

**Minutes of the 71st Meeting of Maharashtra Coastal Zone Management Authority (MCZMA)
held under Chairmanship of Secretary (Environment) on 26th August, 2011 at Mantralaya,
Mumbai**

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

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

Item No. 1: Confirmation of minutes of the 70th meeting of MCZMA held under Chairmanship of Secretary (Environment) on 29th April 2011 at Mantralaya, Mumbai

The minutes of 70th meeting of the Maharashtra Coastal Zone Management Authority were confirmed by the members of the Authority present in the meeting.

Item No. 2: Action taken on decision taken in the 69th meeting of MCZMA held on 29.04.2011

The Authority noted the status of action taken on decision taken in the 69th meeting of MCZMA held on 29.04.2011

Item No. 3.1: Request to MoEF for clarifications on issues for implementation of CRZ Notification, 2011

The Authority took on record the clarifications sought from the MoEF regarding the implementation of CRZ Notification, 2011. Authority decided to send a reminder to MoEF.

Item No. 3.2: Draft Office Memorandum on Public Consultation with respect to CRZ Notification, 2011

The Authority noted the MoEF's Office Memorandum No.11-83/2005 IA-III dated 24-2-2011 regarding the applicability and methodology of prior public hearing for the following projects-

- a) All 'A' and 'B1' category projects listed under Environmental Impact Assessment Notification, 2006 and those which attract provisions of Coastal Regulation Zone Notification, 2011;
- b) The housing projects which involves group housing, slum redevelopment project, CESS / unsafe/ dilapidated building redevelopment projects.

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In pursuance of the MoEF's said letter, the Authority decided to issue an Office Memorandum, stipulating the guidelines for public consultation procedure for projects coming under Para 8(v) of CRZ Notification, 2011

**DRAFT
OFFICE MEMORANDUM**

Subject: Procedure for public consultation for projects
Coming under provisions of Para 8(v) of CRZ Notification, 2011

Reference: 1) The Gazette of India S.O. 19(E) Coastal Regulation Zone
2) Notification MoEF office Memorandum No.11-83/2005
IA-III dated 24-2-2011

This has reference to the issue of the Coastal Regulation Zone Notification, 2011 vide S.O. No. 19(E), dated 6-1-2011. As per para 4(i)(e)d of the notification, the MoEF may under a specific or general order specify projects which require prior public hearing of the project affected people.

The MoEF vide above letter dated 24th Feb. 2011, clarified that the following projects would attract prior public hearing:-

- c) All 'A' and 'B1' category projects listed under Environmental Impact Assessment Notification, 2006 and which also attract provisions of the Coastal Regulation Zone Notification, 2011;
- d) The housing projects which involves group housing, slum redevelopment project, CESS/ unsafe/ dilapidated building redevelopment projects.

Further the MoEF also clarified that the public hearing shall be held as per the procedure laid down in the Environmental Impact Assessment Notification, 2006. However, this will only involve the project affected people in and around project site.

Therefore, group housing projects, slum redevelopment projects, CESS / unsafe/ dilapidated building, redevelopment projects undertaken in the Coastal Regulation Zone areas, shall need to submit the public consultation report along with the application for prior CRZ clearance to the Maharashtra Coastal Zone Management Authority.

The individual projects under V(iii)(b) and (c) of CRZ Notification, 2011 shall be undertaken only after public consultation in which the views of only the legally entitled slum dwellers or the legally entitled tenants of the dilapidated or CESS buildings shall be considered.

The Project proponents shall approach the Maharashtra Pollution Control Board (MPCB) for conducting the public hearing as per the procedure laid down in EIA Notification, 2006 along

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with the application as prescribed in Office Memorandum of MCZMA dated 2-7-2011 and with all documents as necessary for the public consultation by the Maharashtra Pollution Control Board.

The Maharashtra Pollution Control Board shall conduct the public consultation as per the procedure laid down in the EIA Notification, 2006. The Public hearing should cover aspects like views of legally entitled tenants, complaints, details of court cases, land ownership etc. along with environmental issues, if any.

The Report of the public hearing conducted in the manner as above, shall be submitted to Secretary (Environment) and Chairman MCZMA with recommendations, if any

(Valsa R. Nair Singh)

Secretary (Environment)

Item No. 3.3: Discussion on violations of CRZ Notification, 1991

The Authority took on record the MoEF letter dated 25.01.2011 vide which the MoEF has issued the directions under Section 5 of Environment (Protection) Act, 1986 to all the State & Union Territory CZMAs regarding identification of violations under CRZ Notification, 1991 and initiation of action thereon.

The Authority noted that as per this letter, the CZMAs were directed to identify the violations within 4 months from 25.01.2011. However, the MoEF vide letter dated 14.07.2011 has extended the time period for identifying the violations under the CRZ Notification, 1991 upto the 30th October 2011 considering the repeated requests from the CZMAs for extending the time period.

The Authority noted that District Collector, Commissioners of Coastal Corporations, MPCB, MTDC and Dept Of Town planning have been directed under Section 5 of Environment (Protection) Act, 1986 to constitute task forces to identify violations under CRZ Notification, 1991 and to submit the report to authority. It was also decided to issue reminders to all concerned to expedite the actions on violations and to review the progress in the next MCZMA.

Item No. 4: Minutes of the meeting held on 26th July 2011 under the Chairmanship of the Secretary (Environment) & Chairman (MCZMA)

The Authority noted the minutes of the meeting held on 26th July, 2011 under the chairmanship of the Secretary (Environment) regarding the preparation of CZMP as per provisions of CRZ Notification, 2011. The minutes of the meeting are as follows:

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Minutes of the Meeting held on 26th July, 2011 under the Chairmanship of the Secretary,
Environment & Chairman, Maharashtra Coastal Zone Management Authority

Subject: Preparation of local level Coastal Zone Management Plan as per the guideline of CRZ Notification, 2011

The list of the officials present in the Meeting is attached herewith (Annexure-A).

Following issues were discussed during the Meeting.

A) Guidelines for preparation of Coastal Zone Management Plan:

- 1) After detailed discussions with the representatives of the MoEF Authorized Agencies present during the meeting, it was decided that District wise Coastal Zone Management Plan will be prepared as per the guidelines stipulated in the Annexure-I of the CRZ Notification, 2011. Dr. K.V.Thomas, Director of CESS, Kerala informed that the High Tide Line and Low Tide Line (as defined in the CRZ Notification) shall be demarcated in the Coastal Zone Management Maps in the scale of 1:4000 and then it would be transferred into the scale of 1:25000. He further informed that this will be done in consultation with the National Centre for Sustainable Coastal Management as mentioned in the guidelines.
- 2) Representatives of the MoEF authorized agencies also informed that base maps of 1:25000 scale or appropriate scale available will be acquired from the Survey of India (Sol) for the purpose of base map preparation by these agencies. However, if permission from the Government of Maharashtra was needed for procuring Survey of India maps, the agency could communicate the same to the Department and it would be taken up by the Department with the concerned authorities.
- 3) It was also decided that the base map will be of the standard specification given below:

| | |
|------------------|--|
| Unit | : 7.5 minutes X 7.5 minutes |
| Numbering | : Survey of India Sheet Numbering System |
| Horizontal Datum | : WGS 84 |
| Vertical Datum | : Mean Sea Level (MSL) |
| Topography | : Topography in the SOI maps will be updated using latest satellite imageries or aerial photographs. |
- 4) Coastal geomorphologic signatures in the field or satellite imageries or aerial photographs will be used for appropriate adjustment for demarcating HTL or LTL in accordance with the CRZ Notification along with the other criteria given in the guidelines of Annexure-I. The CZMP will also indicate 500mtr, 200 mtr and 100 mtr. line with respect of HTL.

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- 5) Classification of the CRZ area ie CRZ I, II, III and IV shall be indicated as per the guidelines stipulated in Annexure-I of CRZ Notification, 2011.
- 6) The Tidal flats, mud flats, wetlands, mangroves area with density in sqmt. (spars and dens) shall be provided.
- 7) The 50 m. buffer zone along with the mangroves having area more than 1000 Sqmt. shall be marked.
- 8) All cadastral information such as Survey Number, C.T.S. Nos. with boundaries, land use, zone, roads etc. shall be indicated in the map.
- 9) The fishing zones in the water bodies and fish breeding areas, koliwadass, dwelling units of traditional coastal communities etc. shall be clearly marked.
- 10) The existing authorized development on the seaward side shall be clearly demarcated and record of the same shall be provided by the concerned Planning authorities (Municipal Corporations, Municipal Councils, Collector, District Town Planner and Director of Land records for the concern district)
- 11) Cadastral Survey Maps indicating Survey Nos. or CTS Nos. shall be provided to these agencies by the Settlement Commissioner, Director of Land Records and Director Town Planning.
- 12) The District Collector would give wide publicity and invite suggestions and objections on the draft CZMPs prepared by Authorized Agencies. The Regional Officer/Sub- Regional Office of the MPCB in the concerned districts would conduct public hearing under the District Collector on the draft CZMP, which will be held at the District Level before finalizing the map. The MoEF authorized agencies will incorporate all the suggestions and objections received during the public hearing and accepted by MCZMA while preparing the final CZMP.
- 13) These authorized agencies will assist MCZMA till the final approval to the District CZMP by MoEF. These authorized agencies will also make presentation of the district coastal zone management plan before MCZMA and MoEF during the process of finalization of the CZMP.
- 14) These authorized agencies shall provide the final CZMPs in print and digital format
- 15) Authorized agencies shall also develop a coastal information system to enable the public to access the CZMP through website. The Extent of access to the CZMP will be decided by MCZMA in consultation with the MoEF.
- 16) The authorized agencies will provide details of the methodology and technical procedure used in preparation of CZMP to the MCZMA along with report.
- 17) Standard national or international color codes shall be used to highlight sub classification of data.



B) Preparation of Coastal Zone Management Plan for Raigad District.

As per the interest shown by IRS, Chennai, the proposal of Rs. 152.20 lakhs for preparing the Coastal Zone Management Plan for the rural areas of Raigad District have been approved by the Finance Department and State Government. After discussion with the Director, IRS, Chennai, on the proposal, it was decided that -

- 1) The IRS, Chennai will prepare the Coastal Zone Management Plan of the entire coastal area falling in Raigad District including Urban Local Bodies, which was not included in the earlier proposal. As decided, in consultation with the authorized agencies present during the meeting, charges for preparation of Coastal Zone Management Plan will be determined on the kilometer basis, to keep uniformity in 'cost factor' present in the work. The rate decided in the Meeting was Rs. 50,000/- per kilometer of HTL. It was unanimously decided that this rate will be uniform for all MoEF authorized agencies involved in preparation of CZMPs. Therefore, it was decided that cost of the preparation of CZMP of Rural and Urban areas of Raigad District should be in accordance with the rate of Rs. 50,000/- per kilometer. However, the cost of preparation of CZMP for rural area should not exceed Rs. 152.20 lakhs, as approved by the Finance Department and State Government. The extra cost shall be charged at the rate Rs 50,000 /kilometer for urban areas, over and above the approved project for the rural areas since this is a addition to the already approved proposal.
- 2) The Director, IRS, Chennai will send draft Memorandum of Understanding (MoU) in this regard to the Environment Department.
- 3) IRS, Chennai will complete the work within 24 months from the date of signing of MoU. Further, it will be associated with MCZMA till the final approval to CZMP by MoEF as decided in the Para 'A' of the minutes.
- 4) Survey of India base maps shall be acquired by IRS Chennai and assistance, if any, required from the State Govt. for procuring the same shall be provided to the Director, IRS, Chennai.
- 5) The City Survey Maps with Survey Nos., other Cadastral maps, Development Plan / land use map, and information of the authorized structures, koliwadass, traditional coastal settlements, fishing zone, fish breeding sites etc. shall be given by the concerned District Collector, Deputy Director of Land Record, Town Planning Officer to the IRS, Chennai in digital and print format. The Director, Maharashtra Remote Sensing Centre (MRSAC) shall provide the cadastral information indicating City Survey Nos., Survey Nos. etc. for Rural and Urban areas in a soft format to the IRS, Chennai.
- 6) IRS, Chennai will provide cadastral maps in the scale of 1:4000 and 1:25000 indicating all features as indicated above and as per the Annexure-I of the CRZ Notification, 2011.

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- 7) IRS, Chennai shall superimpose hazard line on the CZMP of Raigad District, as and when the MoEF prepares it.
- 8) The CZMP maps shall be prepared as per the guidelines stipulated in the Annexure-I of the CRZ Notification, 2011 including a comparative statement with respect to approved CZMP under CRZ Notification 1991.
- 9) The Expected work output are as follows:
 - a) Salinity measurement for determining the tidal influence.
 - b) Demarcation of High Water Line, Low Water Line, HTL, LTL line along with 500 mt, 200 mt and 100 mt lines with respect to HTL in cadastral scale of 1:3960 and in 1:25000.
 - c) Mangroves area in sqmt with density (sparse & dense), mud flat, tidal flats, wetlands and other environmentally sensitive areas etc.
 - d) 50 mt Mangroves buffer zone.
 - e) Koliwadras, fishing zone, fish breeding areas, traditional coastal settlements and other structures as per the provisions of CRZ Notification, 2011 with ground truthing.
 - f) CRZ classification viz. CRZ I, II, III and IV and other information as stipulated in the Annexure-I of CRZ Notification, 2011.
 - g) CZMP should be in print and digital format supporting GIS system and indicating longitude and latitude with geo-referencing.
 - h) Coastal Information System indicating plot-wise CRZ status, plot size in Sqmt and other information.
 - i) Time period- 12 months from the date of signing of MoU.
 - j) List of reference points/ coordinates.

It was decided to release amount of Rs. 76.00 Lakhs as requested by IRS as mobilization fund.

C) Preparation of Coastal Zone Management Plan for Thane District.

In the meeting held on 24th November, 2010, under the Chairmanship of Secretary (Environment), it was decided to allocate the work of preparation of CZMP for rural area of District Thane to CESS, Kerala. Following discussions, on the proposal received from CESS, Kerala for the preparation of CZMP for rural area of Thane districts, it was decided that

- 1) The CESS, Kerala to prepare the Coastal Zone Management Plan of the entire coastal area falling in Thane District including Urban Local Bodies, which was not included in the earlier proposal. In view of decision taken in the sub-Para 1) of Para 'B' of the minutes, cost of the preparation of CZMP of Rural and Urban areas of Thane District should be in accordance with the rate of Rs. 50,000/- per kilometer of HTL.



- 2) The CESS, Kerala to send a comprehensive revised proposal for preparation of CZMP for coastal areas of Thane District, as per the rate decided in the meeting.
- 3) After submission of a comprehensive proposal from the CESS, Kerala, the Environment Department would sign a Memorandum of Understanding (MoU) with CESS.

D) Preparation of Coastal Zone Management Plan for Ratnagiri and Sindhudurg District.

Letter of intent was invited from all MoEF authorized agencies for preparation of CZMPs for Ratnagiri and Sindhudurg Districts. However, the Department has received detailed reply only from IRS, Chennai, and CESS, Kerala. The NIO, Goa has also shown their willingness. All these agencies were invited for detailed discussion in the meeting. However, the representatives of NIO, Goa and other agencies, except IRS, Chennai and CESS, Kerala were absent. It was concluded that the decision regarding the allocation of work of preparation of CZMP for Ratnagiri and Sindhudurg District to appropriate MoEF authorized agency, would be taken by the Authority in MCZMA's forthcoming meeting.

E) Coordination Committee and Core Committee to provide information to MoEF authorized agencies involved in preparation of CZMP.

It was decided to constitute a **Coordination Committee** under the Chairmanship of Chief Secretary. The members of the Coordination Committee are :

1. Principal Secretary, Revenue Dept / Urban Development Dept/ Fisheries Dept/ Forest Dept. / Environment.(Member Secretary)
2. Settlement Commissioner
3. Municipal Commissioners of Thane, Mira-Bhayander, Kalyan-Dombivali, Vasai-Virar
4. Director, Town Planning
5. Director, Land Records
6. Director, Maharashtra Remote Sensing Application Centre, Nagpur.
7. Director, MoEF
8. Deputy Director, Town Planning, Konkan Bhavan
9. Concerned members of MoEF authorized agencies

The functions of the committee will be:

1. Facilitate the process of providing the information to MoEF authorized agencies while preparing the CZMP
2. Give directions to the concerned to assist in the preparation of CZMPs by providing all required data to the MoEF authorized agencies involved in the work.
3. provide Letter, if required, by MoEF authorized agency, in order to procure the base map in the scale of 1:25000 for preparation of CZMP in the scale of 1:25000



4. Monitor the work of preparation of CZMP and ensure timely completion of the work.
5. Assist the MCZMA and State Govt. in conducting public hearing on Draft CZMP prepared by MoEF authorized agency.

The **Core Committee** shall be constituted under the Chairmanship of District Collector. The members of the committee will be:

1. Assistant Director, Town Planning,
2. Deputy Director/ Assistant Deputy Director, Land Records
3. District Fisheries Officer
4. Regional Officer, MPCB
5. Senior Scientist, MRSAC, Nagpur
6. Deputy Director, Town Planning, Konkan Bhavan – Member Secretary

Functions of the core committee;

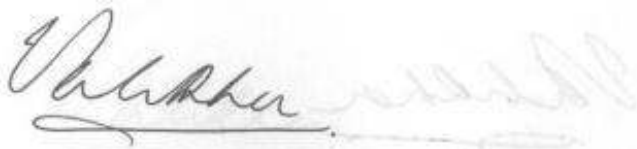
1. The core committee will be in direct contact with authorized agency of MOEF involved in preparation of CZMP.
2. The committee will help in providing the information in soft / hard copy format to MoEF authorized agencies.
3. If required, the members of core committee will go for physical verification for locating the reference points / coordinates.
4. The committee will assist the MCZMA for giving the wide publicity to Draft CZMP and conducting the public hearing for their considering the suggestions/ objections.
5. Any other work related to preparation of CZMP as per the directions of State Govt.

F) Work to be done, after preparation of Draft CZMP by authorized agencies of MOEF

After preparation of draft CZMP by the MoEF authorized agency, the coordination committee will verify the maps and send the maps to MCZMA and the State Government ie Environment Dept, for recommendations. The MCZMA and State Govt will give wide publicity to the draft CZMP and invite suggestions and objections from the public domain. Accordingly, the public hearing will be conducted at district level by MCZMA.

Based on suggestions and objections received, the CZMPs will be revised, after that, the state government shall send the CZMPs to MoEF for approval. This entire process will be assisted by Coordination Committee and Core Committee. Also, MoEF authorized agency will be with MCZMA till the final approval of CZMP by MoEF.

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Annexure-A

List of the members present for meeting (on 26.07.2011) is as follows:

1. Mrs. Valsa R. Nair-Singh, Chairperson (MCZMA) and Secretary, Environment Department, Mantralaya, Mumbai
2. Dr. B. N. Patil, Member Secretary (MCZMA), Environment Department, Mantralaya, Mumbai
3. Dr. M. Ramalingam, Director, Institute of Remote Sensing (IRS), Anna University, Chennai
4. Dr. K. Srinivasa Raju, Associate Professor, IRS, Anna University, Chennai
5. Dr. K. V. Thomas, Head (MSD), Centre for Earth Science Studies (CESS), Thiruvananthapuram, Kerala
6. Dr. T. N. Prakash, Scientist-F, CESS, Thiruvananthapuram, Kerala
7. Mr. R. S. Kuknur, Chief Engineer (DP), Executive Engineer (DP), ES, Municipal Corporation of Greater Mumbai (MCGM), Mumbai
8. Mr. B. G. Chaudhari, MCGM, Mumbai
9. Mr. N. S. Pagare, AEDP, MCGM, Mumbai
10. Mr. D. P. Korgaonkar, SE (DP), MCGM, Mumbai

The Authority noted the minutes and approved the proposals proposed before it. It was decided that the work of preparation of CRZ map of Ratnagiri District should be given to IRS, Chennai and for the Sindhudurg District, the work should be allotted to CESS, Kerala. The rate of preparation of CZMP should be Rs. 50,000 per kilometer. This rate will include the cost of traveling, loading boarding etc. However, the Govt. may provide stay in Govt. guest house. The Environment Dept, GOM shall undertake Memorandum of Understanding (MoU) with CESS, Kerala and IRS, Chennai for the said work. The cost of the preparation of CZMP will be born from MCZMA budget and funds. The simultaneous efforts will also be taken for obtaining the funds from MOEF for the Work.

Item No. 5.1: Complaint against Destruction of Mangroves and encroachment at Carter Road near Naushad's Bungalow

The Authority noted that a Complaint was received from Bandra (West) Residents Association vide letter dated 25.03.2011 against Unauthorized construction of fisher folk sheds, off Carter Road promenade.

The Authority further noted that, taking the cognizance of the complaint, the MCZMA had issued a letter dated 14.04.2011 to the Collector Mumbai Suburbs to take necessary action and

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to send a detailed Action Taken Report to the Department. Letter dated 29.04.2010 was issued to Maharashtra Maritime Board too for a report on the same.

Accordingly, the Collector, Mumbai Suburbs and Maharashtra Maritime Board sent their reply vide letter dated 07.04.2011 and 16.06.2010 respectively.

As per the Collector, Mumbai Suburban, following facts have been brought out;

1. There has been no Destruction of mangroves on the said plot.
2. Encroachment has taken place at a distance of 10 m away from the mangroves by putting up illegal huts.
3. There should not be any construction in the buffer zone of the mangroves.
4. On further inquiry it was found that the 5 huts were put by local fishermen for fishing nets.
5. On 17.02.2011 these illegal huts were removed by the officials.
6. The Deputy Collector sent a letter vide dated 08.03.2011 to Khar Police station for conducting mobile surveillance on a regular basis.

As per the reply of the Maharashtra Maritime Board:

1. The said work pertains to Fisheries Department.
2. In this connection, the Collector Mumbai Suburbs has issued a stay order for the above work vide their letter dated 26.03.2010.

Authority decided to take both the above said replies on record.

Item No. 5.2: Complaint regarding Dumping of Debris in Mangroves and construction of building at CS No 92, 93, 94 and 23/1 Versave, Mira Bhayandar

The Authority noted that the Complaint was received from Mr. Saji I. P. vide letter dated 21.03.2011 against dumping of Debris in Mangroves and construction of building at CS No 92, 93, 94, and 23/1 Versave, Mira Bhayandar.

The Authority further noted that taking the cognizance of the complaint, the MCZMA had issued a letter dated 04.05.2011 to the Divisional Commissioner (Konkan), DFO Thane, Commissioner MCGM, and Collector Thane to take necessary action and to send detailed Action Taken Report to the department.

Accordingly, the Department has received reply vide letter dated 10.6.2011 from Divisional Commissioner (Konkan) stating the following points:-

1. Examination was done by Collector and it was found out that Destruction of Mangroves and dumping was not carried on CS No. 92, 93, 94 of Mauje Versave, Mira Bhayandar.
2. But Destruction of Mangroves by Dumping Debris has taken place on CS No. 23/1
3. The said dumping work was carried by Mr. Narendra Mehta without any permission from the concerned officials.



4. A road has been made by the dumping of the debris along the Mangroves. Hence a Complaint was filed against Mr Narendra Mehta in Kashimira Police station, register No. 19/2011, dated 16.03.2011.

The Authority decided to take both the above said replies on record and decided to direct the Municipal Commissioner of Mira Bhayander Municipal Corporation, not to allow dumping in mangroves and CRZ I area and to take action against the violators.

Item No. 5.3: Complaint regarding construction of a Hotel, violating CRZ norms at S. No. 935, A5 Hissa No. 4/2, Malvan

The Authority noted that the Complaint was received from Local Residents of Mendha Malvan vide letter dated 12.01.2011 addressed to the Honorable Chief Minister, against construction of a Hotel on plot bearing S No. 932/A 5, Hissa No. 4/2, Malvan for violating CRZ norms. Considering the complaint, the MCZMA had issued a letter dated 14.06.2011 to the Collector Sindhudurg and Chief Officer Malvan Municipal Council to take necessary action and to send a Detailed Action Taken report to the department.

The Authority noted that the Department has received letter vide dated 24.06.2011 from Chief Officer Malvan Municipal Council stating the following points:-

1. Building permission to Shri Shreedhar Abhimanyu Sarang on the said plot was given on 19.10.2010, in accordance with the provision of Sub Para (2) of the para 6 of Annexure 1 of the CRZ Notification, 1991.
2. The said plot bearing C.S No. 36, survey No 1407(955 c), Hissa No. 8 falls in CRZ II category.
3. As per the provisions under CRZ II in CRZ Notification, 1991 Annexure I para 6 (2) CRZ II (i), the building is permitted on landward side of the existing road or landward side of the authorized structure and the applicant fulfill this condition.
4. The said construction does not violate Town and Country Planning Rules and norms as existed on 19.02.1991. The FSI and other aspects are within the framework of the local building Bye-Laws.
5. As per the revenue records submitted by the applicant, the said plot is in the name of Shri Shreedhar Abhimanyu Sarang i.e the applicant himself.
6. At the time of site visits before granting the permission, no well or trees were noticed in the said plot.
7. The issue of ownership dispute does not fall within the jurisdiction of this office. The Complainant may initiate legal proceedings.
8. From the above facts, it will be seen that there is no violations either from CRZ Notifications.

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Considering the reply from Chief Officer Malvan Municipal Council, authority concluded that the Malvan Municipal Council had at its own level granted the permission for construction work on 19.10.2010.

As per the mandatory procedure, the proposal should have been placed before the Authority for its recommendation before according permission to the said activity. In light of this fact, authority considered it as a matter of violation of CRZ Notification, 1991. Therefore, the Authority decided to stop the activity and to initiate action under the EP Act, 1986. It was decided to direct the Collector, Sindhudurg to take legal action in the matter under EP Act, 1986 for not obtaining the CRZ permission from competent authority and to ensure that activity was stopped.

Item No. 5.4: Complaint regarding Destruction of Mangroves and illegal Construction at Lokhandwala Complex, Andheri West from City Mall to Kamat Club

The Authority noted that the Complaint was received from Jan Adhikar Seva Samaiti vide letter dated 04.08.2010 against destruction of Mangroves and illegal construction at Lokhandwala Complex, Andheri West from City Mall to Kamat Club. Considering the complaint, the MCZMA had issued a letter dated 18.12.2011 to the Divisional Commissioner (Konkan), DFO Thane, Commissioner MCGM, and Collector Thane to take necessary action and to send Detailed Action Taken report to the department.

The Authority noted that the Department has received a reply from Collector Mumbai Suburbs vide letter dated 13.03.2011 stating following points.

1. Complaint received to this office under No MGR/7256 states that Mr. Shivshankar G. Shukla of Jan Adhikari Seva Samiti has complained about destruction of Mangroves at Kamat Club (old).
2. However there are No Mangroves present on the said plot.
3. Tree Authority has granted permission for cutting of 153 trees to M/s Runwal Projects Pvt. Ltd Vide No.DYSG/TA/MC/908.
4. As there is no violation, MCZMA is requested for No Action.

The Authority further noted the reply received from Executive Engineer K/West Ward MCGM vide their letter dated 19.04.2011. As per this reply:

1. The Sub Divisional Officer, Mumbai Suburbs reports that the land under reference does not have Mangroves and the Nalla in the surrounding area contains only forest trees.
2. The complaint against Kamat Club is on S/No 620 Mauje Oshiwara.
3. The Developmental activity is carried out by Runwal Builders.
4. As there are no Mangroves present on the said plot Destruction of mangroves has not taken place.

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Authority decided to take both replies on record. However Authority decided to inform DFO, Forest to ensure that work is not carried out in mangroves or buffer zone of mangroves.

Item No. 5.5: Notice under Section 19 of Environment (Protection) Act, 1986 against CRZ violation due to construction at Bandra (West)

The Authority noted that Mr. Amit Maru has sent a notice under Section 19 of the Environment (Protection) Act, 1986 vide letter dated 01.08.2011 regarding violations of CRZ Notification, 1991 in the construction of bungalow at Bandra (West).

The Authority further noted that taking cognizance of the said notice, owner is requested to submit his say in writing on the allegations made in the Notice, vide letter dated 24.08.2011.

The Authority deliberated and decided to request the Municipal Commissioner (MCGM), Member Secretary (MPCB), Deputy Secretary (Urban Development Dept.) and Collector (Mumbai Suburban District) to verify the allegations made in the notice and to take appropriate action as per the act in the matter and send the action taken report to the MCZMA/Environment Department.

Item No. 5.6: Discussion on representation made by M/s. Prithvi Corporation vide letter dated 23.08.2011 regarding alleged violations in the construction of 'Harsiddhi Heights' at Worli

Based on the reports of SRA dated 11.7.2011 and comments of Urban development Department, the authority noted the following:

1. The initial application for SRA scheme on plot belonging to MCGM was submitted to SRA by Architect Mr. Dilip kadam on 12.1.2001.

As per the application submitted by Arch. Dilip Kadam:

- Area under slum plot - 1620.92 Sqmt.
- Built up area for Rehabilitation building- 2010.67 Sqmt
- Built up area for sale building- 1867.19 Sqmt
- Total built up area- 3877.66 Sqmt
- Total FSI for the project- 2.392

2. As per the DP remarks of MCGM dated 8.5.2001, the land under reference was situated in the Residential Zone and was affected by the proposed 36.50 mt wide DP road and 17.80 mt wide DP road. The land under reference falls in CRZ II category as per CZMP approved by MoEF.

3. The Letter of Intent (LOI) for the scheme (Arch: Chandrashekhar on behalf of M/s Prithvi Corporation) was issued by SRA on 22.5.2003, consists of 1 Rehabilitation building and 1 free sale building

As per LOI-

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- Area of plot – 2244.51 Sqmt (slum plot) and 481.14 Sqmt (non slum plot)
- Rehab built up area- 1376.435 Sqmt
- Sale built up area- 1348.488 Sqmt
- Total built up area- 2724.934 Sqmt (FSI – 1.214)

As per the condition No. 47 of LOI:

"That the development of plot shall be carried out strictly in accordance with provisions of CRZ norms and registered. Undertaking from Developer / Society for not violating CRZ norms shall be submitted"

Sale building known as "Harsiddhi Heights" (Gr + 13 floors)

- For the sale building (named as "Harsiddhi Heights "), Arch. Chandrashekhar had submitted new application to SRA for getting IOA, on 27.4.2004.
 - IOA has a conditions:
 - *All the conditions of Letter of Intent shall be complied with before asking for occupation certificate of sale / composite building
 - IOA issued on 30.3.2005
 - Commencement Certificate (CC) up to plinth was issued by SRA on 16.9.2005.
 - Further CC could not be granted as objections were raised by the Naval authorities vide letter dated 28.4.2008.
4. The SRA received complaints from the Indian Navy, raising objections on the construction activity on the plot under reference and the necessity to obtain an NOC from the Navy, The then CEO, SRA vide letter dated 3.1.2007 had requested Principal Secretary, UD for giving further instructions in the matter.
 5. Meanwhile, M/s Prithvi Corporation continued with the work of sale building and completed the work upto 13th floors.
 6. The Architect had submitted the representation dated 6.12.2007 to then CEO, SRA claiming deemed approval of sale building as per section 45(5) of MRTP Act, 1966.
 7. The UD had issued Stop Work Notice to the sale building on 22.9.2008. SRA also had issued Stop work on 26.9.2008.Both Stop work notices were not implemented on site.
 8. The BEST had discontinued the electricity supply. In response to it, the residents of Harsiddhi Heights filed a writ petition No. 1169/2010 in Mumbai High court. The Mumbai High court has given interim orders to restart the electricity supply. However, the final decision of the court is awaited.
 9. The matter was considered in the 68th meeting of MCZMA held on 14.3.2011, wherein the Authority decided to issue Show Cause Notice under EPA, 1986. Accordingly, the show Cause Notice was served to the developer vide letter dated 30.3.2011.
 10. In response to authority's SCN, the developer requested the copy of minutes of the 68th meeting vide letter dated 18.4.2011.

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11. MCZMA has sent the copy of the minutes of 68th meeting to the developer vide letter dated 12.5.2011.
12. In the meanwhile, the developer has sent the interim reply vide letter dated 10.5.2011. Further, the developer had sought the copies of various related documents such as Harsiddhi related file, notifications of MCZMA constitution, minutes of 68th meeting etc. The MCZMA responded vide letter dated 21.5.2011, to the developer's letter by complying their requests. Further, the developer was also requested to obtain entire file on the matter under RTI Act, 2005.
13. The matter was discussed in 70th meeting of MCZMA held on 1.7.2011, wherein the developer was called for the hearing along with the reply of authority's Show Cause Notice dated 30.3.2011. However, the developer or his representative was absent in the meeting to present their say. Instead, a written reply was sent vide letter dated 1.7.2011 (received on 5.7.2011)
14. M/s Prithvi Corporation sent a letter dated 23.8.2011 stating that the developer was duly present in the 70th meeting of MCZMA and when the case was called out the developer had appeared before authority. However, the authority noted that no representative from M/s Prithvi Corporation was present nor attended the meeting to present their say before MCZMA.
15. In response to the Developers letter dated 23.8.2011, the matter was again placed in the 71st meeting of MCZMA. Once again, the developer was requested to attend the meeting vide letter dated 25.8.2011 which was delivered through email as well as personal hand delivery. However, this time also, developer did not turn up in the meeting.
16. On the basis of above details available from the Slum Rehabilitation Scheme (SRA), Mumbai and comments and opinion given by the UDD, the Authority discussed the same and deliberated. The conclusion are as follows :-

- The Letter of Intent (LOI) for the scheme was issued by SRA on 22nd May, 2003 with a condition :

"That the development of plot shall be carried out strictly in accordance with provisions of CRZ norms and required undertaking from Developer / Society for not violating CRZ norms shall be submitted."

This condition was not complied with by the Developer and the SRA while giving Intimation of approval (IOA) to the scheme in the year March 2005. During this period, the recommendation of the MCZMA was necessary before issuing IOA as per MoEF order dated 4.1.2002. It was mandatory as the proposal was affected by provisions of MoEF Notification dated 22.4.2003.

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- However, in the instant case, the SRA has not insisted on CRZ Clearance from the Competent Authority while issuing the IOA on 30th March, 2005 which otherwise was necessary since a new Application was submitted on 27.4.2004 by the Architect. The Developer M/s. Prithvi Corporation has also overlooked the condition No.47 of the LOI indicating compliance of the provisions / norms of CRZ Notification of 1991 (amended time to time) and MoEF order dated 4.1.2002, before commencement of the work.
- The Project proponent did not appear before the authority to present their say in spite of having been given two opportunities. However, they have submitted a written say to the Authority. As per the written say, it is stated that a CRZ clearance for the proposal under reference was not required from MCZMA or MoEF. However, this is not true as per facts mentioned in foregoing paragraphs.
- Further, the Authority also noted that the location of the building under reference is sensitive in nature, as the INS Trata and the Missile Station are less than 100 mtrs away from the building. The issue is also pending in the Hon High Court, Mumbai, being challenged by the Indian Navy vide WP NO 2368/2010. The MCZMA decided to recommend the case of CRZ violation for appropriate decision to the National Coastal Zone Management Authority and MoEF, in view of the sensitive nature of the location of the building and the involvement of an agency of the Ministry Of Defense, Government of India as a party in this case. It was also decided to send photocopy of entire file to the developer M/s. Prithvi Corporation.

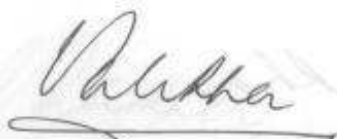
The Authority also decided to request the MCGM and SRA should initiate appropriate legal action for violation of provisions of MRTP ACT, 1966.

Item No. 6: WP (L) No. 1542/ 2011 in Mumbai High Court: Aegis Logistics Ltd. Vs MCZMA

Authority noted the background the case which is as follows:

1. The matter regarding 'violation of CRZ norms by M/s. Aegis Logistics Ltd.' was considered in the 50th, 63rd, 65th, 68th & 69th meetings of MCZMA.
2. In the same regard, the MCZMA sent a Detailed Action Taken report to MoEF vide letter dated 14.06.2011.
3. The MoEF replied to this letter vide their letter dated 05.07.2011; The MCZMA has sought further clarification vide letter dated 19.07.2011. The reply of MoEF is awaited.
4. With respect to the decision taken in the 69th meeting and communication to the MoEF, the MPCB and Joint Commissioner of Customs have also been requested to take necessary action in the matter vide letters dated 19.07.2011.

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5. M/s. Aegis Logistics Ltd. has filed a writ petition on 25.07.2011 having WP (L) No. 1542/ 2011 in Hon. High Court of Mumbai, in which MCZMA is one of the respondents.
6. The Authority further noted the following contentions raised by M/s Aegis Logistics Pvt Ltd against the MCZMA which is as follows:
 - The Approved CZMP of Mumbai dated 19.1.2000, was prepared using satellite image only and not by actual physical verification.
 - As per survey carried out by CESS in the year 2011, as per CRZ Notification, 2011, only 1/3 of the site falls in CRZ II and only 12 tanks falls in CRZ II area. Not entire site falls in CRZ II

In view of the background of the case, the Authority decided to take the following stand before the Hon. Mumbai High Court in WP (L) No. 1542/ 2011:

1. The Tata Power had filed WP No. 983/1997 challenging the setting up of the cryogenic LPG storage and handling facility on the ground that the construction of the LPG storage facility falls in CRZ area. The LPG facility is within the 500 mt from HTL. The Mumbai High Court directed the Hydrographer, Maharashtra Maritime Board to carry out actual physical measurement during High Tide. The Hydrographer observed only the southern and western sides of the LPG storage facility and not the entire site. Municipal bunds from Southern side were taken as indicative of High Tide Line. Based on the report of MMB, Hon High Court passed its judgment on April 28, 1999, that the site is **not within the CRZ** under the CRZ Notification, 1991. However, the judgment of Hon High Court was with respect of 2 cryogenic storage tanks, which was the subject matter of the WP No. 983 / 1997. Further the LPG storage was a permissible activity under CRZ Notification, 1991.
2. As per the CZMP of Mumbai approved by the MoEF on 19.1.2000, the Aegis site falls in CRZ II area. The CZMP of Mumbai has been prepared by a MoEF authorized agency i.e. Naval Hydrographers Office, Deharadun by actual physical survey and with the help of satellite mapping.
3. The CESS has prepared the CRZ map of Aegis site as per the provision of CRZ Notification, 2011. As per this map, the site is affected by CRZ II.

The Authority decided to file a detailed affidavit before the Hon. High Court of Mumbai in the matter. It was also decided to inform MoEF regarding the court case.

Item No. 7: Navi Mumbai International Airport (NMIA) Environmental and CRZ Clearance for Offsite physical Infrastructure

The CIDCO officials presented the case before the Authority. The Authority noted the following:

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1. CIDCO vide letter dated 9th December 2010 has conveyed that, the clearance was sought for the Airport activities and related offsite infrastructure for which the EIA report was submitted to MCZMA and MoEF. However, the 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".

2. CIDCO then applied for the permission from CRZ point of view, as per CRZ Notification, 1991 for the NMIA related Offsite Physical Infrastructure.
3. The Proposal was placed in 67th meeting of MCZMA held on 22.10.2010 and as the investment cost was more than Rs. 5 Crores, the Authority decided to recommend the project for CRZ and Environmental Clearance to the MoEF.
4. In the light of the CRZ Notification, 2011, the Authority in the 68th meeting held on 14.3.2011 decided that the matters with investment more than Rs. 5.00 Crores which were considered and recommended to the MoEF, New Delhi would be re examined a afresh as per the provisions of CRZ Notification, 2011.
5. The Authority in the 68th meeting, decided to request project proponents of such projects to submit information with application as prescribed in Rule 4.2 of the CRZ Notification, 2011 along with checklist available on website of MCZMA.
6. As per this decision, the CIDCO resubmitted the proposal as per CRZ Notification, 2011.

Further the Authority noted the details of proposal submitted by CIDCO as per CRZ Notification, 2011, which is as follows:

1. The proposal details regarding the Offsite Physical Infrastructure along with the plan (enclosed) submitted by CIDCO vide letter dated 27th June 2011, 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) | 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 | The road traverses mainly over CRZ-I, CRZ-II and mangroves area of about 8.13 Ha. | Rs. 120.00 crores |

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| Sr. No. | Subject | Description | Land Details with respect to CZMP prepared by Anna University | Total cost of the project |
|---------|---|--|---|---------------------------|
| | | 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. 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. | | |
| (b) | Approach Road from Khandeshwar Railway Station: (C-D as per submitted plan) | 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 lanes each with central verge of 5 m and footpath of 4 m on either side. | The road will run through CRZ-I, CRZ-II area and mangroves area of about 1.27 Ha. | Rs. 10.00 crores |
| (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. 70.00 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 |

1. As per the application submitted in prescribed format, the proposed area for roads is 48 Ha and for the interchanges is 27.5 Ha. In the same application, total cost of the

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proposed project is mentioned as Rs. 340 crores (cost of roads Rs. 130 crores + cost of interchanges Rs. 210 crores).

2. In the submitted proposal details it is mentioned 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.
3. As per the information submitted in Form 1 of CRZ Notification, 2011, reclamation work is involved in the construction phase of the proposed activity. However, details of the same are not provided.

The Authority further noted that as per the clause 4 (ii) (a), the following activities shall require clearance from MoEF namely, "those activities not listed in the EIA notification, 2006".

In light of above, authority after deliberation decided to refer the proposal to MoEF subject to following conditions:

1. As per the clause in Clearance of Navi Mumbai International Airport it is mentioned that certain area will be declared as No Developmental zone. It should be verified whether the land under reference does not fall in No developmental Zone.
2. Hydraulic Flow of the water from the river along the road should be studied properly as it may cause flooding.
3. Proper plan for compensatory and re-plantation of Mangroves (affected by the proposed project) should be given by the proponent.
4. No Non forest activities are allowed on the land affected by Mangroves as per the Hon High Court order dated 27.01.2010. Hence, prior permission for proposed activity under Forest Conservation Act 1980, and prior permission for the Hon High Court of Mumbai should be obtained.

Item No. 8: Proposed widening of Morva Creek Bridge by MMRDA at Village Morva District Thane.

The MMRDA officials presented the matter before the Authority as follows:

1. The proposal is for widening of Kashimira-Bhayandar-Gorai-Manori Road, in order to improve basic infrastructure in Mumbai Metropolitan region. The existing bridge is very narrow & failing to sustain the increasing traffic on the road
2. The Morva Bridge exists over a narrow creek having a waterway of approx. 15m at village Morva, Taluka Bhayander, District Thane.
3. The existing length of the bridge is 30 m width of the bridge is 7.00 m. The proposal is for increasing the width of bridge from 7 mt to 18 mt.
4. As per CZMP of Mira Bhayandar Municipal Corporation, the site under reference falls in CRZ I (A), CRZ I (B) and CRZ II.



5. Total area of the proposal is 0.982 Ha from which 330 Sqm falls in CRZ I and 652 Sqm falls in CRZ II.
6. The site under reference for widening of bridge is partly occupied by mangroves. There are approximately 65 no. of Mangroves existing in the alignment of proposed widening which may get damaged during construction activities like movement of construction machineries and equipments.

The Authority noted that as per 4.2 (e) of CRZ Notification, 2011, the submission of the CRZ map indicating HTL and LTL demarcated by one of the authorized agencies in 1:4000 scale, is mandatory. However, as per 5(xii) of CRZ Notification, 2011, the approved CZMP under CRZ Notification, 1991 is valid up to 2 years. The MMRDA has submitted the CRZ map of 1:4000 scale, prepared by CESS, Kerala as per CRZ Notification, 1991.

Considering the above, authority decided to consider the approved CZMP under CRZ Notification, 1991, as per 5(xii) of CRZ Notification, 2011.

Authority noted that as per approved CZMP of Mira Bhayander, the site under reference falls in both CRZ I (A), CRZ I (B) and CRZ II. As per clause 8 I (ii) (g) of CRZ Notification, 2011, "construction of Trans harbour sea links, roads on stilts or pillars without affecting the tidal flow of water" is permissible in CRZ I areas ie. between LTL and HTL which are not ecologically sensitive area.

Authority further noted the permissibility of project as per clause 7(f) of amended scheduled dated 1.12.2009 of EIA Notification, 2006, which is as follows:

- Category A projects –**
- i) New National Highways and
 - iii) Expansion of National Highways greater than 30 Km, involving additional right of way greater than 20 m involving land acquisition and passing through more than one state.

- Category B project-**
- (i) All New State highway projects
 - (ii) State Highway expansion projects in hilly terrain (above 1000 m AMSL) and or ecological sensitive area.

Authority noted that the projects attracting provisions of CRZ Notification, 2011 and which are permissible under Category A and Category B projects, under amended scheduled dated 1.12.2009 of EIA Notification, 2006, requires prior Environment clearance from MoEF and SEIAA (Maharashtra) respectively, after obtaining recommendations of MCZMA from CRZ point of view.

Authority further noted that the proposal for widening of the width of Morva Creek, Bridge from 7 mt. to 18mt. falls under category- "those activities which are not listed in the EIA



Notification, 2006". And as per As per 4(ii)(a) of CRZ Notification, 2011, "those activities which are not listed in the EIA Notification, 2006" clearance from MoEF shall require.

In light of above, authority after discussion and deliberation decided to recommend the proposal to MoEF subject to submission of following documents to the Authority:

1. MMRDA should submit all the documents as mentioned in para 4.2 of CRZ Notification, 2011 as applicable in the matter.
2. Prior Permission of the Hon High Court should be obtained as the proposal falls in Mangrove area and 65 numbers of Mangroves will be destructed.
3. The mangroves re-plantation program

Item No. 9: Construction of Retaining wall, Service Road and relocation of Bharatnagar Police Chowki along the banks of Mithi River

MMRDA officials presented the proposal before authority which is as follows:

1. The proposal is for Construction of retaining wall, service road along the banks of Mithi River and Vakola Naka, at S.No.378, Kolkalyan & S.No. 341 of Bandra (Vakola Nalla), Mumbai. – total length of 11 Km, And for reallocation of Bharat Nagar Police Chowki at S.no. 378 of Kolkalyan, Mumbai since it was coming in the water way and needs to be shifted.
2. The details of the work is :

| Sr. No. | Name of Work |
|---------|---|
| | Mithi River Works : Phase II |
| 1 | Construction of Retaining Walls along Vakola Nalla from Vakola Bridge (Ch. 645 m) to SCLR (ch 2525 m) |
| 2 | Construction of Retaining wall from Mini Confluence (ch 3300 m) to CST Bridge (ch 5883 m) on BKC side and from Mini Confluence (ch 3300 m) to (ch 4350 m) on LBS Marg side. |
| 3 | Beautification of wooded bund area (from ch 1500 m to ch 2500 m 0 along Mithi River and development of peripheral road. |
| 4 | Widening and deepening of Mithi River from Ch 0 m. (Mahim Causeway) to ch 2140 (in sea) |
| 5 | Construction of Retaining wall along bank of Mithi River from ch 3500 m to ch 2450 m towards LBS Marg including Service Road |
| 6 | Construction of Retaining wall along bank of Mithi River from Ch 3500 m to Ch 5883 m towards LBS Marg including Service Road |
| 7 | Construction of Retaining wall along the bank of vakola nallah in the stretch of Ch. 705 m to Ch 2450 m including service road |
| 8 | Construction of Bharat Nagar police Chowki. |

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1. As per the CZMP of Mumbai approved by MoEF on 19.1.2000, the site under reference falls in CRZ I, CRZ II and CRZ III.
2. MMRDA has undertaken the project under the guidance of MCGM, Chitale Committee and Central water and Power Research Foundation, Pune.
3. The Mangroves stretch along the bank of Mithi River and Vakola nalla would be untouched.

The MMRDA officials further informed about the need / salient features of the proposal which is as follows:

- a. The proposed structure would provide Improved the tidal exchange and adequate conveyance capacity during floods in Mithi River and Vakola Nalla.
- b. The retaining walls are also expected to train the river, control encroachment and dumping of debris. These structures will also be helpful to avoid the flooding of low lying area.
- c. Proposed construction of retaining walls does not have mangroves. The mangroves stretches have been left untouched and appropriate culverts have been provided for free exchange of tidal water.
- d. Majority of the encroachments on the bank of the Mithi River to be removed paving way for wider water way.
- e. Maintenance of the water way and management of storm water to be made easier and convenient.

The Authority further noted:

4. The Urban Development department mentioned that relocation of the Bharat Nagar Police Chowki has been proposed in CRZ II area; however, the site of Bharat Nagar Police Chowki has not been shown on the city survey plan and DP plan. Therefore, it is not clear whether the site of Bharat Nagar Police Chowki is on the landward side of the authorized road or on the side of the Nallah.
5. The MMRDA has submitted the minutes of 6th meeting of Mithi River Development & Protection Authority held on 25th May, 2010. As per the minutes, the MCGM has undertaken the construction of 20 Km. protection wall along the banks of Mithi River. Out of the 20 Km, construction of 7.5 Km has been completed by MCGM. MMRDA has completed the construction of 5.5 Km long protection wall out of proposed 11 Km. long protection wall.

The Authority discussed the permissibility of the proposal as per CRZ Notification, 2011

1. As per 3 (IV) (b) of CRZ Notification, 2011 "(iv) Land reclamation, bunding or disturbing the natural course of seawater except those,-
(b) measures for control of erosion, based on scientific including Environmental Impact Assessment (hereinafter referred to as the EIA) studies "is permissible activity.

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2. As per 4(i)(f) of CRZ Notification, 2011

"(f) Construction and operation for ports and harbours, jetties, wharves, quays, slipways, ship construction yards, breakwaters, groynes, erosion control measures" is permissible activity.

3. The Urban Development department mentioned that considering the public purpose involved in the proposal, the proposal may be considered as per para 3(iv) (b) and 4 (i)(f) of CRZ Notification, 2011, under "erosion control measures", subject to following conditions:

- I. The proposed construction of protection wall and service road should be as per the provisions of CRZ Notification dated 6.1.2011. Prior permission of MoEF is required in the proposal.
- II. The proposed construction should be as per the conditions stipulated in the minutes of meeting of Mithi River Development & Protection Authority, held on 25.5.2010

Authority after deliberation decided to recommend the proposal to MOEF only after submission of following documents to the Authority by MMRDA

1. The MMRDA need to submit the documents as mentioned in Para 4.2 of CRZ Notification, 2011 such as EIA report, Disaster Management report etc.
2. Prior permission of Hon. High Court is required in accordance with the Hon. High Court Order dated 27.01.2010 if the project involves destruction of mangroves,
3. Details of the work along with design, length, and mangroves affected area details and measures to ensure the tidal flow to mangroves.

Item No. 10: Proposed construction of Rail Over Bridge (ROB) near Naigaon Railway Station, Thane District by MMRDA

The MMRDA officials presented the proposal before the Authority which is as follows:

1. The proposal is for construction of Rail Over Bridge (ROB) near Naigaon Railway Station in Thane District to facilitate East-West connectivity.
2. The proposed bridge is near to Naigaon Railway Station and as per Railway Authorities; vertical clearance of 6.50 m over Railway tracks will be kept.
3. The land under reference falls in the jurisdiction of Vasai-Virar Municipal Corporation and size of the total project (in terms of total area) is 1.24 Hectares i.e. 12400 sq. m.
4. As per the Coastal Land Use Map of Vasai-Virar Municipal Corporation (prepared by CESS, Kerala in the scale of 1:4000 as per CRZ Notification, 1991) showing the site under reference, the land under reference falls in CRZ-I.



5. There are two strips of mangroves on either side of the Railway track having area of 9337.00 sq. m. in total including buffer zone and there is no forest land in the alignment of proposed bridge.
6. As per the 7/12 Extract, the land under reference is classified as saltpan. As per the submitted information, the existing land use pattern is saltpan and Railway land.
7. As per the general description submitted along with the application, Naigaon-Juchandra-Bopane Road SH-1 is important road linking Western Railway to Mumbai-Ahmedabad NH-8 for the traffic coming to and from Naigaon and going towards Mumbai as well as towards Gujarat. In view of the rapid developments taking place in the extended suburbs of Mumbai City in Thane District, the vehicular traffic has been increased substantially and there is requirement for widening, improvement and strengthening of these roads to cater for the traffic. MMRDA has taken up this project for improvement under the extended MUIP programme at an estimated cost of Rs. 56.25 crores. Administrative approval is accorded for construction of ROB on Naigaon-Juchandra-Bopane Road SH-1 for Rs. 56.25 crores by MMRDA.

8. Other structural details of the proposed project are as follows:

| | |
|---------------------------|---|
| Length of ROB: | 86.00 m |
| Length of bridge portion: | (a) 300 m on West side of Railway portion (b) 400 m on East side of Railway portion (c) 250 m arm towards Railway platform side on West |
| Length of approaches: | West side approach 100 m East side approach 100 m Arm towards Railway platform 100 m |
| Total length of road: | 4710 m on East side 1000 m on West side |
| Width of road: | 7.50 m flexible road 2.25 m unpaved shoulders on each side |

9. In the environmental mitigation measures, it is mentioned that, replantation and plantations shall be made in the right of way for those trees which have been cut/relocated due to their presence in construction area. Also tree plantation will have bearing in reducing noise and air pollution like other environmental mitigating measures. The Authority noted the permissibility of the proposal as per CRZ Notification, 2011, which is as follows:

1. As per para 3(iv)(a) of the CRZ Notification, 2011;
 "(iv) Land reclamation, bunding or disturbing the natural course of seawater except those:
 (a) required for setting up, construction or modernization or expansion of foreshore facilities like ports, harbours, jetties, wharves, quays, slipways, bridges, sealink, road on

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stilts, and such as meant for defence and security purpose and for other facilities that are essential for activities permissible under the notification"

2. As per para 5(xii) of the CRZ Notification, 2011:

"The CZMPs already approved under CRZ notification, 1991 shall be valid for a period of twenty four months unless the aforesaid period is extended by MoEF by a specific notification subject to such terms and conditions as may be specified therein".

3. Construction of bridge is permissible activity in CRZ-I(B), CRZ-II and CRZ-III (NDZ) area as per the CRZ Notification, 2011; however, the same is not permissible in CRZ-I(A) i.e. mangroves.

4. As per para 4(ii)(a) of the CRZ Notification, 2011, 'those activities which are not listed in the EIA Notification, 2006' require clearance from MoEF.

Authority further noted the permissibility of project as per clause 7(f) of amended scheduled dated 1.12.2009 of EIA Notification, 2006, which is as follows:

Category A projects – i) New National Highways and

iii) Expansion of National Highways greater than 30 Km, involving additional right of way greater than 20 m involving land acquisition and passing through more than one state.

Category B project- (i) All New State highway projects

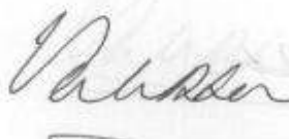
(ii) State Highway expansion projects in hilly terrain (above 1000 m AMSL) and or ecological sensitive area

Authority noted that the projects attracting provisions of CRZ Notification, 2011 and which are permissible under Category A and Category B projects, under amended scheduled dated 1.12.2008 of EIA Notification, 2006, requires prior Environment clearance from MoEF and SEIAA (Maharashtra) respectively, after obtaining recommendations of MCZMA from CRZ point of view.

Authority further noted that the proposal for construction of Rail over Bridge (ROB) near Naigaon Railway Station falls under category- "those activities which are not listed in the EIA Notification, 2006". And as per As per 4(ii)(a) of CRZ Notification, 2011, "those activities which are not listed in the EIA Notification, 2006" clearance from MoEF shall require.

In view of the detailed presentation made by the MMRDA officials and as per the CRZ permissibility as per CRZ Notification, 2011, the Authority after deliberation decided to recommend the proposal to MoEF, as the proposal falls under the jurisdiction of MoEF, subject to compliance/ submission of the following conditions/ documents to the Authority:

1. MMRDA should submit the documents as mentioned in Para 4.2 of the CRZ Notification, 2011 viz. EIA Report, Disaster Management Report, Risk Assessment Report and Management Plan.



2. MMRDA should submit the CZMP in the scale of 1:4000 showing site under reference.
3. The details of total area of mangroves affected due to the proposal and accordingly plans for compensatory mangroves plantation should be submitted by the proponent.
4. If the project involves destruction of mangroves, prior permission of Hon. High Court is required in accordance with the Hon. High Court Order dated 27.01.2010.
5. The details of total area under reclamation, if any, in the proposed construction should be submitted by the proponent.

Item No. 11: Proposed construction of four courts and bar room in the premises of existing District and session court, Alibag, Dist: Raigad

The matter was placed before the authority, authority noted the following:

1. The Town Planning Office, Alibag has forwarded the proposal for construction of 4 courts and bar room within the premises of existing District & Session Court on plot bearing CTS No. 1011, survey No. 77, Alibag, Raigad..
2. As per the remarks of Alibag, Town Planning Office, dated 12.8.2011:
 - The sanctioned development plan of 1984, the land under reference is adjacent to 15 m wide toad and falls under the category of "Public" and "Semi Public"
 - The land under reference falls in CRZ II and situated on the landward side of the existing building
 - Total area of plot under reference is 7866.33 Sqmt.
 - Existing structures within the premises of District & session court, with built up area of 5267.76 Sqmt.

| Sr. No. | Structures | Nature of structure |
|---------|--|---------------------|
| 1 | Main building (District & session court) | Ground + 1 |
| 2 | Civil Court | Ground |
| 3 | Chief Judicial Magistrate Court | Ground + 1 |
| 4 | Cantin + Court | Ground floor |
| 5 | Toilet blocks, record room, garage etc | Ground |

3. The proposed structure is Ground + 2 upper floors.

| | Nature of construction | Area of Construction (Sq mt) |
|--------------|----------------------------|--------------------------------|
| Ground floor | Bar room, Library and Hall | 269.77 |
| First Floor | 2 courts | 269.77 |

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| | | |
|----------------------------|----------|---------------|
| Second Floor | 2 courts | 269.77 |
| Total built up area | | 809.31 |

4. As per lay out plan submitted by proponent and remarks of Town planning office, Alibag:
- Area of plot: 7866.30 Sqmt
 - Area after deducting 10% open area: 7079.67 Sqmt
 - permissible FSI: 1
 - built up area of existing structures: 5267.76 Sqmt
 - Proposed built up area for Gr + 2 structures: 809.31 Sqmt.
 - Total built up area 6077.07 Sqmt. (FSI less than 1)

Authority noted that as per **8.II.CRZ II (I)** of CRZ Notification, 2011

(i) buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures;

In light of above, Authority after discussion, decided to recommend the proposal to concerned planning authority i.e. Alibag Town Planning office subject to following condition:

- Construction should be in accordance with the provisions of CRZ Notification, 2011 (amended time to time) and DCR applicable and in force as on 19.2.1991.
- The construction should be on landward side of the authorized structure.

Item No. 12: CRZ permission for Proposed Residential cum Shop on plot bearing CS. No. 2/225 Worli Division, Worli, Mumbai

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

- The proposal is for development of Residential cum shop building on plot bearing C.S. No 2/225, Worli Division, Mumbai. The said plot under reference has an old house which is demolished and the plot is vacant
- As per DP remarks of the MCGM, the land under reference is in the Residential Zone and not affected by any reservation
- As per the approved CZMP of Mumbai, the land under reference falls in CRZ II and is situated on the landward side of the DP road.
- The proposed Residential cum shop building comprises of ground + four upper floors. The Ground floor is for a shop and the four upper floors are for Residential purpose
- The documents submitted by the proponent shows:
 - The area of plot is 412.21 Sqmt
 - The total built up area is 548 Sqmt. (The FSI of lift, lobby and staircase is included in the FSI.)
 - The permissible and proposed FSI is 1.33.

6. The proponent has submitted the DP remarks, DP sheets, the property card, old buildings IOD dated 22.12.1999, approved CZMP showing site under reference, valuation report etc.

Authority noted the As per 8 II CRZ-II (i) "Reconstruction of authorized building to be permitted subject with the existing floor space index or floor area norms and without change in present use"

In light of the details of the matter, authority after discussion, decided to recommend the proposal to concerned planning authority i.e. Municipal Corporation of Greater Mumbai, subject to following conditions:

1. MCGM should ensure the Permissibility of shop on ground floor of the 4 upper floors building in residential zone, as per DCR 1967 before issuing permission to the proposal. If it is not permissible as per DCR 1967, MCGM will not give permission for shops and accordingly plan should be revised.
2. The plot under reference falls within 300m from Naval Installations at Worli, hence NOC from Naval authority shall be obtained before taking up any development on the land.
3. FSI should be in accordance with Town and country planning regulation existing as on 19.02.1991 i.e. DCR 1967. The MCGM should ensure the FSI for lift, lobby, staircase is as per the provisions of DCR, 1967. Further, building plans should also be as per DCR 1967.
4. The MCGM should ensure that work is as per the provisions of CRZ Notification, 2011 before according commencement certificate to the building.

Item No. 13: Proposed residential building on CTS No. 719-724 & 726 (Survey No. 28 pt) of Mauje Ambepur, Tal. Alibag, Dist: Raigad

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

1. The Town Planning Office, Alibag has submitted the proposal for construction of Residential building on plot bearing CTS NO. 719 to 724 & 726 (S.No.28) at Mauje Ambepur, Tal: Alibag
2. The proposed construction is Gr + 2 floors (total 3 floors)for Residential purpose, with proposed built up area 435.44 Sqmt. (built up area 145.1466 Sqmt per floor)
3. As per the remarks of Town Planning Office, Alibag:
 - In the sanctioned development plan of Alibag & Pen of year 1985, the land under reference is indicated as "existing village". The Deputy Divisional officer, Alibag Sub Division has included the land under reference in the gaathan area, as per clause 122 of revenue code 1966.
 - The Town Planning office, Alibag mentioned that as per the CZMP map prepared by SAC, Ahemadabad in the scale on 1:25000, the land under reference falls in



CRZ III and situated within 200 to 500 mt from HTL line of Creek. The site is 40 mt away from State Highway.

- As per the submitted information, total area of plot – 453 Sqmt
- In sanctioned development plan of Alibag & pen of year 1985, the site under reference is indicated as "existing village" and as per applicable development control regulations, construction of Gr + 2 floor for residential purpose within the limit of FSI 1 is permissible.
- The Town Planning office, Alibag mentioned that the site under reference is beyond CRZ area as per CRZ Notification 2011 as the site falls beyond the 100 mt from HTL of creek. Therefore, the proponent has submitted the construction plan of Gr + 2 floors for residential purpose

The Authority further noted that as per As per 8(i)(III)CRZ III (B)(vii) of CRZ Notification, 2011

"Construction or reconstruction of dwelling units so long it is within the ambit of traditional rights and customary uses such as existing fishing villages and goathans. Building permission for such construction or reconstruction will be subject to local town and country planning rules with overall height of construction not exceeding 9 mts with two floors (ground + one floor)"

In light of above, the Authority, decided to recommend the proposal to the concerned planning authority ie. Alibag Municipal Council, subject to following condition:

1. Construction should be in accordance with the provisions of CRZ Notification, 2011 (amended time to time)
2. FSI should be in accordance with Town and country planning rules existing as on 19.2.1991 with overall height of construction not exceeding 9 mts with two floors (ground + one floor)"
3. Construction should not be in No-Development Zone ie within the 200 mt from HTL.

Item No. 14: Proposed redevelopment of property bearing CS No. 406 of Malabar Hill Division at junction at Pandita Ramadevi Road & KM Munshi Marg at Girgaum Chowpatty, Mumbai

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

1. The proposal is for reconstruction of existing dilapidated building on plot bearing CS No. 406, Malabar Hill Division, Mumbai, by demolishing the old building
2. The DP remarks dated 3.11.2007 of MCGM shows, the land under reference falls in residential zone and was not reserved for any public purpose except for road widening, if any of the existing road and for a 36.60 mt wide Central Island Expressway. The site



under reference is situated at the junction of Babulnath first cross road, Malabar Hill Division, Mumbai.

3. As per the information submitted by the proponent and the MCGM, the land under reference falls in CRZ II and is situated on the landward side on the existing road prior to 19.2.1991. The CZMP prepared by IRS, Chennai, dated 13.7.2011, in the scale of 1:4000, on the basis of existing CZMP of Mumbai approved by MoEF shows that, the land under reference fall in CRZ II.
4. As per the PR card and MCGM remarks, area of the plot under reference is 514.21 Sq.mtrs.
5. As per the remarks of MCGM dated 30.5.2008,

- i) The existing building comprises of partly Gr + 2 and partly Gr + 1 upper floor. The same is tallying with the survey sheet prior to 1962 having sheet No. 186 fifth edition of 1957 and sheet No. 188 fourth edition 1957 as per survey remarks. The built up area of existing buildings is 769.22 sqmt.
- ii) The Asst. Commissioner 'D' ward MCGM vide letter dated 30.5.2000 has stated that the existing building is in a dilapidated conditions and may collapse and is dangerous to any person occupying it.. The Structural Engineer has recommended the demolition of the building.
- iii) As per the remarks of the MCGM, the proposed reconstruction involves basement + stilt + 1st to 5th floor level for parking + 6th floor services + 7th to 2^{1st} floor for residential purposed . The height of proposed building is 69.89 mts. The area covered under staircase, lobby, lift and life lobby is computed as free of FSI. However, lay out plan shows the proposed swimming pool on 2^{1st} floor.

6. As per lay out plan:

- i. Area of plot: 514.21 Sqmt.
- ii. Proposed built up area- 894 Sqmt.

7. However, the valuation report submitted by the proponent shows, net proposed built up area as 3302.44 Sqmt, (Built up area of staircase, lift, lobby, balconies etc is included.)

The Authority felt the need to verify the proposed built area involved in the proposal as the actual built up area (ie 894 Sqmt) is less than the built up area proposed for staircase, lift lobby, balconies. (3302.44- 894 = 2408.44 Sqmt). Therefore, the Authority after deliberations decided to refer the matter to the Urban Development Department so as to verify the FSI, built up area, user, Zoning etc. as per prevailing DCR. Authority also decided that the project proponent should submit the public consultation report to MCZMA.

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Item No. 15: Regarding CRZ permission for proposed construction on land bearing S. No. 41(pt), CTS No. 1/48/1A(pt), Plot No. 124, Village Oshiwara, Andheri (West) of Shri Swami Samarth Prasanna Co-op. Housing Society Ltd.

The matter was placed before the Authority, since it was referred back by MoEF to verify as per CRZ Notification, 2011. The Authority noted the background of the matter which is as following:

1. The matter regarding 'CRZ permission for the proposed construction on land bearing S. No. 41(pt), CTS No. 1/48/1A(pt), Plot No. 124, Village Oshiwara, Andheri (West) of Shri Swami Samarth Prasanna Co-op. Housing Society Ltd.' was considered in the 66th meeting of MCZMA held on 03.11.2010 in accordance with the CRZ Notification, 1991(as amended from time to time) wherein the Authority had decided to recommend the matter to MoEF vide letter dated 24.12.2010 as per the provisions of CRZ Notification, 1991 (as amended from time to time) subject to certain conditions:
2. The MoEF has issued the CRZ Notification, 2011 on 6th January 2011 which has superseded the CRZ Notification, 1991. In light of this, the proposal has been referred back by MoEF to MCZMA vide letter dated 18.07.2011 for consideration and necessary action.
3. The project proponent has submitted the proposal in the Form-I as prescribed in the CRZ Notification, 2011. The CRZ map prepared by SAC, Ahmedabad in the scale of 1:25000 has also been submitted to MCZMA vide letter dated 12.05.2011.

Authority noted the proposal in view of CRZ Notification, 2011, which is as follows:

1. The proposal is for construction for residential purposes on land bearing S. No. 41(pt), CTS No. 1/48/1A(pt), Plot No. 124, Village Oshiwara, Andheri (West) of Shri Swami Samarth Prasanna Co-op. Housing Society Ltd.

| Wing | Floors | Height |
|------|-------------------------|---------|
| A | Stilt + 21 Upper Floors | 63.65 m |
| B | Stilt + 12 Upper Floors | 37.55 m |
| C | Stilt + 11 Upper Floors | 34.65 m |

2. As per the sanctioned Development Plan of KWest Ward, the land under reference is situated in the Residential Zone.
3. Regarding the CRZ status of the site, the Authority noted the following:
 - The land under reference falls in CRZ-II and is situated on the landward side of the DP Road in the North-West direction.
 - The Urban Development Department mentioned in their remarks that, the land under reference falls in CRZ-II and situated on the landward side of the existing North-South Road as per the CZMP of Mumbai (approved by MoEF vide letter dated 19.01.2000).

- As per the remarks of Urban Development Department, the CRZ extent is upto 50.00 m from existing nalla on the North-East; while, the same is upto 150.00 m from the North-West. As per the plan submitted by the Architect, the construction is proposed beyond 50.00 m CRZ buffer zone extent.
- 4. As per the submitted information, total area of the plot is 7751.580 sq. m. At present, the land is vacant and on freehold. 'Total DP Advantage' of the plot is 2956.56 sq. m. Hence, total plot area is considered as 10708.14 sq. m. (by adding the plot area and 'Total DP Advantage').
- 5. As per submitted information in the Form I by the proponent, The size of the project (in terms of total area) is as follows:

| | |
|-----------------------------------|------------------|
| Total plot area: | 7751.580 sq. m. |
| Total built-up area proposed: | 9532.930 sq. m. |
| Total construction area proposed: | 16076.870 sq. m. |

- 6. As per the submitted plans, construction area including balcony, staircase, lift, parking, refuge floors is 16076.870 sq. m.
- 7. As per the submitted plan as well as the letter of the project proponent dated 21.07.2010, the construction is proposed beyond 50 m buffer zone of mangroves and the nalla.
- 8. The form I submitted by the proponent shows the following details:
 - Total excavation quantity during construction phase: 180 m³
 - Total Municipal Solid Waste generated: 168 kg/ day
 - Sludge generated from STP: 0.4 m³/day (to be used as manure after drying)
 - Total quantity of debris generated: 250 m³

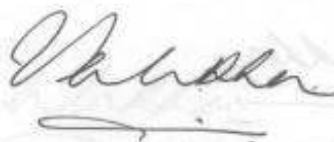
The Authority noted the permissibility of proposal as per CRZ Notification, 2011:
As per para 8(i) II of the CRZ Notification, 2011:

- (i) Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures
- (ii) Buildings permitted on the landward side of the existing and proposed roads or existing authorized structures shall be subject to the existing local town and country planning regulations including the 'existing' norms of Floor Space Index or Floor Area Ratio: Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road

The Authority after deliberation decided to recommend the proposal from CRZ point of view to MCGM subject strict compliance of the following:

- 1. Construction should be carried out strictly as per the provisions of CRZ Notification, 2011 (as amended from time to time) and guidelines/ clarifications given by MoEF time to time.

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2. The proposed development should be as per the sanctioned Development Control Rules, 1967 as existing and in force on 19.02.1991.
3. The proposed development should be on the landward side of the existing authorized road. ie. road existing on 19.2.1991.
4. Building layout plan and FSI calculations should be as per the Development Control Rules, 1967 (as amended from time to time).
5. Planning Authority should ensure that there is no land-use change in the instant matter.
6. The MCGM should ensure that there is no violation of order of Hon. High Court given in the Writ Petition No. 3246 / 2004 and PIL 87 / 2006 and construction is not in mangroves and its buffer zone area.

Item No. 16: Regarding proposed shipyard at Dabhol Creek, village Usgaon, District Ratnagiri by M/s. JSW Shipyard Pvt. Ltd

The matter was placed before the Authority wherein authority noted that following:

1. M/s JSW Infrastructure Ltd has proposed to set up a ship building / repair yard at Dabhol Creek, Ratnagiri. The proposed project will include construction of ship building facilities with slipways, Slip-Gate, Fitting out Berths, Workshops, approach roads, Stores, office and other amenities, material handling equipments, Desalination plants and Floating Dock (as a phased option). The project is aiming at building of small vessels of about 70 m length and of 6-8m draft.
2. The project site is on the estuary of Vashishthi River in the vicinity of Arabian Sea , with the sea on one side and the hilly regions of the Western Ghats on the other. Villages Usgaon, Dabhol, navase, Agarvayangani, Derde, Panchnadi Dhopawe, veldur etc. are situated around the project site.
3. As per the submitted application, the land under reference falls in CRZ II and CRZ III areas and is situated on the seaward side of existing road. There are no mangroves on the site. However, as per the remarks of Town Planning, Ratnagiri, the land under reference falls in CRZ I and CRZ III area.
4. The proponent has submitted the Demarcation of High Tide line and Low Tide line and CRZ as per CRZ Notification, 1991, for the site, prepared by Institute of Environment Studies and Wetland Management , Kolkatta, which shown the project site falls in CRZ III area.
5. As per the submitted application, the land is free hold, vacant and under possession of JSW Infrastructure Pvt Ltd. Total area of land as well as total area under proposal is 11.39 Acre ie. 46093.34 Sqmt.



6. As per the project report submitted by the proponent, The major activities involve in the project are-

- Filling / Levelling of area
- Land shaping and stripping in seaward side of slipways
- Reclamation
- Shipbuilding facilities and process
- Workshop / Office facilities
- Facilities for launching.
- Infrastructure facilities-
 - i) Workshops, buildings, stores and warehouses, offices and amenities, wharves and jetties.
 - ii) Shipbuilding- Block constriction area, Block transfer system, Ship assembly, Dry Berth and launching and shipbuilding slipways / pontoons , ship hauling and positioning system , crane rails and civic structures.
 - iii) Mechanical handling facilities, processing equipment and machinery
 - iv) Power-, utility piped services with sources, equipment maintenance facilities. Main and auxillary substation, distributed system, industrial and area lighting
 - v) Parking area for mobile cranes, transports, cars etc.
 - vi) Air monitoring instruments / facilities: waste disposal: Green belt and landscaping of the unused area.

7. The proponent has submitted the rapid EIA report, Environment Management Plan and Risk assessment and disaster management plan.

8. From the submitted documents it is observed that project proponent has applied to the MPCB for consent to establish.

Authority further noted the permissibility of the proposal as per CRZ Notification, 2011

1. As per 4 (i)(f) of CRZ Notification, 2011,

"Construction and operation for ports and harbours, jetties, wharves, quays, slipways, ship construction yards, breakwaters, groynes, erosion control measures" is permissible activity.

2. As per 4 (i)(b) of CRZ Notification, 2011

"for those projects which are listed under this notification and also attract EIA notification, 2006 (S.O.1533 (E), dated the 14th September, 2006), for such projects **clearance under EIA notification only shall be required** subject to being recommended by the concerned State or Union territory Coastal Zone Management Authority (hereinafter referred to as the CZMA)".

3. As per 7 (b) of EIA Notification, 2006

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All projects regarding "All ship breaking yard including ship breaking units" requires prior permission from MoEF.

The Authority further noted that the MoEF vide its Office Memorandum dated 4th July, 2011 regarding "proposals of Ratnagiri and Sindhudurg District, Maharashtra" mentioned that the moratorium (dated 16.8.2010) is extended for consideration of projects in Sindhudurg and Ratnagiri districts, Maharashtra upto 30th August, 2011 except for

1. The projects of National importance
2. The projects which are located in the notified industrial estates, preferably with zero discharge & improved technologies and which were received for TOR or EC before the moratorium was imposed in August, 2010.

In light of the moratorium imposed by MoEF vide OM dated 16.8.2011, the Authority decided to send the proposal to MoEF for following:

1. Since there is change in CZMP as approved by MoEF and the CRZ Map prepared by MoEF authorized agency, the NCZMA approval is needed.
2. The project falls in category A as per the EIA Notification, 2006. Hence, the jurisdiction for clearing the proposal lies with the MoEF.
3. The project under reference also attracts the directions issued though moratorium.
4. No construction or reclamation will be allowed in CRZ I (A) area.

Item No. 17: Proposed reconstruction of Restaurant on plot bearing CTS Nos. 959, 959/1 to 4 of village Juhu, at Juhu Tara road, Vile Parle (W), Mumbai

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

1. The proponent has submitted a proposal for reconstruction of a Restaurant on plot bearing CTS Nos. 959, 959/1 to 4 of village Juhu, at Juhu Tara road, Vile Parle (W), Mumbai, through the Municipal Corporation of Greater Mumbai.
2. As per the DP remarks of MCGM dated 13.5.2011
 - The land under reference falls in the Residential Zone & is not reserved for any public purpose. Further, it is abutting the 18.30 mtrs wide Juhu Tara Road on east side.
 - The land under reference falls within 500mtrs of HTL and is in CRZ II but on seaward side of existing Juhu Tara Road.
1. As per the PR card, the plot is owned by Civil Aviation Department, Govt. of India and has been leased to M/s Sea View hotel. The lease was renewed by the Civil Aviation Dept. Govt. of India (AAI) has given NOC for reconstruction the existing building.
2. The area of the plot is 2277.00 sqm as per the PR Card submitted for CTS No 959, 959/1 to 4 of village Juhu and as per the lease agreement, area is 2256.00 sq.



3. The MCGM's remarks show the existence of a hotel known as Sea View hotels on the said plot. Further, the application submitted by the proponent shows that the area of the subjected plot is 2256.00 sqm which consists of 5 nos of existing structure as shown in CTS plan. The plinth area of existing structures No.1 is 137.99 sqm, No. 2 is 124.93 sqm, No.3 110.01 sqm, No 4. 130.74 sqm, No 5 17.40 sqm, However, The IOD, CC and occupation certificate is not submitted by the proponent for confirmation of Authorization of existing structures.

4. The lay out plan submitted by the proponent shows proposal is for construction of a building (G + 1) with Basement for car parking + ground floor for Restaurant & Kitchen + First floor for Lounge & kitchen using 0.506 FSI.

The FSI details mentioned as :

- i. Area of the plot as per PR card is 2277.00 sqm
- ii. Area of plot as per lease agreement is 2256.00sqm.
- iii. Total building area is 1075.77.
- iv. Permissible FSI is 1 while proposed FSI is 0.506

However, the Form-I submitted by proponent shows, total area under construction of the proposed hotel is 1904.46 sq. m.

5. MCGM stated as per submitted application that the Lic. Surveyor has proposed 27 No. of parking & 2 No. of transport vehicles which are adequate as per the DCR, 1991.

The Authority discussed that the site under reference is located on the seaward side of existing road. As per the remarks of MCGM, the plot under reference is on the landward side of the 'imaginary line' drawn from seaward side of the existing authorized structure on plot bearing CTS No. 960 parallel to HTL. Authority noted that the CRZ Notification, 2011 is silent about the concept of 'imaginary line' and clarification on the same has been requested from MoEF vide letter dated 31.07.2011, which is still awaited.

The Authority discussed that there are 5 existing structures on the plot under reference. However, their authorization details have not been submitted along with application. Hence, Authority decided to direct the project proponent and MCGM to submit the authorization details of existing structures, details of the plot area, built up area, total construction area, FSI as per DCR 1967 and lay out plan as per DCR 1967 to the Authority. The Authority also decided to get the details from MCGM and the project proponent on the approved plinth area of the existing structure and verification indicating whether the proposed construction is on the existing plinth or on the landward side of the existing plinth. Authority further noted that only proposals of Hotels and Resorts in CRZ area, requires prior clearance from MoEF.

In light of above, the Authority after discussion and deliberation, decided to recommend the proposal to the planning authority after receipt and scrutiny of above said information from Municipal Corporation of Greater Mumbai.



Item No. 18: Regarding CRZ permission for proposed commercial use of Petrol Pump on plot bearing S. No. 204, Village Karlas, Taluka Shrivardhan, District Raigad

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

1. The proponent has submitted the proposal for construction of a Petrol Pump for commercial use on plot bearing S. No. 204, Village Karlas, Taluka Shrivardhan, District Raigad, through Town Planning Department, Raigad. There will be provision of 4 tanks (out of which 2 are of 16 KL capacity and the remaining 2 are of 22 KL capacity) and 8 pumps. The products proposed to be stored and used are MS (Motor Spirit/ Petrol) and HSD (High Speed Diesel).
2. As per the remarks of Town Planning (Alibag), the Raigad:
 - As per the Rajpuri Creek Area Development Centre, the map of the sanctioned Regional Plan of Raigad District as well as 7/12 extract, the land under reference falls in the Agricultural Zone.
 - As per the Coastal Land Use Map of Village Karlas (prepared by MRSAC, Nagpur in the scale of 1:25000) and part plan of CZMP for Village Karlas (scale 1:10000), the land under reference falls in CRZ-III. In the application dated 21.06.2011, it is mentioned that, the land under reference falls in CRZ-III and within 200 m from HTL i.e. No Development Zone (NDZ).
3. As per the map prepared by MRSAC, the land is at a distance of 50 m from CRZ-I (tidal flat/ mud flat). The land under reference is on the landward side of existing Dighi-Shrivardhan State Highway.
4. As per the submitted application and 7/12 extract (dated 30.11.2010), total area of the plot under reference is 6150 sq. m. It is mentioned that the construction of the Petrol Pump is proposed within the permissible limit of 0.25 FSI. However, there will be land use change (from agricultural to commercial) due to the proposed activity.
5. As per submitted information by project proponent:
 - Area under proposed construction of the building = 45.24 sq. m. (486 sq. ft.)
 - Area under proposed construction of shed = 12 m X 35.5 m = 426 sq. m. (4585 sq. ft.)

Authority further noted the remarks Assistant Director, Town Planning (Alibag), which is as follows:

- The Raigad Regional Plan was sanctioned on 04.07.1992 (after CRZ Notification, 1991 was promulgated); as per which the land under reference falls in 'Agricultural' zone. The same Plan was in draft stage since 18.05.1989 and hence, as on 19.02.1991 (on which CRZ Notification, 1991 was issued by MoEF), the land under reference was classified in 'Agricultural' zone. As per the provisions of the draft Regional Plan, construction of Petrol Pumps, Shops and other facilities abutting the road are permissible in the 'Agricultural' zone.



- As per the regulation No. 5(11) of the sanctioned Regional Plan of Raigad (on 04.07.1992 i.e. after CRZ Notification, 1991), Petrol Pump, Service Station, Motels etc. uses are permissible within the construction limit of G + 1 floors and 0.25 FSI.

As per the Regional Plan of Raigad (1985 to 2011): Regulation No. 5.0 (xi):

"Petrol Pumps, Service Stations, Motels and other road side Amenities subject to other regulations and rules made by Government or other competent authorities in that behalf.

These must provide adequate parking facilities (as may be specified by the Collector/ Assistant Director of Town Planning) so that there will be no parking on the road side. These Petrol Pumps, Service Stations and road side amenities shall observe the specification laid down by Indian Road Congress/ Indian Standard Institutions.

Provided that such activities shall not be permitted towards seaward side of the road situated within one kilometer from the high tide line:

Provided further that the maximum permissible FSI shall be 0.25 and subject to relevant provisions of regulation No. 5 (xviii)*

Authority further noted the permissibility of the proposal as per CRZ Notification, 2011:

- There is no specific mentioning about the permissibility of 'Petrol Pump' as such in the CRZ Notification, 2011. However, as per the para 8(i) III (A)(iii)(e), 'facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II' is the permissible activity in NDZ of CRZ-III (within 200 m from HTL).
- As per the Annexure-II of CRZ Notification, 2011, storage of 'Motor Spirit' and 'High Speed Diesel' is permissible in CRZ area except in CRZ-I(A).

In view of above, authority after discussion decided to recommend the proposal only after submission of the following information from the Town Planning Office.

- Comments on the location of the site under reference as it are at a distance of 50 m from CRZ-I (tidal flat/ mud flat).
- Permissibility of the petrol pump on land falling in agricultural zone as per existing DCR as on 19.2.1991.

Item No. 19: Discussion on issues of proposals of reclassification of CRZ area

Authority discussed at length about the proposals received for reclassification of CRZ areas under CRZ Notification, 1991, which has been superseded by the new CRZ Notification, 2011. The new CRZ Notification, 2011 stipulates the provision of preparation of new CZMP as per guidelines mentioned in its Annexure I

Authority noted the following:

- MoEF has issued Office Memorandum dated 1st July 2011, regarding reclassification of CRZ areas of CZMP approved in 1996 under the CRZ Notification, 1991. As per this



Office Order, only those reclassification proposal which involves "Error evident on record" will be considered by MoEF, after recommendations from respective CZMA.

2. MoEF further issued Office Memorandum dated 8th August, 2011. As per this office memorandum:

"It has been decided that any proposal for reclassification citing the ground of "error evident on record" should be preceded by an in depth examination by the State/ Union Territory Coastal Zone Management Authority (CZMA) concerned bringing out clearly what is the error on record because of which the area/ plot in question does not fall in the CRZ, or has been wrongly classified; the Authority/ officials responsible for the error, as to how the error is proposed to be rectified, the corroborative/ independent evidence supporting the proposed rectification of error – in the form of satellite imagery, Survey of India map, etc; and the conduct of field verification by a team involving the CZMAs, Municipal/ Revenue Authorities and Experts, which should include one Expert from one of the Agencies authorized by MoEF for demarcating High Tide Line. It may be ensured that the Expert for the field verification should not be from the same authorized Agency, which demarcated the High Tide Line, on record, for the area/ plot in question".

In light of said Office Memorandums by MoEF, authority after detailed discussion and deliberation, decided that State CZMAs shall recommend a proposal for reclassification under CRZ Notification, 1991, on the ground of "error evident on record" to the NCZMA for consideration, only after following this procedure as stipulated in MoEF's Office Memorandum dated 8.8.2011. Further, it was decided to constitute a committee for each individual sites comprising concerned Executive Engineer / Superintendent Engineer of the concerned ward, Expert members from MCZMA, Tehsildar, Town Planner and MoEF authorized agency etc EE/SE of the Kharland dept depending upon the location of site to verify the error in approved CZMP. This committee will verify error on record through relevant documents as well as site conditions and submit report to MCZMA

Item No. 20: Proposed development on plot bearing 161/1A/1, 161/1B & 161/1C/1 at Balkum, Thane for M/s Kabbur Industries Pvt. Ltd. Sector No. 5

The matter is placed before the authority wherein authority noted the following:

1. The proponent has submitted the proposal for " Residential development on plot bearing 161/1A/1, 161/1B & 161/1C/1 at Balkum, Thane for M/s Kabbur Industries Pvt Ltd sector No. 5", through the planning authority ie Thane Municipal Corporation. The residential construction is proposed on the Non CRZ portion of partly affected CRZ II plot.
2. As per Thane Municipal Corporation's letter dated 19.5.2010.
 - a. The land under reference is affected by 20 m wide road on east and west side. The remaining portion of land is situated in Industrial Zone.

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- b. The site under reference is partially affected by CRZ II.
3. As per the application submitted by proponent:
- Total Area of plot – 16897.06 Sqmt.
 - Area of portion of plot which is affected by CRZ - 4620.29 Sqmt.
4. As per submitted information by proponent, the land under reference had a industrial structure known as " M/s Kabbur Industries Pvt Ltd " which had been demolished.
5. The lay out plan submitted by proponent shows the following proposal details:

| Sr. No. | Component | Description | Built up Area (Sqmt) |
|---------|------------------------------------|---|----------------------|
| 1 | Tower 1 (MMRDA rental scheme) | Stilt + 13 (pt) | 3573.46 |
| 2 | Tower 2 (MMRDA rental scheme) | Stilt + 26 (pt) | 2903 |
| 3 | Tower 3 | One common basement + stilt + 28 upper floors | 3497.40 |
| 4 | Tower 4 | | 3497.40 |
| 5 | Tower 5 | Stilt + 20 upper floors | 2591.40 |

6. As per the application, DCR of 1974 was sanctioned on 19.2.1991 and the FSI considered in the proposal is as per DCR 1974. The submitted information by proponent mentions:

| | |
|----------------------------------|----------|
| Total Plot Area | 16897.06 |
| Deduction | 2339.27 |
| Net plot Area | 13969.13 |
| Total Ground Coverage area | 1942 |
| Total green cover area | 3504.78 |
| Proposed Built up area | 26310.12 |
| Total construction built up area | 48164.72 |

In light of the above, the Authority after discussion, decided to recommend the proposal to concerned Planning authority i.e. Thane Municipal Corporation, subject to condition that no construction should be carried out in the CRZ affected portion of plot and building scheme / layout should be out of CRZ area of the plot even though FSI computation may be for entire area of single plot. However, FSI from CRZ area shall be as per DCR existing and in force as on 19.2.1991.

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Table Item No. 1: Proposed Versova-Bandra Sea Link Project (VBSLP) in Mumbai by MSRDC

Officials of the MSRDC presented the proposal before the Authority. Authority noted the following:

1. The Versova-Bandra Sea Link Project (VBSLP) is proposed to be developed from Versova to Bandra in the suburbs along West coast of Mumbai. It is a part of the 'Rajiv Gandhi Sea Link' project to be built in Mumbai.
2. MSRDC vide letter dated 16.09.2010 had applied to MoEF for ToRs for the proposed VBSLP in Mumbai. However, the matter has been referred back to MCZMA by MoEF vide letter dated 25.02.2011.
3. MSRDC had submitted the application (in Form 1 as prescribed in CRZ Notification, 2011) for permission from CRZ point of view for the proposed VBSLP in Mumbai. Along with the application, MSRDC had submitted the EIA report and Pre-feasibility study report.
4. The matter was placed in the 69th meeting of MCZMA held on 01.07.2011, wherein the technical presentation regarding the VBSLP was made by the officials of MSRDC. They mentioned that, out of the 5 alternatives proposed for the alignment of the VBSL Project, the alternative of the Coastal Bridge has been finalized by the MSRDC.
5. As per the minutes of the 69th meeting, Authority opined that, though the proposed activity can be permissible as per CRZ Notification, 2011; the same will need prior cabinet approval. Authority suggested that, MSRDC may submit comprehensive EIA of the final option/ alternative, cost benefit analysis and application as per rule 4.2 of the CRZ Notification, 2011 to the MCZMA, after cabinet approval.
6. The Vice Chairman & Managing Director, MSRDC vide letter dated 23.08.2011 has submitted that, the Cabinet Committee on Infrastructure in its meeting held on 03.08.2011 has accorded approval to the alignment of sea link which is approximately 900 m away from the coast. The minutes of this meeting are enclosed along with the MSRDC letter.
7. As per their letter dated 23.08.2011, MSRDC has requested for grant of CRZ clearance for the proposal for which they have submitted the following documents:
 - 1) Duly filled Form-I as prescribed in the CRZ Notification, 2011
 - 2) EIA report for VBSL approved alignment and other options with Executive Summary
 - 3) Survey report prepared by NIO, Goa (one of the MoEF authorized agencies) including HTL & LTL demarcation of CRZ maps (in the scale of 1:4000 & 1:25000) along with the alignment superimposed on it.

In light of the CRZ Notification, 2011, Authority noted the proposal details as follows:

1. The VBSL is proposed to be constructed as a faster link between Versova and Bandra in the suburbs of Mumbai. The length of the sea link is approximately 10 km with dispersal

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points at Juhu Koliwada and Carter Road (near Otter's Club) at Bandra. The sea link will have 4+4 lanes on both the sides.

2. As per the submitted Form-I and EIA report,

- The proposed sea link passes through CRZ-I and CRZ-IV areas. Approach / landing points will be CRZ II.
- The sea link will be constructed about 900 m away from the coast.
- Total length of the road shall be about 9.890 km. The total length will consist of sea link of about 9.500 km and road on stilt of 390 m length. The construction of the sea link along this alignment does not envisage any cutting or tunnel. The road shall have 4+4 lanes on either side.
- The total cost of the project is estimated to be Rs. 4045 crores.

3. As per the submitted EIA report, the environmental justification of the selected alternatives are given as follows:

- The sea link will be constructed 900 m away from the coast and entirely through sea
- The total length of the road shall be about 9.890 km
- The total length will consist of sea link of about 9.500 km and road on stilt of 390 km
- Road on stilt will avoid cutting of mangroves at the Versova end
- Ambient air quality and noise levels affected will be minimum
- It has very minor issues of R & R
- Only a minor land is needed to be acquired
- Moreover no reclamation is envisaged in the transect

4. As mentioned in the Form-I:

- During the construction phase, temporary structure will be erected at Juhu for casting yard, construction activities and housing of construction workers. Existing casting yard (constructed for Bandra-Worli Sea Link (BWSL) project) at Bandra Reclamation may be used for this project.
- There will be construction of jetty for transportation of workers, material and machinery from sea link during construction.
- During the construction phase, temporary structure will be erected for production and manufacturing of parts of sea link structure i.e. segment/ girders etc. at existing casting yard with jetty (constructed for BWSL project) at Bandra &/ or at new casting yard proposed at Juhu Koliwada. Barges/ trailers will be used to carry girders etc. from casting yard to launching site and will be placed at desired location with the help of launching girders.
- There will be no changes in water bodies or the land surface that may affect drainage or run-off.



- During construction of sea link, excavated rock would generate, which will be disposed off at the designated/ approved dumping site either in the sea or on the land or both.
- 5. As per the information submitted regarding mangroves in the EIA report, the most dominant mangrove species observed in the area under reference are *Avicennia marina* and *Avicennia alba*. They are densely located at Versova end of the near RGIT almost like mangrove forest.
- 6. It is also mentioned that, there will be no impact on the mangroves on the Bandra end of the sea link since the entire bridge will be inside the sea and shall not hamper any mangroves existing on the coast. The construction on pre-casted piers and segments of Cable Bridge inserted into the sea will reduce the pollution caused and not hamper mangroves on the coast, if any.
- 7. In case of mangroves at the Versova end it is mentioned that, there are few mangrove patches found at Nana-Nani Park near Versova end. However, proposed sea link will end at a farther distance from these patches. Proper mitigation measures will be taken for the same.

Authority noted the permissibility of the proposal as per the CRZ Notification, 2011 which is as follows:

1. As per para 3(iv)(a) of the CRZ Notification, 2011:
 - (iv) Land reclamation, bunding or disturbing the natural course of seawater except those:
 - (a) required for setting up, construction or modernisation or expansion of foreshore facilities like ports, harbours, jetties, wharves, quays, slipways, bridges, sea link, road on stilts, and such as meant for defence and security purpose and for other facilities that are essential for activities permissible under the notification;
2. As per para 8(i) I (i)(e) of the CRZ Notification, 2011: "construction of trans harbour sea link and without affecting the tidal flow of water, between LTL and HTL" is permissible activity in CRZ-I(A)
3. As per para 8(i) I (ii)(g) of the CRZ Notification, 2011: "construction of trans harbour sea links, roads on stilts or pillars without affecting the tidal flow of water" is permissible activity in CRZ-I(B).

In light of above, Authority decided to recommend the proposal to MoEF subject to following conditions:

1. The tidal ingress to mangroves shall be maintained during and post construction of the project.
2. The local fishing zone, facilities for traditional coastal communities, jetties etc shall not be disturbed.



3. If the project involves the destruction of the mangroves, High court permissions shall be obtained as per Mumbai High Court order dated 6.10.2005 and 27.1.2010.

Table Item No. 2: Regarding CRZ permission for proposed construction of commercial use on plot bearing CTS No. 194/A/9/11, Village Ghatkopar, Taluka Kurla

The matter was placed before the Authority, since it was referred back by the MoEF to be scrutinized as per CRZ Notification, 2011. The Authority noted the background of the matter which is as follows:

- The matter was considered in the 57th meeting of MCZMA held on 16.10.2009, under the CRZ Notification, 1991 (as amended from time to time).
- As per the minutes of the 57th meeting, the 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. The Authority further noted that, as per the DCR, 1967, the land was not reserved for any purpose. The 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.
- As per the decision of the 57th meeting and as the investment cost of the proposal was Rs. 18.00 crores i.e. more than Rs. 5 crores, the matter was recommended to MoEF vide letter dated 16.11.2009.

The Authority further noted that the MoEF has issued the CRZ Notification, 2011 on 6th January 2011 which has superseded the CRZ Notification, 1991. In light of this, the proposal has been referred back by the MoEF to the MCZMA vide letter dated 23.08.2011 for consideration and necessary action. Hence the proposal is to be scrutinized as per the CRZ Notification, 2011. In light of CRZ Notification, 2011, authority noted the following proposal details:

1. The proposal is for construction of building comprising of Basement + Ground + 2 floors for commercial use (departmental stores). Proposed height of the building is 19.41 m.
2. As per Sanctioned revised DP remarks of the MCGM dated 14.9.2008:
 - The land under reference is situated in the Residential Zone and the land was previously affected by the reservation for proposed Vikhroli-Wadala Goods Railway. However, this reservation was deleted and included in Residential Zone in the year 1995. The land under reference falls within 45 m of Eastern Express Highway Buffer Boundary.
 - The reservation of proposed Vikhroli-Wadala Goods Railway was not there in sanctioned DP of the year 1967. The reservation of proposed Vikhroli-Wadala Goods Railway was incorporated in sanctioned revised DP of "N" Ward in the year 1993.

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however, the same was deleted on 16th May 1995 vide Government Notification No. TBP-4394/80(N)/CR-11/UD-11 (RDP).

3. As per the CZMP of Mumbai (approved by MoEF on 19.01.2000), the land under reference partly falls in CRZ-II and on the landward side of the existing road i.e. Eastern Express Highway.
4. As per the submitted information by the project proponent, the plot is on the lease hold of MHADA. Total area of the plot under reference is 8752.50 sq. m. Area statement for plot bearing CTS No. 194/A/9/11 is as follows:

| Description | Sub Plot A | Sub Plot B | Sub Plot C | Sub Plot D |
|-----------------|---------------|----------------|-------------------|----------------|
| Total plot area | (1) | (2) | (3) | (4) |
| | Highway | | 30 m wide DP road | |
| 8752.50 sq. m. | 272.74 sq. m. | 4267.57 sq. m. | 1335.90 sq. m. | 2876.29 sq. m. |

5. Area statement for sub plots A, B & C for plot bearing CTS No. 194/A/9/11 is as follows:

| Description | Sub Plot A | | Sub Plot B | | Sub Plot C | | Total |
|------------------------|------------|--------|------------|---------|----------------------|---------|---------|
| Total plot area | Non-CRZ | CRZ-II | Non-CRZ | CRZ-II | Non-CRZ | CRZ-II | |
| | Highway | | | | 18.30 m wide DP road | | |
| Plot area | 96.21 | 176.53 | 1236.32 | 3031.25 | 229.31 | 1106.59 | 5876.21 |
| Less 15% RG deductions | - | - | 179.38 | 460.75 | - | - | 640.13 |
| Net plot area | 96.21 | 176.53 | 1056.94 | 2570.50 | 229.31 | 1106.59 | 5236.08 |
| Addition for FSI | 96.21 | 176.53 | - | - | 229.31 | 1106.59 | 1608.64 |
| Total plot area | 96.21 | 176.53 | 1056.94 | 2570.50 | 229.31 | 1106.59 | 5236.08 |
| Permissible FSI | 1.25 | 1.25 | 2.50 | 1.25 | 1.25 | 1.25 | |
| Total permissible BUA | 120.26 | 220.66 | 2642.35 | 3213.13 | 286.64 | 1383.24 | 7866.28 |
| Total proposed BUA | | | | | | | 7764.06 |
| Total balance area | | | | | | | 102.22 |

6. As per the information submitted by the project proponent:

| | |
|------------------------|---------------------------------------|
| Total area of plot | 8752.50 sq. m. |
| Permissible FSI | 1.20 (CRZ plot) & 2.50 (non-CRZ plot) |
| Proposed built up area | 7764.067 sq. m. |

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| | |
|-------------------------|------------------|
| Total construction area | 10,637.69 sq. m. |
|-------------------------|------------------|

7. The project proponent has submitted the proposal in the Form-I as prescribed in the CRZ Notification, 2011. However, the same is not as per the MCZMA Office Memorandum dated 02.07.2011.

The Authority noted that as per 8(i) II CRZ-II of CRZ Notification, 2011:

- (i) Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures;
- (ii) Buildings permitted on the landward side of the existing and proposed roads or existing authorized structures shall be subject to the existing local town and country planning regulations including the 'existing' norms of Floor Space Index or Floor Area Ratio. Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road.

The Authority noted the provisions of the DCR 1967 which stipulates the permissibility of the commercial use in the residential zone:

As per para 8. Use provision in Residential zones with shop line along streets-- A building or premises with shop line along a street in residential zones may be used for the following purposes subject to the conditions that:

- (a) The additional use permissible hereunder shall be restricted to a depth of 40 ft and only on the ground floor of the building in front of the portion abutting the street on which the shop line is marked except where the whole building is in occupation of one establishment only. If such uses have an access from the side or rear open space the width of each open space shall not be less than 22 ft.
- (b) Where the building or premises abuts on two or more streets, no direct opening of such shop shall be permissible on the street on which no shopping line is marked.
- (c) The Commissioner may permit shopping user in the entire ground floor of the building in which case shopping which does not take access from the front space shall take access from the side open spaces which shall in no case be less than 30 ft. in width. The depth of shop shall in no case exceed 40 ft.
- (A) The shops may be permitted on all the roads having a width of not less than 12.2 m (40') and not more than 18.29 m (60') within Greater Bombay Municipal Limits.

In light of above, the authority after discussion and deliberation, decided to recommend the proposal to concerned Planning Authority ie. Municipal Corporation of Greater Mumbai subject to submission and scrutiny of following documents by MCGM.

- 1. FSI permissible for the proposal as per DCR 1967.
- 2. FSI norms for lift, lift lobby, staircase, balconies, parking space, basement etc as per DCR 1967

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3. Permissibility of Commercial Use on ground as well as upper floors of the proposed structure in the Residential Zone as per the provisions of DCR, 1967.
4. FSI used from CRZ area as well as non CRZ area, total built up area, total construction area, actual area of plot and user permissibility etc.
5. If the total built up area of the project under reference exceeds 20,000 Sqmt. Or more, then project proponent should obtain Environment Clearance under EIA Notification, 2011

The meeting ended with vote of thanks to all members.



Chairperson,
MCZMA

Item No. 1: Confirmation of minutes of the 70th meeting of MCZMA held on 26.08.2011.

The Chairperson noted the status of all matters under consideration at the 70th meeting of MCZMA held on 26.08.2011.

Item No. 2: Request to MoEF for identification of areas for implementation of CRZ Notification, 2011.

The Chairperson took up the Chairperson's report regarding MoEF regarding the implementation of CRZ Notification, 2011 and asked the Secretary to follow up.

Item No. 3: Draft Office Memorandum on Public Consultation with respect to CRZ Notification, 2011.

The Chairperson noted the MoEF's Office Memorandum No. 11/2011 dated 26.08.2011 regarding the applicability of CRZ Notification, 2011 and asked the Secretary to follow up. The Chairperson also noted the MoEF's Office Memorandum No. 11/2011 dated 26.08.2011 regarding the applicability of CRZ Notification, 2011 and asked the Secretary to follow up.

The Chairperson also noted the MoEF's Office Memorandum No. 11/2011 dated 26.08.2011 regarding the applicability of CRZ Notification, 2011 and asked the Secretary to follow up.

Annexure-I

List of the members present for the 71st 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), Environment Department, Mantralaya, Mumbai