proponents and officials of MCGM were present in the meeting. MCGM officials presented the case and mentioned that, the existing structure is situated towards landward side of existing 27.45 m wide D.P. Road. Authority also noted that, as per the letter dated 07.01.2010 issued by Chief Engineer (DP), MCGM, mangroves are present at a distance of 100 to 200 m from the plot under reference and in the letter, it is mentioned that, these remarks are as per the letter dated 16.12.2009 issued by Chief Forest Conservator, Thane.

Authority noted that, as per the directions of Authority in its 60<sup>th</sup> meeting, the project proponent has submitted the required details i.e. tikka sheet, D.P. remarks, location plan, CZMP, NA Assessment documents, photographs of existing structure etc.

After deliberations, Authority decided to grant permission only for the regularization of the existing structure without any expansion/ alteration/ reconstruction/ construction.

**Item No. 6:** Regarding environmental clearance of Proposed Alteration, Demolition and Reconstruction of existing Church of Our Lady of the Sea Church on plot bearing C.T.S. No. 673 of Village Madh at Malad-Madh Road, Malad (West) in P/North Ward

The matter was placed before the Authority. Authority noted that, as per the CZMP of Mumbai (approved by MoEF on 19.01.2000) the area is in CRZ-III and on the landward side of the existing road and landward side of 27.45 m D.P. Road shown in development plan and between HTL and 200 m of the setback line and as per the D.P. Remarks, the plot under reference is affected by CRZ-III and No Development Zone and as per Development Plan it is in Residential Zone. Authority also noted that, it is proposed to retain the prayer hall of existing Church with proposed balcony and





demolition and reconstruction of existing structure of Church proposing Ground + 1<sup>st</sup> + 2<sup>nd</sup> (Pt.) upper floors building for additional prayer hall on ground floor and father's room, guest room on 1<sup>st</sup> floor and 2<sup>nd</sup> (Pt.) floor. Authority also noted that, total cost of the proposed project is Rs. 1,81,56,780/-. Authority also noted that, repairs are allowed in CRZ-III NDZ area.

Authority noted that, as per the CRZ Notification 1991, demolition & reconstruction of public place needs clearance of MoEF, New Delhi. Hence, after deliberations, Authority decided to recommend the case to MoEF subject to the following conditions:

1. The proposed development should be carried out strictly as per the Development Control Rules, 1967, provisions of CRZ Notification, 19.02.1991 (Amended time to time) and guidelines/ clarifications given by MoEF vide letters dated 08.09.1998 and 18.08.2006.
2. The construction should be within the permissible limits of height and FSI, as per the provisions of CRZ Notification for CRZ-III areas.
3. The Planning Authority should ascertain the status of 27.45 m wide D.P. Road (whether it is approved CZMP road/ approved DP road on 19.02.1991).

**Item No. 7:** Regarding development on land bearing S. No. 161, Plot No. 3, Layout No. 6, Versova reserved for Garden as per approved Development Plan

The matter was placed before the Authority. Authority noted that, as per the CZMP of Mumbai (approved by MoEF on 19.01.2000), the land under reference falls in CRZ-II and is situated on the landward side of the existing road. Authority also noted that, the part portion of Garden reservation on the land under reference is relocated by MCGM to another place within S. No. 161 layout in CRZ-I area, in the year 1993, as per the provisions of Development Control Rules, 1991. Authority noted that, the land under reference forms a part of S. No. 161 Versova sub-layout No. 6 and from the approved plan and condition that layout No. 6 is comprising of Plot Nos. 1, 2, 3 & 4 and Garden reservation, 20% RG plot. Authority also noted that, the Collector (Mumbai Suburban District) has allotted Plot Nos. 1, 2 & 4 for various housing societies and development was carried out on site.

Authority noted that, as per the Hon. High Court Order in case of W.P. No. 2028/09, Plot No. 3 was not available for allotment. However, as per the letter of the District Collector, Mumbai Suburbs (dated 14.12.2005), this plot is now available for allotment, as per the decision given in case of W.P. No. 2028/09.



Authority further noted that, as per the letter of Chief Engineer (DP) dated 4<sup>th</sup> March 2008, CRZ-I & II classification was carried out in the year 1997-98 and CZMP for Mumbai was approved by MoEF in the year 2000. However, the relocation of Garden reservation was approved in the year 1993 as per the request from the Collector (Mumbai Suburban District). Thus, the relocation was done much earlier than the CRZ-I & II carried out and CZMP approved by MoEF for Greater Mumbai. Authority also noted the opinion of Urban Development Department that Garden Reservation shifted in CRZ-I area cannot be considered for construction.

After deliberations, Authority directed MCGM to submit the additional details of the relocation of the Garden reservation and the permissions for development, which were given on abutting plots to MCZMA as well as Planning Authority. Authority decided to take final decision subject to the remarks of Planning Authority and matter referred to Urban Development Department with a view to send clearcut proposal with justification.

**Item No. 8:** Regarding proposed redevelopment of the property bearing CS No. 1552 of Girgaum Division situated at Harishchandra Goregaonkar Road, Gamdevi, Mumbai – Survey of the area from CRZ point of view

The matter was placed before the Authority. Authority noted that, the project proponent had earlier submitted the application for the redevelopment of the said property on the plot under reference. Authority also noted that, as per the letter submitted by the project proponent, the approved CZMP is available to the scale of 1:25000 and MCGM has surveyed and transferred the provisions in Development Plan of "D" Ward to the scale of 1:5000.

Authority noted that, with a view to know the exact status of the site under reference, the project proponent has requested the Authority to issue recommendation for survey of the property from one of the MoEF approved agencies with regards to know the exact status of their land from CRZ point of view. After deliberations, Authority decided to grant permission for the survey of the area from CRZ point of view subject to following conditions:

1. Project proponent should carry out the survey of the site under reference from any of the MoEF approved agencies, so as to know the exact status of the land from CRZ point of view with reference to approved CZMP.
2. In case of the survey, HTL should not be changed as shown in the approved CZMP, which is in the scale of 1:25000.



3. Permission cannot be given for the resurvey of individual plot. If the request is for the resurvey, then the project proponent should carry out the resurvey of the entire region from any of the MoEF authorized agencies.

**Item No. 9:** Activities in CRZ area related to 1050 MW thermal power of M/s. Finolex Infrastructure Ltd., Village Ranpar, Taluka & District Ratnagiri

Project proponent presented the case before the Authority. As per the presentation, the proposal is to install a thermal power plant of 1050 MW capacity adjacent to existing PVC Complex of M/s. Finolex Industries Ltd., captive power plant and captive port near Village Ranpar-Golap, Taluka & District Ratnagiri. He also mentioned that some of the supporting facilities for this thermal power plant are proposed to install in CRZ-I and CRZ-III area (within 200-500 m from HTL), in the North of Pawas Bay and explained the details of the same. Authority noted that, recommendations are required for the following facilities:

- Bulk jetty 550 M long for unloading of 4 million tonnes of coal and loading of 0.4 million tonnes of ash
- Dredging to the extent of 2.5 million cum of mainly silty land
- Desalination plant near the sea shore in Arabian Sea to meet the soft water requirement
- Sea water intake system for 8000 m<sup>3</sup>/hr for condenser cooling in power plant and for desalination plant
- Outfall arrangement for return sea water in Arabian Sea
- Coal conveyer and storage yard
- Fly ash silos capacity 30000 ton

Authority also noted that, from the proposed 1050 MW power plant, the company estimates a fly ash production of 1010 TPD and prefers sea transport for both export and movement to other states. For this purpose, the company proposes to construct the fly ash silo in CRZ area and install conveying system in closed pipelines (by pneumatic transfer to avoid any opening transfer of fly ash) for transfer of fly ash from power plant to the silo and from silo to the ships. The company may be permitted to carry out the above fly ash storage installation and conveyers in the CRZ area. However, as per the CRZ guidelines, no open ash dumping pond shall be located in CRZ area.

Authority noted that, the project proponent has already made an application for Environmental Clearance to MoEF and ToR for conducting EIA has been prescribed by MoEF. Authority also noted that, the project cost for the installation of the above facilities



is estimated as Rs. 500 crores, which included in the main project cost and as the investment cost is more than Rs. 5 crores, permission of MoEF will be required for the proposed project. Authority noted that, the site of thermal power plant is away from the CRZ area.

Authority noted that, as per the CRZ Notification, 1991 (amended time to time), in case of thermal power plants, only foreshore facilities for transport of raw materials facilities for intake of cooling water and outfall for discharge of treated waste water/cooling water are the activities that can be regulated in CRZ area and require clearance from MoEF. Thermal power plant, if located in CRZ area, is prohibited activity and dredging is also prohibited in CRZ area. Hence, after deliberations, Authority decided to recommend the case to MoEF.

**Item No. 10:** Regarding environmental clearance of Proposed Development on plot bearing C.T.S. No. 1/1505 (Pt.) of Mahim Division, Mahim Macchimar layout in G/North Ward

The matter was placed before the Authority. Authority noted that, the Vice President and CEO, MHADA has requested to Urban Development Department to consider the request of "Mahim Macchimar Vividh Karyakari Sahakari Society Ltd." to allow them to develop the above stated plot under reservation as per Reg. 9, Table IV of DCR, 1991 under concept of Accommodation Reservation by reducing the percentage of Cold Storage area to 15% of Zonal FSI. Authority also noted that, under the revised Development Plan of G/North Ward sanctioned by the State Government, the land under reference is entirely reserved for the public purpose of "Cold Storage" and for the widening, if any, of existing road. Authority noted that, as per Development Control Rules, 1967, the land is situated in Residential Zone and reserved for housing. The land under reference falls in the layout of Fisherman Colony prepared by MHADA.

Authority also discussed on the statement of the Vice President and CEO, MHADA that, 15% of permissible built up area i.e. 185.00 m is sufficient to cope up the present requirement of cold storage in the vicinity. Authority also noted that, since the land under reference falls in CRZ the Zonal FSI prior to 1991 has been fridged, which is 1.66 as per Sub Regulation 10(R-7) of DCR, 1967.

Authority noted that, M.S. Swaminathan report on Coastal Management Zone indicates that essential things for sustainable livelihood of fisherman. Authority also noted that, Cold Storage for storing fish in local Koliwadas is allowed in DCR, 1991, however, DCR, 1967 is silent on the issue.





After deliberations, Authority decided to take opinion of the Agriculture, Dairy and Fisheries Department regarding the matter before taking final decision by MCZMA.

**Item No. 11:** Regarding CRZ clearance of Proposed Construction of Welfare Centre and residential building on property bearing S. No. 41 (Pt.) and C.T.S. No. 1/38/3A/2 of Village Oshiwara, Off. J.P. Road, Andheri (West) for Shree Swami Samarth Prasanna Co. Op. Hsg. Soc. Ltd.

The matter was placed before the Authority. Authority noted that, the land under reference is in CRZ-II and situated on landward side of existing North-South Road and as per the survey report of land surveyor plot under reference of proposed work is 50 m away from mangroves. Authority also noted that, as per the Zoning remarks the plot under reference is situated in Residential Zone (R) and forms a part of an approved layout and the plot under reference is also affected by reservation of Amenity of Welfare Centre.

Authority noted that, the proposal is for residential building comprising of stilt for car parking + 1<sup>st</sup> floor for podium parking + 2<sup>nd</sup> to 12<sup>th</sup> upper floors for residential use and welfare centre comprising of stilt for car parking + 1<sup>st</sup> floor podium parking + 2<sup>nd</sup> to 5<sup>th</sup> upper floors. Authority also noted that, as explained by MCGM representative, as per DCR, 1967, use of Community Hall/ Welfare Centre is permissible in Residential Zone. Authority also noted that, the total cost of the proposed project is Rs. 4,78,00,876.10/- i.e. less than Rs. 5 crores.

After deliberation, Authority decided to clear the proposal from the CRZ point of view subject to the following conditions:

1. The proposed development should be carried out strictly as per the Development Control Rules, 1967, provisions of CRZ Notification, 19.02.1991 (Amended time to time) and guidelines/ clarifications given by MoEF time to time.
2. The proposed construction on plot under reference should be as per the approved layout as on 19.02.1991.
3. Buffer zone of 50 m shall be strictly maintained for the proposed construction and the same should be verified by the Planning Authority.
4. Any kind of waste generated due to the proposed activity should not be dumped in CRZ area as well as in mangroves and mangroves buffer zone. The generated waste should be properly disposed off and the details of the same should be submitted to the Authority before the commencement of the work.





5. Planning Authority to ensure that proposed site is on the landward side of existing CZMP road and 50 m buffer zone is maintained from mangroves.

**Item No. 12:** Regarding erection of Advertisement Site using barge in water at Mahim Bay near Bandra-Worli Sea Link area

The matter was placed before the Authority. Authority noted that, the project proponent has proposed to erect Advertisement board on floating barge in the water at Mahim Bay near Bandra-Worli Sea Link area for advertising various brands and the project proponent has already acquired permission from Maharashtra Maritime Board vide letter dated 30<sup>th</sup> January 2010 for the same.

Authority noted that, CRZ Notification, 1991 is applicable only for the coastal area between LTL to HTL and upto 500 m from the HTL and the notification is silent about the permissibility of any activity to be carried out in water. Hence Authority felt that, Planning Authorities may consider for giving permission for proposed activity as per the prevailing norms.

**Item No. 13:** Proposal for construction of "Holiday Resort" at Gut No. 79/4, Village Aadi, Tal. Murud and Gut No. 375, village Nandgaon, Tal-Murud, Raigad

**Item No. 14:** Proposal for construction of "Holiday Resort" at Gut No. 43/1, Village Kolmandale, Tal. Murud

**Item No. 15:** Proposal for construction of "Holiday Resort" at Gut No. 58, Village Korlai, Tal. Murud, Raigad

The matters (Item No. 13, 14 & 15) were placed before the Authority. Authority noted that, all the 3 proposals attract EIA Notification dated 14.09.2006, since the total area is more than 20,000 sq. m. Hence, Authority decided to consider these matters subject to submission of the information in Form-I and IA, along with the layout plan superimposed on CZMP, to the Authority.

**Item No. 16:** Regarding environmental clearance of Proposed Model College Building at R. A. Potdar Hospital Compound, Worli, Mumbai

The matter was placed before the Authority. Authority noted that, the plot under reference falls in CRZ and is abutting existing Dr. Annie Besant Road and the same is situated in Part II zone as per D.P. remarks. Authority also noted that, the proposal is for Model College Building with Basement (for parking) + Ground & First Floor (for Auditorium) + 2<sup>nd</sup> to 10<sup>th</sup> floor (for Educational and residential purpose) on plot bearing



CS No. 1635 of Lower Parel Division and the height of the proposed building is 41.83 m. Authority also noted that, the total cost of the proposed project is Rs. 20,90,36,442/-, which is more than Rs. 5 crores.

Authority noted that, as the Potdar Hospital & Ayurvedic College Complex situated on the plot under reference has been included in the list for Buildings/ Conservation areas in respect of preservation of Historical Monumental Precincts at Sr. No. 552 for conservation purpose, hence clearance from Mumbai Heritage Conservation Committee would be necessary.

Authority noted that, being an ancillary activity, the construction of proposed Model College along residential accommodation for visiting facility may be permitted with sanction of Competent Authority subject to clearance from CRZ point of view & Heritage Committee and as per the DCR, 1967, permissible FSI is 1.33 & proposed FSI is 0.97.

Authority also noted that, since total built-up area is more than 20,000 sq. m. proposal also attracts EIA Notification dated 14.09.2006 and needs to furnish information in Form-I and IA to the Authority.

As the cost of the proposed project is more than Rs. 5 crores, Authority decided to recommend the case to MoEF for further necessary action and to direct the project proponent to submit Form-I & IA to the Authority.

**Item No. 17:** Regarding the sand mining activities at Bankot Creek, Raigad, (Violation of CRZ Notification 1991)

**Item No. 18:** Complaints regarding mangroves destruction & violating CRZ Notification

The matters were placed before the Authority. Representatives of the invited District Collectors attended the meeting. All members expressed their serious concern towards the problem and accepted the inconvenience of the District Collectors to take cognizance for the violations in view of lack of infrastructure and dedicated manpower for this task. The members felt the requirement of dedicated staff for monitoring and identification of violations and to take initiatives and proper action to avoid the same. Hence, members agreed to form District Level Coastal Monitoring Committees (DLCMC) to monitor the violations of CRZ provisions and mangroves destruction.

Authority noted that, the formation of squads with respect to protection, conservation and rejuvenation of mangroves is under process and the policy for the same will be finalized in due course.

Authority also discussed that; DLCMC will be chaired by the District Collector. The other members will be as follows:



1. Deputy Director/ Assistant Director, Town Planning of the District
2. District Forest Officer
3. Superintendent of Police/ Deputy Superintendent of Police or DCP of the area concerned
4. Tehsildar of coastal talukās
5. Municipal Commissioner of coastal Municipal Corporations or his representative
6. Two NGO from the District working in coastal conservation and protection (to be appointed by the Collector)
7. Chief Officer of Municipal Council
8. Representative of local fishermen community/ society from the District (to be nominated by Collector)
9. Head, Home Guards of concerned District
10. Members of Legislative Assembly from the coastal area
11. Regional Officer/ Sub-Regional Officer, Maharashtra Pollution Control Board
12. Representative of media (to be nominated by Collector)
13. Expert from District (to be nominated by Collector)
14. Additional Divisional Commissioner, Konkan Division, Konkan
15. Resident Deputy Collector as Member Secretary

Scope of this committee will be to monitor violations of CRZ Notification, take legal action, remove encroachments in coastal area, take measures to protect mangroves and coastal ecosystem. District Collector will take review of the DLCMC every month and along with DPC meetings. Compiled report of the same should be sent to Revenue and Forest Department and Environment Department. MCZMA will take review of the action taken by DLCMC in its monthly meeting. District Collectors will constitute such committees in concerned Districts immediately. Collector will utilize all powers given to him under Environment (Protection) Act, 1986 to take legal action.

In view of large number of complaints of mangroves cutting and unauthorized constructions, Authority also decided to issue notice under Section-5 of Environment (Protection) Act, 1986 to all concerned Collector to take action on persons involved in mangroves cutting and to remove unauthorized constructions/ activities from CRZ area.



**Item No. 19:** Deletion of property bearing CTS No. 657-D of Village Kanjur, 'S' Ward, Kanjur Marg (East), Mumbai from M/s. Particle Board (India) Ltd. and adjoining plot bearing CTS No. 657-C in the same area

The matter was placed before the Authority. Authority noted the minutes of 18<sup>th</sup> meeting of NCZMA held on 15<sup>th</sup> September 2009, action taken by MCZMA and the reply submitted accordingly by Chief Engineer (Development Plan), MCGM vide letter dated 20<sup>th</sup> March 2010. Authority noted some of the following points as per the reply given by Chief Engineer (Development Plan), MCGM:

- There are two major nallas in the vicinity of the plot under reference known as Jolly Board Nalla and Crompton Kanjur Nalla. Both these nallas have been regulated/ trained through the masonry walls by Corporation.
- It has been observed on site that there is 18.30 m wide DP road is developed to its fullest width on site.
- The Executive Engineer (Storm Water Drains) Planning Cell (ES) has offered SWD remarks regarding adjoining plot bearing CTS No. 657-C with respect to the existing nalla and their widening under BRIMSTOWAD Project. As per the SWD remarks, the adjoining plot bearing CTS No. 657-C is not affected by any major nalla as shown in nalla system survey plan of catchment No. 306 of BRIMSTOWAD consultant report in the vicinity.
- Consultants for the project have submitted the report from: NIO, Goa along with physical demarcation of HTL and delineation of CRZ boundary along and across the plot under reference. From the plans prepared by NIO, it can be seen that the existing nallas are not affecting the plot under reference bearing CTS No. 657-D and 657-C. From the same plan it can also be seen that the plot under reference falls beyond 10 m setback line from HTL.
- As per the remarks with respect to BRIMSTOWAD survey report plan, the position of nalla shown on the survey plan of BRIMSTOWAD may be the location of nalla on 19.02.1991.

Authority noted that, as per the Directions of MoEF in its 18<sup>th</sup> NCZMA meeting the individual proposals for reclassification/ demarcation would not be considered, hence only comprehensive proposal for the entire area would be sent to MoEF. Official of MCGM explained that, the only two plots i.e. 657-D & 657-C included in the plan were affected by CRZ in the entire region. Authority also noted that, MCZMA visited the site earlier and there is no court case in the matter. Authority, after deliberations, decided to recommend the same to MoEF for further necessary action.





**Item No. 20:** Proposal to declare the land plot bearing S.No. 18/(353)/2 pt., 10 (346)/ 2 pt, CTS No. 1548 pt, 1539 pt Village Bhayandar, Dist. Thane as CRZ-II, for Proposed redevelopment of existing buildings i.e. "Alpesh & Kapol" Niwas

The matter was placed before the Authority. Authority noted that, as per the approved CZMP of the area the land under reference i.e. plot bearing S. No. 18(Old), 353 (New)/2 pt., 10 (Old), 346 (New)/ 2 pt, CTS No. 1548 (pt), 1539 (pt), Village Bhayandar, Dist. Thane falls under CRZ-III, 150 m area and situated at the landward side of the existing 18.0 m D.P. road. Authority also noted that, as per the remarks of Mira-Bhayandar Municipal Corporation, area of "Alpesh" building (Ground + 4 floors) was 1285 sq. m. Authority also noted that, as per the assessment bills the area of the "Kapol" building is 367.50 sq. m. and hence the FSI was 1.00. Official of the Urban Development Department mentioned that both these structures are already demolished as they were in very dilapidated condition and very risky to live.

Authority noted that, as per the remarks of Mira-Bhayandar Municipal Corporation, the permission was given to the building Alpesh & Kapol Niwas by the Grampanchayat on 30.01.1974. Authority also noted that, the assessment documents for the "Alpesh" building is available from 1981-82 and assessment documents for "Kapol" building is available from 1979-80; hence both the buildings are constructed prior to 1991.

Authority noted that, As per the Approved CZMP the land under reference falls under CRZ-III area in the 150 m boundary from HTL, and as per the CRZ Notification, 1991 (Amended time to time) for CRZ-III area: "(i) The area upto 200 meters from the High Tide Line is to be earmarked as 'No Development Zone' provided that such area does not fall within any notified port limits or any notified Special Economic Zone (amended on 21<sup>st</sup> May 2002). No construction shall be permitted within this zone except for repairs of existing authorized structures not exceeding existing FSI, existing plinth area and existing density, and for permissible activities under the notification including facilities essential for such activities".

Authority also noted that, as per the Directions of MoEF in its 18<sup>th</sup> NCZMA meeting the individual proposals for reclassification/ demarcation would not be considered, hence only comprehensive proposal for the entire area would be sent to MoEF. However, considering the existing conditions and problems of residents of the buildings, Authority decided to grant permission only for the redevelopment of said





Alpesh & Kapol buildings as per the sub-rule (iii) & (iv) of CRZ Notification, 1991 (amended time to time) for CRZ-III areas, subject to the following conditions:

1. The proposed development should be carried out strictly as per the Development Control Rules, 1967, provisions of CRZ Notification, 19.02.1991 (Amended time to time) and guidelines/ clarifications given by MoEF time to time.
2. Any kind of waste generated due to the proposed activity should not be dumped in CRZ area. The generated waste should be properly disposed off and the details of the same should be submitted to the Authority before the commencement of the work.
3. The construction should be strictly up to existing plinth area and up to FSI permissible as per the DCR, 1967 prevailing on 19.02.1991.

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

  
Chairperson,  
MCZMA

**Annexure-I**

**List of the members present for the 60<sup>th</sup> meeting of MCZMA is as follows:**

1. Mrs. Valsa R. Nair-Singh, Chairperson, MCZMA and Secretary, Environment Department, Mantralaya, Mumbai
2. Mr. T. C. Benjamin, Principal Secretary, Urban Development Department, Mantralaya, Mumbai
3. Dr. S. B. Chaphekar, Botanist, Mumbai
4. Dr. (Ms.) Latha Shenoy (Senior Scientist), Director-In-Charge, Central Institute of Fisheries Education, Mumbai
5. Dr. B. N. Patil, Member Secretary, MCZMA