

Minutes of the 67th Meeting of Maharashtra Coastal Zone Management Authority (MCZMA)
held under Chairmanship of Secretary (Environment) on
22nd December 2010 at Mantralaya, Mumbai

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

Principal Secretary, Industries Department, Mantralaya, Mumbai; Additional Chief Secretary (Revenue), Mantralaya, Mumbai; Secretary (Fisheries), Agriculture & ADF Department, Mantralaya, Mumbai; Municipal Commissioner, Municipal Corporation of Greater Mumbai; Director, Central Institute of Fisheries Education, Mumbai; President (Vanaraj Pratishthan); Dr. (Mrs.) Leela J. Bhosale (Botanist) and Dr. S. K. Gupta, Centre for Environmental Science & Engineering, IIT Bombay, Powai, Mumbai could not attend the meeting. Meeting was adjourned for 30 minutes for want of quorum.

Item-1: Minutes of the 66th Meeting of Maharashtra Coastal Zone Management Authority (MCZMA) held under Chairmanship of Secretary (Environment) on 3rd November 2010 at Mantralaya, Mumbai

The minutes of 66th meeting of the Maharashtra Coastal Zone Management Authority were confirmed by the members of the Authority present in the meeting without any change.

Item-2: Action taken on the decision taken in the 66th meeting of Maharashtra Coastal Zone Management Authority

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

Item-3: Navi Mumbai International Airport- Environmental and CRZ clearance for offsite Physical Infrastructure

The matter was placed before the Authority. The representative of CIDCO presented the project details before the Authority. Authority noted that MoEF has granted clearance only for the Airport area of 1160 Ha. vide condition No. (xxxii) of the clearance dated 22nd November, 2010 which is cited as follows:

"(xxxii) The Environmental Clearance/ CRZ Clearance is recommended below is only for the Navi Mumbai Airport project. CIDCO shall obtain the Environmental and CRZ clearance separately for off airport facilities and other off infrastructure projects after finalizing the locations and details as may be required under the EIA Notification 2006 and the CRZ Notification"

Therefore CIDCO has now applied for the permission from CRZ point of view for the NMIA related Offsite Physical Infrastructure. Authority noted the proposal details regarding the Offsite Physical Infrastructure along with the plan submitted by CIDCO vide letter dated 9th December, 2010, which are as follows.



| Sr. No. | Subject | Description | Land Details with respect to CZMP prepared by Anna University | Total cost of the project |
|---------|--|--|---|---------------------------|
| (a) | Arterial Road (A-B as per submitted plan) | <p>This road starts at junction with Aamra Marg running on Northern boundary of the Airport and finally connecting to NH4B with a cloverleaf junction having a length of 7 km. This road would provide the accessibility to aeronautical activities viz. General aviation, Defense Enclave, Low Cost Carriers (LCC) Terminal, Dedicated Cargo Terminal, MRO and support facilities located on North side of the Northern runway. The road would also provide connectivity between two access roads to Airport as well as operate as arterial road for smooth flow of traffic between Western and Eastern part of the city.</p> <p>The road has right of way (RoW) of 60 m with 6 lane divided carriageway having roadway width of 30 m with wide central verge of 15 m to accommodate Metro in future.</p> | The road traverses mainly over CRZ-I, CRZ-II and mangroves area of about 8.13 Ha. | Rs. 120.00 crores |
| (b) | Approach Road from Khandeshwar Railway Station (C-D as per submitted plan) | <p>This road having length of 1 km is essential to provide connectivity to Airport from existing commuter rail line of Mankhurd-Belapur-Panvel for conveyance of Airport employees, air-passengers and others. The road commences from forecourt area of Khandeshwar Railway Station, crosses the Gadhi River by bridge and connects the Airport road at the boundary of the Airport. The right of way of this road is 60 m and having dual carriageway of 3</p> | The road will run through CRZ-I, CRZ-II area and mangroves area of about 1.27 Ha. | Rs. 10.00 crores |



| Sr. No. | Subject | Description | Land Details with respect to CZMP prepared by Anna University | Total cost of the project |
|---------|--|---|--|---------------------------|
| | | lanes each with central verge of 5 m and footpath of 4 m on either side. | | |
| (c) | Interchange (West): (E as per submitted plan) | The partial cloverleaf interchange with two arms has been planned with Aamra Marg and access road to Airport to provide conflict-free traffic movement. The access road fly over the Aamra Marg and with a provision of two loops gives conflict-free right turns from both the roads. The main road is planned with 8 lanes divided carriageway and loops and ramps are having three lanes. The interchange occupies an area of 7.5 Ha. | The Interchange falls in CRZ-I, CRZ-II area and mangroves area of about 0.95 Ha. | Rs. 140.00 crores |
| (d) | Interchange (East): (B as per submitted plan) | The interchange is planned to provide direct and conflict-free accessibility to Airport from the National Highway. The access road fly over the existing NH4B and loop road on each quadrant have been provided to take care of conflict-free right turn from four arms of the road. The main roads are planned with 3 lanes dual carriageway with median of 1.5 m whereas loops and ramps are of 3 lanes. The interchange occupies an area of 20 Ha. | The Interchange falls in CRZ-I, CRZ-II area and mangroves area of about 0.95 Ha. | Rs. 140.00 crores |

As per the submission, the proposed area for roads is 48 Ha and for the interchanges is 27.5 Ha. In the same application, total cost of the proposed project is mentioned as Rs. 340 crores (cost of roads Rs. 130 crores + cost of interchanges Rs. 210 crores).

Authority also noted that, the loss of mangroves area due to roads and interchange works out to 10.55 Ha and the compensatory mangroves afforestation would be carried out on Waghivali Island in accordance with the MoEF's letter conveying Environmental Clearance to airport.

Authority also noted that:



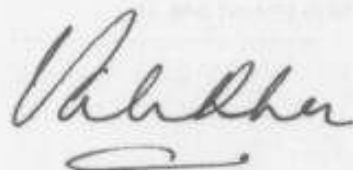
1. As per the amendment (vide SO 1243(E) dated 15th May 2009) in Annexure-I, 6(2) CRZ-I (i) (g), CRZ-II (if) and CRZ-III (vi) of CRZ Notification, 1991 (as amended from time to time), 'development of green field airport and related activities at Navi Mumbai' is a permissible activity in CRZ-I, CRZ-II and CRZ-III areas.
2. No non-forest activities are allowed on land affected by mangroves as per the Hon. High Court Order dated 27th January 2010. Hence, prior permission for the proposed activity under Forest Conservation Act, 1980 and prior permission of Hon. High Court of Mumbai should be obtained.
3. As the investment cost is more than Rs. 5 crores, prior permission of MoEF would be required for the proposed project.

Authority, considering the above, decided to recommend the project for CRZ and Environmental Clearance to MoEF.

Item-4: Anik-Panjarpole Link Road (APLR) Project by MMRDA – Permission to cross Mahul Creek and mangroves near Bhakti Park and BPT pipeline, Village Saltpan

Additional Commissioner MMRDA presented the matter before the Authority. Authority noted the following details with regards to project.

- MMRDA has proposed the project of Eastern Freeway IS having length of 20 km which starts from P. D'Melo Road at Chhatrapati Shivaji Terminus and passes along Mumbai Port Trust area Anik, Vashi Naka, Panjarpole, Govandi ROB to Mankhurd-Ghatkopar Link Road. Considering the need of future traffic demand of Mumbai, Mumbai Port Trust and Mumbai Trans-harbour Link Road, the construction of Eastern Freeway is proposed to improve the connectivity and thus a separate corridor will be available for traffic movement between Island city and suburbs. Considering the Port Trust requirement, elevated corridor is proposed for fast evacuation of Port bound heavy vehicular traffic as well as other traffic.
- The stretch of Eastern Freeway passes through protected forest land near Anik, for which in-principle clearance from Forest Department is obtained separately vide letter dated 02.11.2010. The density of mangroves in the area under reference is less than 0.2.
- As per the approved CZMP of Mumbai, it is observed that a small length of 350 m is passing through CRZ area. The total area for which CRZ clearance is sought is 16226 sq. m (1.62 Ha). The proposed construction in this area is of the nature of construction of bridges and its approaches near Mahul Creek and near BPT Toll where elevated bridge is supposed to be constructed.
- The submitted project details are as follows



| Sr. No. | Location | Type of area | Area in sq. m. | Total length in CRZ area | No. of piers falling in CRZ area | Total area of piers in sq. m. | Cost of construction |
|---------|---|--------------|------------------------|--------------------------|-----------------------------------|-------------------------------|----------------------|
| 1 | Project-1: APLR Mahul Creek (i) Low level bridges across Mahul Creek (ii) Elevated viaduct across Mahul Creek | CRZ-I | 6930 | 55 m | 6 Nos. (6 Piers) | 25.2 | Rs. 4.70 crores |
| | | CRZ-II | 6296 | 105 m | 6 Nos. (4 Abutments + 2 Piers) | 91.80 | |
| 2 | Project-2: Eastern Freeway (elevated bridge) at BPT Toll Naka | CRZ-II | 3000 | 190 m | Nil | Nil | Rs. 1.8 crores |
| | Total: | | 16226 sq. m. (1.62 Ha) | 350 m | | 117 sq. m. (0.011 Ha) | |

- Total cost of the Eastern Freeway project is Rs. 531 crores. The cost of Anik-Panjarpole Link Road is Rs. 221 crores
- As per the revised submission, overall Cost for Project-1 is Rs. 15.25 crores and for that of Project-2 is Rs. 4.64 crores. The cost in CRZ area is Rs. 4.70 crores for Project-1 and that for Project-2 is Rs. 1.80 crores.

Authority also noted that:

- As per the CRZ Notification, 1991 (as amended from time to time), construction of bridge in CRZ-I (ii), CRZ-II and CRZ-III area is permissible, however, the same in CRZ-I (i) area is not permissible
- No non-forest activities are allowed on land affected by mangroves as per the Hon. High Court Order dated 27th January 2010. Hence, prior permission for the proposed activity under Forest Conservation Act, 1980 and prior permission of Hon. High Court of Mumbai should be obtained.
- As the investment cost is more than Rs. 5 crores, prior permission of MoEF would be required for the proposed project.

Authority, after deliberation, decided to recommend Project-1 which is falling in CRZ-I and CRZ-II area and having investment of Rs. 15.25 crores to be recommended to MoEF for CRZ and Environmental clearance. Further Authority decided to clear Project-2 from CRZ point of view and communicate to MMRDA since it is in CRZ-II with investment of Rs. 4.70 crores which is less than Rs. 5 crores.



Item-5: Regarding CRZ clearance for proposed establishment of car depots at Charkop and Mankhurd along with alignment of 32 km through Mahim Creek, Mithi River and Vakola Nalla, Mumbai under Mumbai Metro Rail Project by MMRDA

The matter was placed before the Authority. Authority noted that the matter was earlier considered in the 49th, 51st, 56th, 59th and 63rd MCZMA meetings. As per the decision of the Authority, the matter was recommended to MoEF for CRZ clearance.

However, Additional Metropolitan Commissioner, MMRDA vide letter dated 17th September 2010 has informed that, the Mumbai Metro Rail Project was considered in the 90th meeting of Expert Appraisal Committee (EAC) of MoEF wherein MCZMA and Environment Department was requested to obtain a legal opinion on the permissibility of car depots and ancillary activities as proposed by MMRDA in CRZ-I area.

In the light of the above, the matter was referred to the Law & Judiciary Department of the state government and a request was made to offer legal opinion regarding the permissibility of Mumbai Metro Rail Project in CRZ-I (i) mangroves area and CRZ-I (ii) inter-tidal area, as per the provisions of CRZ Notification, 1991 (amended time to time) and in view of compliance of Hon. High Court Orders dated 06.10.2005 and dated 27.01.2010 given in Writ Petition (Lodg.) No. 3246/ 2004 and PIL No. 87/ 2006 respectively.

The remarks of the Law & Judiciary Department are reproduced as follows.

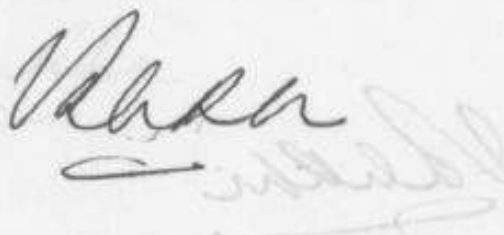
"In the present case, Forest Conservation Act, 1980 and Environment (Protection) Act, 1986 are involved. The sites where the proposed depot is to be constructed appear to be under the control of Bombay Municipal Corporation. Therefore, the Department is requested to discuss the issue on the merit in consultation with Revenue & Forests Department and Urban Development Department. Thereafter, if necessary, the file may be referred to L&JD after raising specific legal point/s of which the advice of this Department is required. However, the matter appears to be more technical than legal and MCZMA to be the appropriate authority to decide the issue".

Authority decided to recommend the proposal of car sheds proposed on stilts at Charkop and Mankhurd along with alignment of 32 km through Mahim Creek, Mithi River and Vakola Nalla, Mumbai under Mumbai Metro Rail Project by MMRDA to MoEF along with the remarks of the Law & Judiciary Department as mentioned above subject to the condition that

1. MMRDA will obtain prior permission of Hon. High Court before commencement of work
2. MMRDA will undertake compensatory mangroves afforestation at suitable area as indicated in forest clearance.

Item-6: Complaint received from Shri Rajesh Shah against the development of Plot No.6, CTS No. 567/51 of Village Juhu, Janaki Kutir, Juhu Church Road, Mumbai

The matter was placed before the Authority. Authority noted that



1. The matter regarding 'CRZ permission for reconstruction of existing building on plot bearing CS No. 567/51, Village Juhu, Vile-Parle (West)' was considered in the 50th meeting of MCZMA held on 25th March 2009.
2. The land bearing CS No. 567/51, Village Juhu, Vile-Parle (West), Mumbai is located in the Residential Zone as per the sanctioned Development Plan of "D" Ward. Total area of plot is 1007.30 sq. m.
3. As per the CZMP approved by MoEF on 19.01.2000, the said plot is classified under CRZ-II (within 500 m from HTL). The plot is situated on the seaward side of the road.
4. As per the submitted information, it is proposed to demolish and reconstruct the existing building on the plot. The total built-up area for the proposed project is 1002.00 sq. m.
5. The proposed building will have 3 level basement + Ground + 2 floors and it will be for the residential purpose. Proposed FSI for the construction is 1.00.
6. Total cost estimated for the proposed project is Rs. 14 crores.
7. As per the approved minutes of 50th meeting in this case:
"The matter was discussed by the Authority and since the cost of the proposed reconstruction is more than Rs. 5 crores, it was decided to recommend the case to MoEF subject to conditions that:
 - The proposed reconstruction should be on the existing plinth and without alterations in the land-use pattern.
 - No construction allowed on seaward side. North and South sides of the existing plinth and height should be as per the surrounding architectural style of the area.
 - Permission from the Ground Water Board will be necessary.
 - The construction should be as per the DC Rules, 1967.
 - No construction is allowed in CRZ-I area".
8. The matter was recommended to MoEF by MCZMA vide letter No. MCZMA 2009/ CR 38/ TC 3 dated 22.04.2009.
9. MoEF has issued CRZ clearance for this proposal vide letter having F. No. 11-36/ 2009-IA-III dated 24.08.2009.
10. However, MoEF has received a complaint from Shri Rajesh Shah (dated 10.09.2009) regarding the development of Plot No. 6, CTS No. 567/51 of Village Juhu, Janaki Kutir, Juhu Church Road, Mumbai.
11. As per this complaint, it was alleged that the builder has poisoned all the trees and on the basis of fraudulent documents, sent his proposals for construction of a new building. These plans have been forwarded by MCZMA to MoEF for the clearance.
12. In the same matter, Shri Suhas Kinjavdekar has filed a criminal complaint in the Andheri Metropolitan Court against the Deputy Chief Engineer (Building Proposal), Western Suburbs, M/s Kshetra Real Estate Pvt. Ltd. and Architect Mr. B. S. Pushkar. As per this, it is alleged that the



proposal is based upon the City Survey Extract, which was found to be forged and fabricated. The complainant has also submitted the evidences in the form of photographs of the site. City Survey Extract (showing two rectangular structures) based on which MCZMA had recommended the case to MoEF and the actual City Survey Extract (showing only one small structure).

"Authority in its 64th meeting directed MCGM to submit an immediate written reply to MCZMA supporting their statement about the proposed construction on the landward side of the existing authorized plinth. Also requested to indicate on map the authorized plinths and plinth on which the construction is proposed along with the comments on the plinth referred by complaint immediately. Authority considering the gravity of the matter decided to request Urban Development Department to send the report indicating authorized plinth, location of proposed construction vis-à-vis authorized plinth and plinth & constructions referred by complaint so that comprehensive report can be sent to MoEF. The City Survey Extract submitted by project proponent and the MCGM file to be verified by Urban Development Department."

1. In the meantime, MoEF, vide letter dated 2nd August 2010, informed M/s. Pushkar Consultants (Architect of proposal) that the CRZ clearance issued on 24.08.2009 shall be kept in abeyance till a final decision in the matter is taken by MCZMA. In the meantime, they were directed not to proceed for any construction/ development work.
2. As per the decision of the authority in the 64th meeting, MCGM was requested to submit the following details vide letter No. CRZ 2010/ CR 200/ TC 3 dated 07.10.2010.
 - a. Map indicating authorized plinth (of the building constructed prior to 19.2.1991) and plinth on which construction is proposed.
 - b. Documents supporting that, the proposed construction is on the landward side of the existing authorized plinth.
 - c. Comments regarding the plinth referred by the complainant along with map indicating both the plinths i.e. Plinth on which construction is proposed and plinth referred by complainant.
3. With reference to MCZMA's letter No. CRZ 2010/ CR 200/ TC 3 dated 7.10.2010, MCGM has submitted their remarks/ details about the proposed subject work vide letter dated 11th November, 2010, which is as follows
 - 1) The map indicating authorized plinth (of the building constructed prior to 1991) and plinth on which the construction is proposed.
 - Architect's submission of plan showing the details.
 - 2) Documents supporting that the proposed construction is on the landward side of the existing authorized plinth.
 - The copy of approved plan dated 9.10.1963 of structure (prior to 1991)
 - Location plan showing measurement of distance from compound wall to the existing authorized structure
 - The proposed construction is as per MOEF, order dated 24.8.2009



- 3) Comments regarding the plinth referred by the complainant along with map indicating both the plinths i.e. Plinth on which construction is proposed and plinth referred by the complaint.
 - Based on amended plan submitted by the architect, the proposed plinth is on landward side of existing authorized plinth.
4. The Urban Development Department also forwarded the remarks/ details of MCGM's (dated 11th November 2010) to the Environment Department vide letter dated 1.12.2010.
5. The matter is sub-judice in Hon. High Court of Mumbai and hearing took place on 1st December 2010.

Authority noted that as per the order of court dated 1st December 2010, the Environment Department was directed to examine the matter afresh in its entirety. The MCZMA & MoEF may take appropriate decision in the matter, if necessary, may hear the owner of the land and the petitioners. It is directed the MCZMA & MoEF to complete the inquiry within a period of three months from 1st December 2010.

Accordingly the matter was placed before the Authority, wherein Authority heard the issues raised by the complainant Mr. Rajesh Shah.

Considering the above, Authority decided to constitute a committee to verify the allegations made by the complainant and the documents submitted by owner and Municipal Corporation. The committee will comprise of following members:

1. Chief Engineer, Development plan, Municipal Corporation of Greater Mumbai
2. City Survey Officer, Bandra Suburban, Dist. Mumbai Suburban
3. Dr. S. B. Chaphekar, Expert Member, Maharashtra Coastal Zone Management Authority
4. Mr. Anish Parshurame, Scientist-II, Environment Department
5. Mr. R. B. Hardas, Deputy Chief Engineer, Building Plan WSI, Member Secretary

On detailed investigation into the matter this committee will submit its report to Chairman Maharashtra Coastal Zone Management Authority and Secretary, Environment Department within 15 days on the following aspects

1. To verify the allegations made by complainant Shri Rajesh Shah against the development on Plot No.6, CTS No. 567/51 of Village Juhu, Janaki Kutir, Juhu Church Road, Mumbai.
2. To verify the authentic city survey number on the said CTS No. which was existing as on 19.02.1991
3. To verify Occupation certificate, Commencement certificate and building plan approved upto 19.02.1991.
4. To submit a map from City Survey Office indicating authorized plinth of the building constructed prior to 19.02.1991 and plinth on which construction under consideration is proposed.
5. To verify the documents supporting that, the proposed construction is on the landward side of the existing authorized plinth.



6. To Comment on the plinth referred by the complainant along with map indicating both the plinths i.e. Plinth on which construction is proposed and plinth referred by complainant.
7. To verify the building plan of the proposed building with respect to Development Control Rules of 1967.
8. To comment on detailed status of pending case regarding criminal complaint No. 295/MISC/2009 filed in the Metropolitan Magistrates XXII court at Andheri on 1/12/2009 against MCGM & M/s Kshetra Real Estate Pvt. Ltd. by Jeevan Estate Co-op. Hsg. Society Ltd. Janki Kutir, Juhu.

The Committee, if necessary, may hear concerned parties including the owner of the land and the petitioners.

Item-7: Regarding environmental clearance of Proposed Development on plot bearing CTS No. 1/1505 (Pt) of Mahim Division, Mahim Macchimar layout in G/North Ward

The matter was placed before the Authority. The matter was earlier placed in the 61st meeting of MCZMA held on 25th March 2010, wherein Authority had 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.

In the 61st meeting, Authority had 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 No. 10 (R-7) of DCR, 1967.

In the 61st meeting, Authority had noted that, M. S. Swaminathan report on Coastal Management Zone indicates that essential things for sustainable livelihood of fisherman and Cold Storage for storing fish in local Koliwadas is allowed in DCR, 1991; however, DCR, 1967 is silent on the issue. Hence as per the decision of 61st meeting of MCZMA, the matter was referred to the Agriculture, Dairy and Fisheries Department for their remarks before taking final decision by MCZMA in the instant case.

Authority noted the following points from the remarks of ADF Department:

- i. In the remarks of ADF Department it is mentioned that, a meeting with the representatives of "Mahim Machchimar Sahakari Sanstha" was held on 25.05.2010 under the chairmanship of Secretary (ADF). In the meeting, the representatives of the "Mahim Machchimar Sahakari Sanstha" stated

that, construction of cold storage on 15% of the land under reference would suffice the requirements of fishermen, owing to various factors like adverse effects on the occupation of fishery, increased expenditure on ice and electricity and non-requirement of cold storage on the entire plot. As per the directions given by the Secretary (ADF) in the meeting, the proponent submitted the plans for the construction of cold storage.

- ii. In the remarks, ADF Department has noted that, the proponent has purchased the land from MHADA and the permission is sought for construction of cold storage on 15% of the total plot area and construction for residential use utilizing rest of the area. ADF Department has conveyed the permissibility for the proposal in the instant case, considering the policy of the MHADA to utilize majority of the FSI for residential purpose.
- iii. As per the directions of the Secretary (ADF), the proponent has given a commitment vide letter dated 06.07.2010 to complete the proposed construction of cold storage within 18 months. Subject to the compliance of this condition, ADF Department has conveyed the no-objection for this proposal and with these remarks, the matter is referred to Environment Department/ MCZMA for further necessary decision in the matter.

Accordingly the matter was placed before the Authority, wherein the representative of "Mahim Macchhimar Vividh Karyakari Sahakari Society Ltd" presented the matter before the Authority. With respect to their representation, Authority noted that, as per the clause No. 4 (a) (i) of the Development Control Rules, 1967:

"4. Use as specifically designated on Development Plan – (a) Where a site is specifically designated on the Development Plan, it shall be used only for the purpose so designated

(i) Where a site is designated on the Development Plan, the Commissioner with the approval of the Corporation may use the structure existing or to be built thereon or permit the use of the structure in combination with other purposes, provided the same is in conformity with these rules and the zone in which the site falls".

In light of the above, Authority decided to consider the proposal after the project proponent obtains the prior permission from MCGM with respect to the Development Control Rules, 1967 and submits the same to MCZMA.

Item-8: CRZ clearance for proposed redevelopment of building No 1 on plot bearing CTS No. 1042/B of Village Versova, Andheri (W), Mumbai by M/s. Hicons Developers

The matter was placed before the Authority. Authority noted that the matter was earlier placed in the 66th meeting of MCZMA held on 3rd November 2010, wherein Authority had noted the following:

- As per DP remarks, land under reference is situated in residential zone and not affected any reservations.
- As per submitted application and Urban Development Department's remarks, land under reference partly falls in CRZ-II and situated on the landward side of existing road.



- As per submitted documents,
 - i) The total area of plot is 8187 sq. m
 - ii) Plot area under CRZ-II is 1164.94 sq. m.
- As per Urban Development Department remarks, the proposal is as follows
 - A) On Non-CRZ area: proposed building is comprises of "A" Wing (stilt + 1 podium parking + 2 to 21 residential floors) and "B" Wing (stilt + 1 podium parking + 2 to 17 residential floors)
 - B) On CRZ area: proposed construction involves some portion of Basement, Parking and Multilevel Parking/ Podium.
- However, valuation report points out that proposed construction on CRZ area involves the building having G + more than 4 upper floors with lift facility with total built up area of 1188.24 sq. m.
- Applicant has submitted valuation report for CRZ affected construction only and not for entire proposal.

As per the decision taken in the 66th meeting of MCZMA, proponent was directed to rework and resubmit the proposal by shifting the proposed podium parking from CRZ area to non CRZ area. Accordingly, proponent submitted the revised proposal. Authority noted that as per the revised proposal there is no construction in CRZ area.

In light of revised proposal Authority decided to accord permission subject to following conditions

1. No construction is allowed in CRZ affected area.
2. FSI in CRZ area will be computed as per the Development Control Rules, 1967

Item-9: Proposed residential building on plot bearing FP No. 1116 in TPS-IV of Mahim Division in Prabhadevi on Murari Ghag Marg, G/South Ward, Mumbai

The matter was placed before the authority. Authority noted the following

1. The proposal is for reconstruction of existing building on plot bearing FP No. 1116 in TPS-IV of Mahim Division in Prabhadevi on Murari Ghag Marg, G/South Ward, Mumbai
2. The plot bearing FP No. 1116 in TPS-IV of Mahim Division in Prabhadevi, G/South Ward, Mumbai is situated in 'Residential Zone' and not affected by any reservation.
3. As per the submitted CZMP of Mumbai (approved by MoEF vide letter dated 19.01.2000), the plot under reference falls in CRZ-II area and is situated on the landward side of the Veer Savarkar Marg, which is existing CZMP road. As per the location plan submitted along with the DP Remarks of MCGM, it can be observed that, the plot under reference is partially affected by CRZ-II.
4. Total area of the plot under reference as per the land records is 308.53 sq. m.
5. The proposed building comprises of Stilt + 4 + 5th part Upper Floors for residential use by demolishing existing structures on the plot under reference.



6. In the application it is mentioned that, the use of the existing structure as well as the proposed structure is residential. However, the area details and the authorization details of the existing structure to be demolished are not submitted along with the application.
7. As mentioned in the submitted application and as per the land records, total area of the plot under reference is 308.53 sq. m. As per the area statement of the submitted layout plan, total built-up area of the proposed structure is 406.90 sq. m.
8. The permissible as well as proposed FSI for this reconstruction is 1.33. In the submitted layout plan, it is shown that the computation of total FSI is inclusive of the area of lift, lift-lobby and staircase.
9. The height of the structure to be reconstructed is proposed to be 18.60 m.
10. As mentioned in the submitted application and valuation report, total investment cost of the proposed project is Rs. 4,05,00,000/- (Land cost Rs. 2,25,00,000/- + Construction cost Rs. 1,80,00,000/-) i.e. less than Rs. 5 crores.

Authority further noted that as per 6(2) (ii) of CRZ Notification, 1991 (as amended from time to time), the reconstruction of the authorized buildings to be permitted subject to the existing FSI/ FAR norms and without change in the existing use.

Considering above facts and since the project investment is less than Rs. 5 crores, authority after discussion decided to grant permission to the proposal from CRZ point of view subject to following conditions

1. Planning Authority should verify authorization details of the existing structure before issuing the commencement certificate.
1. Construction should be carried out strictly as per the provisions of CRZ Notification, 19.02.1991 (as amended from time to time) and guidelines/ clarifications given by MoEF time to time.
2. The proposed development should be as per the sanctioned Development Control Rules, 1967 as existing and in force on 19.02.1991.
3. Building layout plan and FSI calculations should be as per the Development Control Rules, 1967 (as amended from time to time).
4. Planning Authority should ensure that there is no land-use change in the instant case.
5. Planning Authority should also ensure the area details of the existing structure.

Item-10: Regarding CRZ permission for proposed reconstruction of existing building on land bearing CTS No. B/269, B/270, B/271 of Village Bandra, Off Waroda Road, Bandra (West)

The matter was placed before the Authority. Authority noted the following.

1. As per the remarks of MCGM the land under reference is situated in Residential Zone of H/West ward.
2. With reference to the application of proposed project the land is on landward side of existing road and falls in CRZ-II area.



3. Urban Development Department has mentioned that the land under reference falls within heritage precinct. Proponent has applied for NOC from Mumbai Heritage Conservation Committee.
4. As per the submitted information, at present the land is occupied. The total area of the plot is 860.30 sq. m. and area under proposal is 860.30 sq. m. but as per the submitted layout plan total area of land is 860.40 sq. m.
5. As per the application, the proposal is submitted for reconstruction of building for residential use.
6. The proposed building comprises of ground and 3 upper floors.
7. As per the submitted layout plan total built up area of the proposed reconstruction is 849.89 sq m.
8. With reference to the Urban Development department, 1.00 FSI is permissible for the said reconstruction. As per the submitted application, height of the structure is proposed to be 12.20 m.
9. Attached valuation report shows the total cost of the reconstruction is Rs.1,42,23,000/- It is observed that the valuation report is for 1030.83 sq. m. built-up area (including all FSI free components).
10. For authenticity of the existing building to be demolished, MCGM vide letter dated 15th December 2010 has submitted the inspection extract details wherein it is mentioned that, there are two Nos. of Ground store chawls having 16 rooms in each chawl making a total of 32 rooms and the same is assessed as per their records. In the letter it is mentioned that, the land use of the existing building to be demolished is Residential used as per the inspection extract.

Authority further noted that as per 6(2) (ii) of CRZ Notification, 1991 (as amended from time to time), the reconstruction of the authorized buildings to be permitted subject to the existing FSI/ FAR norms and without change in the existing use.

Considering above facts and since the project investment is less than Rs. 5 crores, Authority after discussion, decided to accord permission from the CRZ point of view for the proposal subject to the compliance of following conditions.

1. Construction should be carried out strictly as per the provisions of CRZ Notification, 19.02.1991 (Amended time to time) and guidelines/ clarifications given by MoEF time to time.
2. The proposed development should be as per the sanctioned Development Control Rules, 1967 as existing and in force on 19.02.1991.
3. Building layout plan and FSI calculations should be as per the Development Control Rules, 1967 (as amended from time to time).
4. Computation of FSI for amenities like staircase, lift well, lift lobby etc. should be as per the provisions of Rule No. 51(vi) and Appendix-XI (Circular No. CE/40730/1 of 23.03.1973) of the Development Control Rules, 1967.
5. Planning Authority should ensure that there is no land-use change in the instant case.



Item-11: Regarding CRZ clearance for laying of Gulf Bridge International Submarine Optical Fiber Cable on Versova Beach, Mumbai

The matter was placed before the authority. Authority noted the following:

1. M/s. Sify Technologies Ltd. has proposed to lay an optical fiber cable which will terminate on Versova Beach and to construct a beach man hole (BMH) for this termination.
2. The proposed BMH location is identified as the following co-ordinates:
Latitude: 19°07'59.50" N
Longitude: 72°48'40.44" E
3. As per the land revenue records, the cable route alignment passes through land bearing CTS No. 1047 (bouldered beach) and CTS No. 1059 (private property) of Village Versova of KWest Ward of MCGM.
4. As per the sanctioned revised DP remarks (for land bearing CTS No. 1047, 1059 and 1060) submitted along with the application, the land under reference falls in Residential Zone and it is reserved for Recreation Ground (forming part of reservation). It is also mentioned that, 'the State Govt. in UDD vide its notification under no. TPB/432000/645/CR-62/2000/UD-11 dt. 2/3/2001 has changed the reservation of Recreation Ground and reserved the same for Water Transport Terminus'.
5. In the DP remarks, it is mentioned that the land under reference falls mostly in CRZ-I and partly in CRZ-II.
6. In the application, the proponent has mentioned that the BMH location and cable route is free from any mangroves vegetation. Nearest mangroves vegetation is about 1 km in South-East direction from the BMH and cable route.
7. The submitted proposal details for laying of Gulf Bridge International Submarine Optical Fiber Cable on Versova Beach, Mumbai are summarized as follows:
 - a. **Beach Manhole (BMH):** The BMH is a concrete chamber situated below ground, above the high water level in the coastal area. On the beach the cable is typically installed in articulated pipe with outside diameter on the order of 20 cm, in a trench 2 m deep dug previously by equipment such as backhoe. The installation is achieved by the cable-ship or shallow water-vessel stationing offshore near its minimum working depth – a messenger line is passed ashore and a winch located near the BMH pulls the cable through the trench and into the BMH. There may be some localized, short term, disruption to recreational activities, but after installation beachgoers are typically unaware of the cable and it has no effect on their activities.
 - b. During the main lay and ploughing operations, there will be two elements associated with the laying operations:
 - i. **Surface laying:** where the submarine cable is laid onto the surface of the seabed. This procedure is carried out in water where the cable can not, or is not required to, be buried



(e.g. at cable/ pipeline crossing or in areas where the seabed is too hard for the burial tool, at depths > 1000 m (for this project).

- ii. **Cable burial:** where the cable is required to be buried to protect it from potential threats posed by external aggression (e.g. fishing, anchoring etc.) in depths < 1000 m (for this project).
8. In the project details it is mentioned that, the activities of installation are of short duration and the impacts due to air pollution, odor, liquid effluent and solid waste generation due to the proposed project are low and insignificant. There is no significant impact anticipated on terrestrial ecology, water quality and socio-economic conditions. The only medium impact will be due to noise/ noisy operations.
9. Details regarding the total cost of the proposed project are not mentioned in/ along with the submitted application.

Project proponent presented the case before the Authority. During the presentation, the proponent showed the specimen of Optical Fiber Cable to be laid to the members of the Authority and explained the procedure for laying of the cable. He also explained that, the permission has been taken from the owner of the private property in which the BMH is proposed.

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

Item-12: Regarding status of the complaints filed in the year 2010

The status of the various complaints received and action taken thereon by MCZMA was noted and took on record by the Authority.

Item-13: Regarding various reclassification proposals received by MCZMA

Authority noted the status of the various individual reclassification proposals received by MCZMA and presently under process. Authority noted the decision taken in the 18th NCZMA meeting which is cited as follows:

"The Chairman, NCZMA in his concluding remarks asked the chairperson, MCZMA that the reclassification proposals sent to NCZMA should have a site visit/ physical verification report. Instead of piece-meal project-wise projects they should send a comprehensive proposal of the area. He agreed that the updation/ revision of CZMP on a scale of 1:4000 should be taken up on priority basis to remove the hardships".

Authority noted the decisions taken in the 19th and 20th meetings of NCZMA in the same regard. In light of the decision of NCZMA, Authority decided that, a comprehensive reclassification proposal for the entire area (on detailed scrutiny, site visit and consideration in MCZMA meetings) should be forwarded to MoEF/ NCZMA, instead of sending individual reclassification proposals. It was also decided to convey the decision to the project proponents.



Discussion Items:

(i) Minutes of 20th meeting of National Coastal Zone Management Authority (NCZMA) held on 11th November 2010 at New Delhi:

Authority noted the minutes of the 20th meeting of National Coastal Zone Management Authority (NCZMA) held on 11th November 2010 at New Delhi and the decisions taken therein regarding the various reclassification proposals received and the matter regarding Adarsh Co-operative Housing Society Ltd.

(ii) Guidelines/ Checklist for examining clearance to projects attracting Coastal Regulation Zone Notification, 1991 (published by MoEF vide letter dated 15th November 2010):

Authority noted that, MoEF has published guidelines/ checklist for examining clearance to projects attracting Coastal Regulation Zone Notification, 1991 vide letter dated 15th November 2010. Authority noted that, for the submission and/ or scrutiny of the proposal affected by CRZ maps prepared by one of the MoEF authorized agencies (as per the guidelines issued by MoEF vide letter No. J-17011/8/92 dated 29th December 1999) and demarcating HTL and LTL in the scale of 1:4000 (cadastral scale map) would be mandatory henceforth. Hence, Authority decided to direct the planning authorities like MCGM, CIDCO and MMRDA to get the maps prepared in the scale of 1:4000 from any of the MoEF authorized agencies as per the guidelines of MoEF issued vide letter dated 29th December 1999. Principal Secretary (Urban Development Department) and Secretary (Environment) will direct the planning authorities on the same.

(iii) Appointment of Technical Staff for MCZMA:

Authority noted that, there is a need of technical staff considering the workload and time-bound compliance of processing of the proposals for clearance, complaints, court cases and compliance of applications under RTI Act. Hence, Authority decided to approve and appoint the following technical posts i.e. Coastal Coordinator, Law Officer and Stenographer (English & Marathi) on the contractual basis as per the requirements with the approval of Chairperson, MCZMA.

The meeting ended with vote of thanks to all members.


Chairperson,
MCZMA

Annexure-1

List of the members present for the 67th 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. B. N. Patil, Member Secretary, MCZMA, Mantralaya, Mumbai