

Confidential

KERALA COASTAL ZONE MANAGEMENT AUTHORITY

22ND MEETING

Agenda & Notes

Venue: Sasthra Bhavan,
Pattom,
Thiruvananthapuram

Date & Time : 2.00PM on 27th April, 2007

**KERALA COASTAL ZONE MANAGEMENT AUTHORITY
SASTHRA BHAVAN, PATTOM, THIRUVANANTHAPURAM – 695 004**

KERALA COASTAL ZONE MANAGEMENT AUTHORITY

22ND MEETING

<u>Date & Time</u>	<u>Venue</u>
27 th April 2.00PM	Sasthra Bhavan, Pattom, Tvpn.

Agenda items

- 22.1 : Confirmation of the Minutes of 21st meeting of KCZMA held on 20th Jan. 2007
- 22.2 : Action taken report on decisions of 20th & 21st KCZMA meeting.
- 22.3 : Consideration of New Agenda items.
- 22.3.1 : Construction of a Fishing Harbour at Cheruvathur, in Kasaragod District by Harbour Engineering Department
- 22.3.2 : Construction Activities carried on by the Chavakkad Municipality within the prohibited Zone as mentioned In CRZ notification.
- 22.3.3 : Hotel Sea Face, NUP Beach Road, Kovalam, unauthorized construction – stay order – reg.
- 22.3.4 : Tsunami Emergency Assistance Project – CWSS for Tsunami affected areas of Karunagappally, Alappad, Arattupuzha, Clappana, etc.
- 22.3.5 : Resort Project in Perummbalam Island – P.R.Holiday Homes Pvt. Ltd.
- 22.3.6 : Construction of building for research institute and Ayurveda Hospital, Chowara.

Agenda item No. 22.1

Confirmation of the minutes of the 21st meeting of the Kerala Coastal Zone Management Authority

The minutes of the meeting (copy at Annexure 1) may be considered for approval.

Agenda item No.22.2

Action Taken Report (21st KCZMA)

Action is being taken to communicate the decisions of the CZMA meeting, since files transferred from the Kerala state Council for Science, Technology & Environment has received very recently.

Agenda Item No.	File No.	Subject	Action Taken
21.3.1	213/ENV/06/CZMA	CRZ clearance for residential building in Kollam Municipality - reg.	Decision communicated to LSGD.
21.3.7	137/ENV/05/CZMA	Town Planning Architecture Development Project (Flyover Sky city) above Cochin Backwaters - by M/s.Yesoraminfra Developers Pvt. Ltd - CRZ Clearance - reg.	File forwarded to Environment Department
21.3.8	78/A2/07/S&TD	CRZ clearance for construction of residential apartment in Feroke Gramapanchayat - reg.	Decision communicated to Secretary, Feroke, Panchayat
21.3.9	003/ENV/06/ENV	W.P.(C)No.19547/04 filed by Smt.Beena Sarasan	A team of officers from S&T Dept. visited the site and prepared a report and send it to Advocate General, EKM.

The detailed action taken report in respect of the remaining items will be placed in the next KCZMA Meeting

New proposal for consideration.

Note to KCZMA

Construction of a Fishing Harbour in Cheruvathur, Kasaragod District – By Harbour Engineering Department

Harbour Engineering Department, proposed to construct a Fishing Harbour at Cheruvathur in Kasaragod District. Consent from the Kerala State Pollution Control Board is obtained vide consent No.PCB/RO/KSRD/CE/3/07. As per the status report submitted by the proponent, prepared by C.E.S.S, the construction proposed lies in the CRZ III area. Though there is CRZ II(i), the proposed breakwater is outside CRZ II(i). As per CRZ notification, 1991, the construction of harbour is a permissible activity in CRZ. The clearance from Ministry of Environment and Forest, Government of India is required for the construction.

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CRZ clearance may be granted subject to the following conditions:

(a) General

- (i) The construction of the structures, if any, may be undertaken as per the plans approved by the concerned local authorities, in conformity with the existing local and central rules and regulations including the provisions of CRZ notification.
- (ii) All safety norms would be ensured and proper arrangements may be made for providing fire extinguishers and other equipments as per the relevant regulations/guidelines of the state/central authorities.

(b) Specific to CRZ

- (iii) No activity which is prohibited by the CRZ Act (1991) and its subsequent amendments may be taken up in the CRZ area including setting up of ice plants.
- (iv) The HTL and LTL delineated in the CRZ status report should be followed and no development activities are permitted in the CRZ area as demarcated in the status report.
- (v) The project proponent must take necessary arrangements for disposal of solid wastes and for the treatment of effluents/wastes. It must be ensured that the effluents/solid wastes are not discharged into the rivers/backwaters/sea.
- (vi) The project proponent should sent an annual report of the project every year to this Authority.

- (vii) The project proponent should provide necessary facilities for the officials of CZMA for inspection of the project site and its premises at any time.

Point for decision

Whether the proposal for construction of Fishing Harbour *at* Cheruvathur, Kasaragod District may be recommended to Ministry of Environment and Forest, Government of India.

Construction Activities carried on by the Chavakkad Municipality within the prohibited zone as mentioned in CRZ notification.

Representation submitted by one Mr A.K.Khalid and K.K.Shibab from Chavakkad informed that a construction (burial ground) is proposed to be undertaken by the Chavakkad Municipality on the Manathara beach in between High Tide Line and Low Tide Line. The Additional Director, Ministry of Environment and Forests, Government of India vide his letter dated 20.12.06 has requested to get the matter examined and to send the report to Ministry of Environment and Forests. In this regard, Local Self Government Department was requested to furnish their remarks to this department vide U.O No 24.11.06. Reply is being awaited.

Point for decision

Whether the Local Self Government Department may be requested to direct the Chavakkad Municipality to enquire and take necessary action in the case

Hotel Seaface, NUP Beach Road, Kovalam unauthorized construction
Stay Order – reg.

Hotel Sea face, Kovalam filed WP©No.21527/2006 against the unauthorized construction in the CRZ area in Vizhinjam. The action against unauthorized construction was stayed by the Court on 14.8.06 on condition that petitioner shall not undertake any further construction.

Subsequently, another judgment dated 21.2.07 received in the section on another petition WP(C)No.5825/07 filed by a Public man. In this judgment, it was ordered to examine whether the respondent (Hotel sea face) carrying on constructions on violation of CRZ notification and pass appropriate order.

Site inspection was conducted and it was found that, no construction is being carried out at present. The construction was carried out after 1991 and it is built within 200m from HTL in CRZ III area. This is violation of the provisions in CRZ notification 1991. Copy of the Site Inspection report is attached as Annexure II.

Point for decision

For advice of the next course of action to be taken in the above OP's.

Agenda Item No.22.3.4.

File No.699/A2/07/S&TD.

**Tsunami Emergency Assistance Project – CWSS for Tsunami affected areas of
Karunagappally, Alappad, Arattupuzha, Clappana, etc.**

Project Director, Kerala Water Authority has submitted the proposal for comprehensive Water Supply Scheme in the Tsunami affected areas of Kollam, Alappuzha Districts. The project is being implemented with the assistance of ADB under TAEP. The proposed construction lies in the CRZ area. Construction for water supply is a permissible activity. Clearance may be given subject to the following conditions:

1. The construction of the structures, if any, may be under taken as per the plan approved by the concerned local authorities, in confirmation with the existing local and central rules and regulations including the provisions of CRZ notification.
2. No construction shall be made in CRZ I(i) area.

Point for decision

Whether permission may be granted for the proposed scheme.

Agenda Item 22.3.5

File No.776/A2/07/S&TD

Resort Project in Perumbalam Island – P.R.Holiday Homes Pvt. Ltd.

M/s. P.R.Holiday Homes Pvt. Ltd. has requested for CRZ clearance for starting a resort project in Perumbalam Island. The matter was placed before the 20th meeting of Coastal Zone Management Authority. A Subcommittee was constituted. The report of Subcommittee is enclosed. *Amx: III*

Point for decision.

Whether the report of the Subcommittee may be approved and recommended to the Ministry of Environment and Forests

New proposal for consideration

Construction of building for Research Institute and Ayurveda Hospital

Chairman, Somatheeram Research Institute and Ayurveda Hospital Pvt. Ltd. Submitted the proposal for construction of Ayurveda Hospital in Kottukal Grama Panchayat, in the CRZ area between 200M and 500 M.

Development of vacant plots between 200M and 500M of High Tide Line in designated areas of CRZ III with prior approval of Ministry of Environment and Forests permitted for construction of hotels/beach resorts for temporary occupation of tourists/ visitors. The height of the building shall not exceed 9 metres and the construction shall not be more than 2 floors. The proposed building is a 3 storeyed one, with 10.51M height, this is not permissible. From the documents, it is not clear that the construction is within No Development Zone as the status report produced dates back to 6.4.1998. The construction points are not mentioned in this report.

Point for decision

Authority may suitably advice.

KERALA STATE COUNCIL FOR
SCIENCE, TECHNOLOGY AND ENVIRONMENT

City: Thiruvananthapuram
Phone: 0471-2543558 Fax: 0471-2543558 E-mail: info@kscte.org

*Minutes of the 21st Meeting of the Kerala Coastal
Zone Management Authority*

Date & Time 20th January 2007, 02.30 p.m.
Venue Sasthra Bhavan, Pattom, Thiruvananthapuram

List of Members Present is given in Annex I

The meeting commenced at 02.30 p.m. The Chairman welcomed all the Members to the meeting. The Authority considered the items in the agenda for discussion.

Agenda Item No.21.1


Confirmation of the Minutes of the 19th Meetings of the Kerala Coastal Zone Management Authority (20th meeting is corrected as 19th meeting)

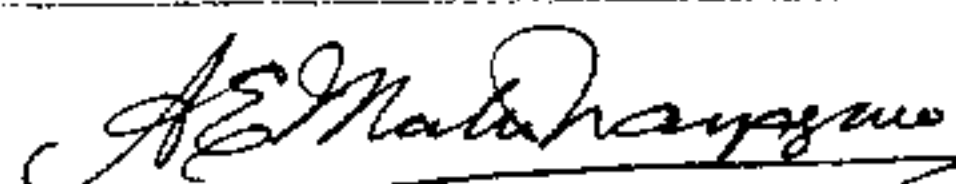
The Minutes of the 19th meeting of the Kerala Coastal Zone Management Authority held on 22nd August 2006 was approved.

Agenda Item No.21.2

Re-consideration of the agenda items discussed in the 20th Kerala Coastal Zone Management Authority Meeting

All the agenda items circulated for the 20th KCZMA meeting held on 15th December 2006 was reconsidered for want of quorum in the 20th KCZMA meeting. The decisions taken by the 20th KCZMA meeting vide the Minutes circulated are approved by this 21st KCZMA meeting except Agenda item No.20.3.2. The KCZMA decided to accept the report prepared by the Subcommittee constituted for the purpose for recategorisation of CRZ III as CRZ II in the newly added panchayaths of Thiruvananthapuram Corporation


Dr. Kamalakshan Kokkal
Principal Scientific Officer


Dr. A E Muthunayagam
Chairman, KCZMA

Ministry of Environment and Forests, Government of India for approval.

Agenda Item No-21.3

New Proposals for Consideration

Agenda Item No.21.3.1

File No.213/ENV/06/CZMA

CRZ Clearance for residential building in Kollam Municipality - reg.

The KCZMA noted that the proposed construction lies landward side of the imaginary line joining the two existing close by buildings which lies in CRZ II. As per CRZ notification, construction on the landward side of the building existing prior to 1991 is permitted. Hence, construction of the above residential building is permitted subject to the following conditions :

- (i) The buildings MC No.1165/635-A,KC/X/1060 and MC.No.V/687 K.C/X/980 were constructed prior to 19th February 1991.
- (ii) The design and construction of proposed building shall be consistent with the surrounding landscape and local architectural style.
- (iii) Effluents or outlet of the septic tank should not be discharged into the river.
- (iv) Payment of scrutiny fee depends on the estimate of the project.


The Secretary, LSGD may be informed accordingly.

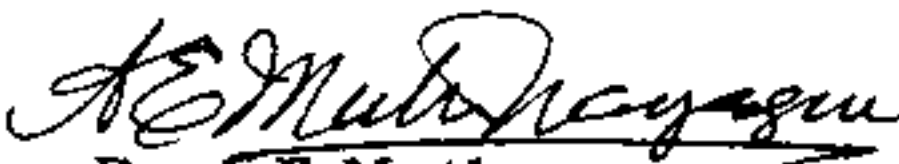
Agenda Item No.21.3.2

File No.145/ENV/05/CZMA

CRZ violations in Vizhinjam Gramapanchayat - W.P.252/06 - reg.

The KCZMA noted the report submitted by the Vizhinjam Gramapanchayat Secretary in his letter dated 31.10.2006 informing that numbers of buildings constructed by Shri. Sreekumar IX/1300 VP, 1301 VP,


Dr. Kamalakshan Kokkal
Principal Scientific Officer


Dr. A E Muthunayagam
Chairman, KCZMA

1302 VP and IX/459 VP. The Authority decided to inform the High Court about the changes in the building numbers and, if required, an affidavit may be filed in the High Court stating that the above constructions are violations of CRZ.

Agenda Item No.21.3.3

✓ File No.221/ENV/06/CZMA

CRZ status of Poonur puzha - reg.

The KCZMA decided to direct the Secretary, Kozhikode Corporation to contact Centre for Earth Science Studies (CESS) to demarcate the extend of the CRZ of Poonur puzha in the field as per the Coastal Zone Management Plan 1996.

Agenda Item No.21.3.4

✓ File No.222/ENV/06/CZMA

CRZ Clearance for Coir Industrial Building - reg.


KCZMA decided to inform the Secretary of Payyannur Municipality that the proposed site falls in CRZ II. Since the proposed building is for industrial purposes, it is a prohibited activity in CRZ, i.e., area which lies at a distance equal to the width of the river or 100m from the High Tide Line of the river, whichever may be less. Hence the proposal is rejected.


Agenda Item No.21.3.5

✓ File No.005/ENV/07/CZMA

Developing guidelines for issuing numbers for houses and for construction/reconstruction of houses in coastal areas based on CRZ - reg.

The KCZMA noted that clear policy directions are already existing in the CRZ notifications issued by the Ministry of Environment and Forests, Government of India. Hence, KCZMA decided to direct the Principal Secretary, Local Self Government Department to approach Centre for Earth


Dr. Kamalakshan Kokkal
Principal Scientific Officer


Dr. A E Muthunayagam
Chairman, KCZMA

Planners, Secretaries of Panchayaths/Municipalities/Corporations etc.

Agenda Item No.21.3.6

✓ File No.001/ENV/07/CZMA

CRZ Clearance for reconstruction of residential building - reg.

The proposal for reconstruction of an old residential building proposal submitted by the Secretary, Pappinissery Gramapanchayat was approved by the KCZMA as it was stated to be more than 80 years old with less plinth area for the proposed reconstruction building in comparison to the existing building. As per CRZ notification, reconstruction/alteration of an existing building is permitted without increase in plinth area and subject to the following conditions :

- (i) Over all height of the construction should not be more than 9m and construction shall not be more than two floors.
- (ii) The mangroves, if any, in the vicinity should not be disturbed.
- (iii) The waste generated during construction should not be dumped in CRZ area.
- (iv) The effluents/outlet of septic tank should not be discharged into the river.

Agenda Item No.21.3.7

✓ File No.137/ENV/05/CZMA

Town Planning Architecture Development Project (Flyover Sky City) above Cochin Backwaters - by M/s Yesoraminfra Developers Pvt. Ltd. - CRZ Clearance - reg.

The KCZMA noted that the proposed project is permissible on CRZ angle. However, for the general interest of the protection of Coastal Environment, the Environment Department, Government of Kerala may be consulted. KCZMA examined the request from the project proponent and decided to modify the stipulation for obtaining the concurrence from the State Government. It is decided that the project be recommended for clearance, on CRZ angle, to the Ministry of Environment and Forests,



Dr. Kamalakshan Kokkal
Principal Scientific Officer



Dr. A E Muthunayagam
Chairman, KCZMA

subject to the concurrence from Environment Department, Government of Kerala and with conditions as decided by the 19th KCZMA meeting held on 22nd August 2006.

Agenda Item No.21.3.8

✓ File No.78/A2/07/S&TD

CRZ Clearance for construction of residential apartment in Feroke Gramapanchayat - reg.

The KCZMA noted that the construction proposal submitted by the Secretary, Feroke Gramapanchayat lies in the No Development Zone in CRZ III. As per the existing provisions of CRZ, the construction is not permissible and the KCZMA decided to inform the Secretary, Feroke Gramapanchayat accordingly. The request for a zonal change from Zone III to Zone II is not considered by the KCZMA as there is a separate agenda for the above.

Agenda Item No.21.3.9

File No.003/ENV/06/CZMA

W.P.(C) No.19547/04 filed by Smt.Beena Sarasan- reg.

The KCZMA noted the developments in the above case and the necessary actions taken for complying the High Court directions.

Agenda Item No.21.3.10

✓ File No.1767/A2/06/S&TD

Request for CRZ category change for Needakara Grama Panchayath - reg.

The KCZMA decided to include the above proposal from the President, Needakara Gramapanchayath in the purview of the Subcommittee for preparing a report on CRZ zonal change in the state as decided by the 20th meeting of Kerala Coastal Zone Management Authority vide the decision for the Item No.20.3.12.

Agenda Item No.21.3.11

File No.69/A2/07/STED

Request for CRZ category change for Feroke Grama Panchayath - reg.

The KCZMA discussed the proposal submitted by the Secretary, Feroke Grama Panchayath for CRZ category change from Zone III to Zone II. Further, the KCZMA decided to consider such requests in future for CRZ category changes only after examined by the LSGD and based on their recommendations.


Agenda Item No.21.3.12

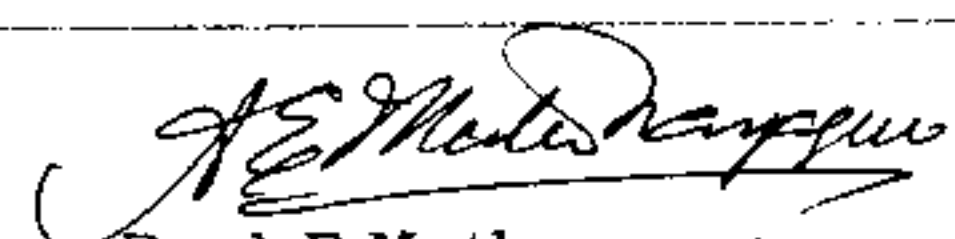
✓ File No.044/ENV/06/CZMA

Exemption of Scrutiny fee Theerapatham project - reg.

The KCZMA decided to exempt the Theerapatham Tourism Urban Infrastructure Project from payment of scrutiny fee as the project is implemented by Local Self Government Department.

The meeting is adjourned at 5.30 p.m.


Dr. Namalakshmi Kokkal
Principal Scientific Officer


Dr. A E Muthunayagam
Chairman, KCZMA

**21st Meeting of the Kerala Coastal Zone Management Authority held
on 20th January 2007**

List of Participants

- | | | |
|------------------------|---|--|
| 1. | Dr.A E Muthanayagam
Principal Secretary, S&TD | Chairman, KCZMA |
| 2. | Prof.Madhusoodana Kurup
School of Industrial Fisheries, CUSAT | Member |
| 3. | Dr.M.R Manon
Hon.Diretor, C-(MCOZ, CUSAT | Member |
| 4. | Dr.M.Faba
Director, CESS | Member |
| 5. | Shri.V.Vivekanandan
South Indian Federation of Indian Industries | Member |
| 6. | Sari.Das Navier
Joint Director of Industries & Commerce
(nominee of Principal Secretary, Industries
Department) | Representing
Principal Secretary,
Industries
Department |
| 7. | Sari.Eapen Varghese
Chief Town Planner
(nominee of Secretary, LSGD) | Representing
Principal Secretary,
LSGD |
| 8. | Smt.Rajamma Nanjamma.V
Joint Secretary, Fisheries Dept.
(nominee of Principal Secretary, Fisheries Dept.) | Representing
Principal Secretary,
Fisheries
Department |
| 9. | Smt.Lovely.V.T
Environmental Engineer, KSPCB
(nominee of Chairman, KSPCB) | Representing
Chairman, KSPCB |
| In attendance : | | |
| 10. | Dr. Kamalakshan Kokkal
Principal Scientific Officer, KSCSTE | Secretariat |

1. The first part of the document is a list of names and titles.

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Field Inspection Report

A field inspection was carried out at Kovalam as directed by Hon'ble High Court in WP(C)5825/2007 on 26.3.2007 by Shri.Jocose Panicker, Section Officer, Science and Technology Department and Shri.Harinarayanan, Scientific Officer, KSCSTE.

The area as referred in writ petition was verified and identified with the help of Vizhinjam Village Officer. As per the records it is noted that Sy.No.30/1-2 is owned by Smt.Remasree S.Kumar, W/o.Shri,G.Sudhish Kumar(2nd Respondent). Sy.No.30/2 is owned by Shri.Ajith Kumar, S/o.Sri.Sreevardhnan, Sreesarasil, Ayamkode, Thoyichal Desam, Venganoor Village and Sy.No.29/10-11-12 is owned by Smt.Meenashi Nagamma., Mother of Smt.Remasree.S.Kumar. A Hotel named Seaface is seen constructed in the said area and it lies within 200m from High Tide Line of Sea in CRZ III.

It is observed that the construction was made after 1991 and they were not able to provide other details regarding the construction of hotel, building number,etc. As per the available information on local enquiry it was built during 1995. As per CRZ notification dated 19th February, 1991 'Development of vacant plots between 200 and 500 meters of High Tide Line in designated areas of CRZ III with prior approval of Ministry of Environment and Forests is permitted for construction of Hotels/Beach resorts for temporary Occupation of tourists/visitors subject to conditions stipulated in the guidelines.

The 2nd Respondent was also requested to produce all documents regarding the year of construction, building numbers, etc. and till date (17th April, 2007) he has not produced any documents. As no documents are produced based on the available information it is concluded that the construction was carried out after 1991. This hotel being built within 200 meter from HTL in CRZ III area after 19th February, 1991 thus violates the provisions of CRZ notification 1991.

No fresh construction is seen undertaken in the site during inspection, now as noted in the judgment.

Report of the Sub-Committee Constituted by the Kerala State Coastal Zone Management Authority (KCZMA) for the Proposed Resort by M/s P.R. Holiday Homes Pvt. Ltd. at Perumbalam Island.

The Kerala Coastal Zone Management Authority has constituted a Sub-Committee for site verification for the resort project proposal submitted by M/s P.R. Holiday Homes Pvt. Ltd. at Perumbalam Island vide order No. 207/ENV/06/CZMA, dated: 06.02.2007. The Sub-Committee consists of the following members:

1. Dr. N.R. Menon
2. Dr. M. Baba
3. Dr. Madhusoodana Kurup
4. Dr. Kamalakshan Kokkal

The Sub-Committee except Dr. M. Baba, Director, Centre for Earth Science Studies visited the site on 9th March 2007. The proposed site for the resort is located at Perumbalam Panchayath in Alappuzha District. Perumbalam is an island in the Vembanad Kayal and is connected to the main land only by ferry service. The proposed development site has the Vembanad backwater on its north, east and west sides. In the case of backwater banks, resort development is subject to the CRZ regulations which stipulate 100m line as No Development Zone and construction is permissible landward of the 100m or the appropriate regulation zone of the area. There are well built embankment on the bank of the backwater bordering the proposed development site. The height of the embankments is more than the maximum tidal range of one meter, usual tidal amplitude felt within the region of the backwater. Since there is a sheer drop of 2m at the embankment there is no tidal flats and practically no land is exposed during the low tide. The project site is located in an area that is less developed and does not belong to CRZ -I. The area is devoid of any mangrove vegetation or ecosystem categories to be grouped under CRZ-I in the project area. There are quite a few yielding cashew trees and numerous well yielding coconut palms. The Sub-Committee is of the opinion that

clearance for the proposed project may be issued by KCZMA as the project lies landward of 100m No Development Zone from HTL of the backwater subject to the following conditions:

a) General


- i) No construction should be made within the No Development Zone as demarcated in the CRZ status report.
- ii) Effluents and sewage should not be discharged into kayal/backwater.
- i) The construction of the structures, if any, may be undertaken as per the plans approved by the concerned local authorities, in conformity with the existing local and central rules and regulations including the provisions of CRZ notification.
- ii) All safety norms would be ensured and proper arrangements may be made for providing fire extinguishers and other equipments as per the relevant regulations/guidelines of the state/central authorities.

b) Specific to CRZ

- iii) No activity which is prohibited by the CRZ notification (1991) and its subsequent amendments may be taken up in the CRZ area.
- iv) The project proponent must take necessary arrangements for disposal of solid wastes and for the treatment of effluents/wastes. It must be ensured that the effluents/solid wastes are not discharged into the rivers/backwaters/sea.
- v) Diversion of backwater into the project site by canals, if any, is not permissible.

The Sub-Committee, hereby, agreed to the above report for submitting to Chairman, KCZMA.

1. Dr. N.R. Menon
2. Dr. M. Baba
3. Dr. Madhusoodana Kurup
4. Dr. Kamalakshan Kokkal

Agreed

 Agreed
