

KERALA COASTAL ZONE MANAGEMENT AUTHORITY

33rd MEETING

Agenda & Notes

Venue : Sasthra Bhavan,
Pattom,
Thiruvananthapuram.

Date & Time: 2.30PM on 18th December, 2009.

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

KERALA COASTAL ZONE MANAGEMENT AUTHORITY

33rd MEETING

Date & Time

**18th December, 2009
2.30PM**

Venue

**Sasthra Bhavan,
Pattom, Tvpm.**

Agenda Items

- 33.1 : Confirmation of the Minutes of 32nd Meeting**
- 33.2 : Action taken report on the decision of 32nd Meeting.**
- 33.3 : Consideration of New Agenda Item.**
- 33.3.1 : Recategorisation of CRZ III areas in the State into CRZ II category – Reg**
- 33.3.2 : Appointment of Standing Counsel for Kerala Coastal Zone Management Authority- reg.**
- 33.3.3 : Destruction of mangroves in the Campus of College of Fisheries, Panagad, Kochi-reg.**
- 33.3.4 : Functioning of Ice Plant in CRZ area – Application of Sri.L.Michael, Arthiyal Purayidom, Marianad – reg.**
- 33.3.5 : Report of the Subcommittee on Reduction of No Development Zone on the banks of rivers/backwaters to 40% of the CRZ -reg.**
- 33.3.6 : Construction of Residential building Apartment in Thalassery Municipal Area – Application of Shri.K.C.Basheer – reg.**
- 33.3.7 : House constructed in CRZ area – Issuance of building number – Application of Smt.Alphonsa Cardoz - reg.**

- 33.3.8 : Tirur Municipality - construction of Commercial building - Application of Sri.T.V.Nazar and Sri.T.V.Manzoor, Thyvalappil House, Thazhepalam, Pookayil Bazar -reg.**
- 33.3.9 : Construction of houses for fishermen in CRZ area - Thanoor Grama Panchayat, Malappuram District - reg.**
- 33.3.10 : Chellanam Grama Panchayat - EMS Housing Scheme, Jenoram BSUP Housing Scheme - reg.**
- 33.3.11 : Judgment in WP(C)No.32050/08 of Hon'ble High Court - representation received from Smt.Suprabha.P., Kukillaya, Adarsh, Mamangalam, Kochi-reg.**
- 33.3.12 : Construction of LPG Godown in CRZ area - Application of Shri.Joe John Thomas-Clarification issued from Ministry of Environment and Forests - reg.**

Agenda Item No.33.1

Minutes of the 32nd meeting

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

Agenda Item No.33.2

Orders was issued by incorporating Dr.Madhusoodana Kurup, Member, KCZMA in the inspection team constituted to conduct inspection in the site of M/s.Adalie Builders and Developers Pvt.Ltd., Chilavannoor, Vyttila, Kochi.

Action Taken Report(32nd KCZMA)

Agenda Item No	File No	Subject	Action taken
32.3.1	2459/A2/08/S&TD	Recategorisation of Pokkali field report of the Sub committee – Reg	Report forwarded to Govt. of India on 2.11.2009
32.3.2	759/A2/09/S&TD	Allotment of building number to houses constructed on the sea shore by fishermen in Onjiyam Grama Panchayat-reg.	Proposal forwarded to Government of India.
32.3.3	1146/A2/09/S&TD	Construction of Ayurvedic Hospital in Karumkulam Grama Panchayat – Application of Sri.T.Joseph - reg.	Site inspection report received.
32.3.4	1273/A2/09/S&TD	Edava Grama Panchayat – Construction of Shop building – Request of Shri.Jayachandran,	Clearance granted.

		Mathuvilakom, Kappil -reg.	
32.3.5	1365/A2/09/S&TD.	Numbering of existing building in Thruikkaruva Grama Panchayat – Application of Smt.Sudha, Thenguvila Thekkethil, Ashtamudi – reg.	Clearance granted.
32.3.6	1435/A2/09/S&TD.	Construction of building for Coastal Security Police Station, Azhikode, Thrissur-reg.	CRZ clearance granted on 10.11.2009
32.3.7	1436/A2/09/S&TD	Regularisation of house constructed in CRZ area – Application of Smt.Usha – Mathilakam Grama Panchayat-reg.	CRZ clearance granted on 6.11.2009.
32.3.8.	1450/A2/09/S&TD	Vechoor Grama Panchayat – Construction of Dwelling Unit – Application from Sri.Karthikeyan, Kulathara House, Vaikam-reg.	CRZ clearance granted on 10.11.2009
32.3.9	1523/A2/09/S&TD	Thalassery Municipality – Construction of Flats at Pettipalam Colony under IHSDP-	CRZ clearance granted.
32.3.10	1586/A2/09/S&TD	Extension of existing building in Beypore Grama Panchayat – Application of Sri.T.Sunil Kumar-reg.	CRZ clearance granted on 27.10.2009
32.3.11	1704/A2/09/S&TD	Construction of LPG Godown in Re.sy.No.95/8, Punnapra South Grama Panchayat – Application of Sri.Joe John Thomas – reg.	Proposal rejected.
32.3.12	1715/A2/09/S&TD	Cosntruction of house in Thalassery Municipality – Application of Smt.K.Deepa –	CRZ clearance granted on 3.11.2009

		reg.	
32.3.13	2026/A2/08/S&TD	ICTT-4 lane Road - Rehabilitation of evictees - exemption from CRZ norms - request -reg.	CRZ clearance granted on 3.11.2009.
32.3.14	1195/A2/09/S&TD	Reconstruction of House - Paravur Municipality - Application of Sri.Radhakrishnan Nair-reg.	CRZ clearance issued on 22.10.2009.
32.3.15	1681/A2/09/S&TD	Kanhan Beach Resorts - Kanhangad Municipality - Request for CRZ clearance - reg.	CRZ clearance granted on 17.11.2009.
32.3.16	2126/A2/08/S&TD	Setting up of LPG import terminal at SEZ, Puthuvypeen - reg.	Proposal forwarded to Govt. of India on 9.12.2009.
32.3.17	1594/A2/09/S&TD	4/6 laning of Thiruvananthapuram to Kerala - Tamil Nadu Boarder portion of NH-47-reg.	Scrutiny fee pending.

Agenda Item No.33.3.1

File No.1000/A2/06/S&TD

Recategorisation of CRZ III areas in the State into CRZ II category.

Sri.Joseph, Anchuthengu had earlier requested to grant consent for the functioning of ice plant in the building constructed in CRZ area, in the No Development Zone. Industrial Units are prohibited in this area as per CRZ Notification 1991. Hence the KCZMA had rejected the request for the establishment of ice plant in the area.

In this connection, the Local Self Government Department has suggested to consider preparation of proposal for conversion of areas in Zone III to Zone II on the basis of clear norms, as a general proposal, with the guidance of Kerala Coastal Zone Management Authority. The Hon'ble Chief Minister has ordered to take steps to recategorise the Coastal Regulated Zones.

Accordingly the 20th KCZMA held on 15.12.2006 discussed the case in detail. A Sub Committee has been constituted to examine the possibility of recategorisation of CRZ III areas in Kerala into CRZ II category. For this the 23rd KCZMA approved a format and decided to collect the 1991 status and the present status on all the items in the format, viz. Area of the local body, density of population, land use map, built up area and its % with respect to area of CRZ, existence of drainage facilities, approach road, water supply, sewerage main, etc. from the Local Self Government Department. But the details have not been received yet. In the circumstances, the Sub Committee was asked to consider the possibilities of pursuing further action on the basis of available

information in the Map prepared by CESS in 1991 for Coastal Panchayats as well as other relevant information. The Sub Committee that met on 26.8.2008 considered the matter and decided to constitute a team for examining the details and collecting necessary information from Coastal Panchayats direct by convening meetings with Panchayat Secretaries. Report of Sub Committee is being awaited.

Being a long pending case, KCZMA may deliberate on the matter and evolve suitable suggestion regarding the further course of action, including the following option

Point for decision.

Whether the recategorisation proposals may be considered in convenient phases, and as the I phase whether the Panchayats added to Municipalities and Corporations may be considered for recategorisation in accordance with the methodology adopted by the Sub Committee in their meeting held on 26.8.2008, and

If so, whether the Sub Committee may be requested to pursue further action accordingly.

Agenda Item No.33.3.2

File No.1103/A2/08/S&TD

Appointment of Standing Counsel for Kerala Coastal Zone Management Authority.

KCZMA in its 23rd meeting decided to appoint a separate Counsel for attending Court cases on its behalf. Based on the above, Sri.S.Ramesh, Advocate, High Court of Kerala has been appointed as the counsel vide G.O. (RT)116/09/S&TD dated 19.11.2009. Copy of the order maybe seen as Annexure **2(a)**. The Kerala State Council for Science, Technology and Environment has agreed to spare Rs.2 Lakhs from their current year's budget provision for payment of remuneration to the Counsel.

Point for decision.

KCZMA may ratify the action in having appointed Adv.S.Ramesh to defend cases on behalf of KCZMA for a period of one year as per the terms and conditions specified in G.O.(RT)116/09/S&TD dated 19.11.2009.

Agenda Item No.33.3.3

File No.660/A2/09/S&TD.

**Destruction of mangroves in the Campus of college of Fisheries,
Panangad, Kochi.**

It has come to the notice of KCZMA that mangroves were destroyed in the Campus of Fisheries College, Kerala Agricultural University, Panangad, Kochi . Hence Prof.N.R.Menon, Member, KCZMA and Dr.K.V.Thomas, Scientist, CESS, were entrusted to enquire into the matter. Accordingly they furnished a report to KCZMA. Copy of the same may be seen as Annexure.

3(a).

Point for Decision

Whether the recommendations in the above report may be approved and direction issued accordingly to the Registrar, Kerala Agricultural University and the Dean, College of fisheries.

Agenda Item No.33.3.4

File No.866/A2/09/S&TD

**Functioning of Ice Plant in CRZ area- Application of Sri.L.Michael,
Arthiyal Purayidom, Marianad – reg.**

Sri.L.Michael, Arthiyal Purayidom, Marianad had earlier requested for permission to run an iceplant in CRZ area.

A Writ Petition No.(C) 1876/07 has been filed by Shri.T.Antony & another against the construction of this ice plant in the CRZ area. The Hon'ble High Court in the interim order directed KCZMA to conduct inspection in the site. From the site inspection report it was seen that the building under question lies within 25m of High Tide Line of sea. No constructions are permissible in the area. Moreover industrial activities are prohibited in CRZ. Accordingly direction was issued to the Secretary, Kadinamkulam Grama Panchayat to stop the construction process and to demolish the said construction.

The case was placed before KCZMA in its 23rd meeting for discussion. It was decided to take up the matter with MoEF to explore the possibility of exempting ice plants with limited capacity, from the purview of CRZ Notification 1991.

In the mean time, the hon'ble High Court in its judgment dated 10.9.2007 in WP© Nos.1876 & 22088 of 2007 directed KCZMA to pass orders on the representation filed by the petitioners for reclassifying the area. The process is not complete yet.

The Director, MoEF vide letter dated 6.8.2009 informed that, draft CMZ Notification stands lapsed as on 22.7.2009 and CRZ Notification

1991 as amended, will be in force. Copy of the letter is placed below as Annexure...**4(a)**.

In the above circumstances, the applicant again submitted representation before KCZMA for consideration. In this it is informed that he had started an ice plant in 2007, and it was closed after 3 months. It is also added that he has availed a loan of Rs.11 lakhs from bank, and now he is not in a position to repay the loan amount due to the closure of the ice plant. It is therefore requested that he may be permitted to run the ice plant and include it in the CRZ Notification, as a permitted activity.

It may be noted that the ice plant is situated only at 25m from the High Tide Line of sea. No constructions are permissible in this area, ie. No Development Zone of CRZ III. Moreover industrial Units are prohibited in CRZ. Hence the request is not as such agreeable as per the provisions of CRZ Notification 1991. However the KCZMA may examine whether the proposal for a small ice plant can be recommended and forwarded to MoEF again in view of the possibility of making relaxation in CRZ regulation for local inhabitants and fisherman and fishing related activities.

Point for decision.

Whether the petitioner may be informed of the position stated by Government of India in the letter at Annexure 4(a) and the matter closed or whether it may be recommended and forwarded to MoEF again.

Agenda Item No.33.3.5

File No.1266/A2/09/S&TD

Report of the Subcommittee on Reduction of No Development Zone on the banks of rivers/backwaters to 40% of the CRZ

KCZMA in its 30th meeting decided to examine the possibility of reduction of No Development Zone on the banks of rivers/backwaters by a Subcommittee. Accordingly as report is furnished in Government. Copy of the same may be seen as Annexure **5(a)**.

The Committee has recommended that in the case of the banks of backwater/rivers 40% of the area ie. 40m from High Tide Line may be retained as No Development Zone and the remaining 60% ie. 60m may be retained as regulated zone.

Point for decision

Whether the report of the Subcommittee may be approved and recommended to Ministry of Environment forests, Government of India for consideration.

Agenda Item No.33.3.6

File No.1579/A2/09/S&TD

**Construction of Residential Apartment in Thalassery Municipal Area –
Application of Shri.K.C.Basheer-reg.**

Secretary, Thalassery Municipality has forwarded a building plan for the construction of a residential apartment in Ward No.50, T.S., 7 in Thalassery Municipality. The total plinth area of the proposed building is 3135.36 sq.m. The area belongs to CRZ-II category. An old building with building No.50/3 exists in the location. A report on the inspection conducted at the site is given as Annexure...**6(a)**.

As per CRZ Notification 1991, construction of building in CRZ II is permitted only on the landward of existing roads or proposed road in the KCZMP. On the eastern side of the plot proposed for construction, there exists an authorized building. Hence the construction can be permitted subject to the condition that existing local town and country planning regulation and subject to certification by the municipality that the building on the eastern side is authorized, existing norms of FSI/FAR.

Point for decision

Whether the construction of residential apartment in Thalassery Municipality may be permitted subject to the condition laid down in the CRZ Notification 1991.

Agenda Item No.33.3.7

File No.1654/A2/09/S&TD

House constructed in CRZ area-Issuance of building number – Application of Smt.Alphonsa Cardoz –reg.

Secretary, Neendakara Grama Panchayat has forwarded a request for the regularization of a house constructed by Smt.Alphonsa Cardoz on the banks of a waterbody of 30m width at a distance of 10.5m from the High Tide Line in Re.Sy.No.27/14/4, 27/14/3-2 of Neendakara Village. It is requested therein to inform whether building number can be issued to the above construction. The plinth area of the building is 53.76sq.m. It is also informed that the construction made is in place of an old demolished building, which was an authorized structure.

As reported, the construction made in the No Development Zone of CRZ III. As per CRZ Notification 1991, only repair/modification of existing authorized structures are permitted in this region.

Point for decision

Whether the construction may be considered as reconstruction of the old authorized structure and CRZ clearance may be granted subject to relevant conditions for such reconstruction.

Agenda Item No.33.3.8

File No.1677/A2/09/S&TD

Tirur Municipality – construction of Commercial building – Application of Sri.T.V.Nazar and Sri.T.V.Manzoor, Thyvalappil House, Thazhepalam, Pookayil Bazar, Tirur

Secretary, Tirur Municipality has forwarded a proposal for the construction of a Commercial building in Re.sy.No.178, in Tirur Municipality. A field inspection has been conducted in this regard. Copy of the report may be seen as Annexure...**8(a)**.

It is seen that the area where the building is proposed to be conducted belongs to CRZ II. It is also reported that remnants of two old buildings are seen in the plot. These constructions are at about 7m from the High Tide Line of Tirur puzha. Secretary, Tirur Municipality informed that these old constructions are authorized structures in existence prior to 1991. In CRZ II area, constructions can be permissible, on the landward of existing authorized buildings.

Hence the above construction is permissible as per the provisions of CRZ Notification, 1991.

The estimated cost of the project is Rs.85 lakhs.

Point for decision

CRZ clearance may be granted to the Project subject to the following conditions:

(Contd...2)

- i) All constructions should be in conformity with the existing local town and country planning regulations.***
- ii) No effluents should be discharged into the water body.***
- iii) All other clearances should be obtained from the authorities concerned.***
- iv) Necessary scrutiny fee shall be paid.***

Agenda Item No.33.3.9

File No.1945/A2/09/S&TD

Construction of houses for fishermen in CRZ area – Thanoor Grama Panchayat, Malappuram district – reg.

The Secretary to Government, Local Self Government Department forwarded a proposal for the construction of 440 houses for fishermen under 'EMS Housing Scheme' and 'Housing Scheme for fishermen' in Thanoor Grama Panchayat, Malappuram District. It is informed that fund has been allocated in the Annual Plan for the purpose. Majority of them are not residing in thatched houses within 200m from the seashore. They have no other land outside this area.

2. The proposed construction is in the No Development Zone of CRZ III. Some houses are already existing in this area. Detailed list of the Survey Numbers of the proposed houses may be seen as Annexure **9(a)**.

3. A proposal to build houses under EMS Housing Scheme received from the Punnappra Panchayat was recommended to Ministry of Environment and Forests, Government of India. Their decision is awaited.

Point for decision

Whether the proposal for the construction of the above houses in CRZ area in Thanoor Grama Panchayat under EMS Housing Scheme and Housing Scheme for Fishermen may be recommended and forwarded to Ministry of Environment and Forests, Government of India.

Agenda Item No.33.3.10

File No.1950/A2/09/S&TD

**Chellanam Grama Panchayat – EMS Housing Scheme, Jenoram BSUP
Housing Scheme –reg.**

President, Chellanam Grama Panchayat informed that various Housing Schemes such as EMS Housing Scheme and Jenoram BSUP Housing Scheme are being implemented in the Panchayat. Construction activities could not be carried out as the area belongs to CRZ. Most of the inhabitants in the area are fishermen and people coming under BPL. It is requested to exempt the Panchayat from the purview of CRZ Notification 1991.

New constructions are not permissible in the No Development Zone of CRZ III. As the request is for the establishment of a housing scheme, introduced by Government the proposal may be considered as a special case as was done for the Schemes under TRP.

Point for decision.

Whether the request for the construction of houses under EMS Housing Scheme and Jenoram BSUP Housing Scheme maybe considered as a special case and recommended to MoEF, Government of India.

Agenda Item No.33.3.11

File No.1951/A2/09/S&TD

Judgment in WP©No.32050/08 of Hon'ble High Court-representation received from Smt.Suprabha.P., Kukillaya, Adarsh, Mamangalam, Kochi.

The Hon'ble High Court by judgment dated 10.8.2009 in WP©No.32050/08 directed the Secretary, Ministry of Environment and Forests, Government of India to consider and pass orders of Ext.P1 representation submitted by Smt. Smt.Suprabha.P., Kukillaya, the petitioner in the above Writ Petition. Pursuant to this, Government of India, Ministry of Environment and Forests informed her as follows:

“In the absence of the recommendation of the Kerala State Coastal Zone Management Authority, NCZMA cannot examine the reclassification proposal and in the absence of recommendation, NCZMA Ministry cannot decide your plots reclassification. It is suggested that you may submit the reclassification proposal to KCZMA for enabling it to examine and recommend to NCZMA.” Accordingly the petitioner submitted representation to KCZMA. The representation marked as Ext.P1 and the relevant judgment may be seen as Annexure **11(a)** and **11(b)** respectively.

2. The petitioner has requested to waive the regulation in Bolgatty island and to consider the Island at par with Ernakulam main land and to include her plot in CRZ-II.

3. In this connection, it may be pointed out that as per the earlier direction of the Hon'ble High Court a Subcommittee of KCZMA examined the proposal for recategorisation of Vypeen and Mulavukad

Islands and decided recategorisation of the area is not required. The decision has also been communicated to Government of India.

4. The KCZMA has been receiving many requests of this nature. The CRZ regulations are also under review by the Government of India.

Point for decision

Whether the request for the reclassification of Bolgatty Island into CRZ II may be considered afresh, in the light of para 4 above.

Agenda Item No.33.3.12

File No.2158/A2/09/S&TD

Construction of LPG Godown in CRZ area – Application of Shri.Joe John Thomas-clarification issued from Ministry of Environment and Forests-reg.

The proposal for the construction of a Gas Godown in CRZ area of Punnapra Grama Panchayat by Shri.Jo John Thomas, was discussed by KCZMA in its 32nd meeting and the proposal was rejected as no foreshore facilities are needed for this activity.

The Ministry of Environment and Forests on 2.12.2009 issued a clarification to the effect that this is a permissible activity in between 200-500m area in CRZ-III subject to the conditions in para (ii) of the CRZ Notification 1991. Copy of the same may be seen as Annexure...**12(a)**.

Based on the clarification, the Bharat Petroleum Corporation Ltd. has reviewed the request.

In the circumstances, the request may be reconsidered and CRZ clearance may be granted.

Point for decision.

Whether the proposal for the construction of a Gas Godown in CRZ III area in between 200-500m of High Tide line of sea in Punnapra Grama Panchayat may be allowed, subject to the conditions laid down in Para (ii) of the CRZ Notification 1991.

Additional Agenda Item No. 33. 2

File No. 1146/A2/09/S&TD

**Ayurvedic Hospital in Karumkulam grama Panchayat- Application of
Shri.Joseph – reg**

Secretary Karumkulam Grama Panchayat forwarded the proposal for the construction of an Ayurvedic Hospital in Karumkulam grama Panchayat . Copy of the site inspection report may be seen attached with this. The Project proponent informed these existed 5 buidlingss having a plinth area of 20050 sq.feet in the plot.

Points for decision

KCZMA may be discuss the site inspection report and advise on the further course of action.

Additional Agenda item No.33.3

File No. 1290/A2/09/S&TD

DLF Riverside Housing Project, Chilavannur, Kochi Corporation

M/s. DLF Limited requested the KCZMA for CRZ clearance for their proposed construction of a residential multi storied complex named DLF Riverside housing project, in survey Nos. 1019,1028-33,1474 & 1473-75 of Poonithura village at Chilavannur, Kochi Corporation on the eastern banks of Chilavannur kayal. The project proponent made a presentation before KCZMA on 17th July 2009. Subsequently, a sub-committee with Prof. B. Madhusoodanakurup (Member KCZMA) , Dr.K.V.Thomas (Scientist CESS) and Dr. Kamalakshan Kokkal (PSO, KSCSTE) as members was constituted vide Government letter No. 1290/A2/09/S&TD dt. 29.9.2009 and 22.10.09 for conducting inspection of the site where the proposed DLF river side housing project is planned.

The Sub Committee conducted an inspection of the site on 29.10.2009. A copy of the report of the Sub Committee is placed below as annexure.

The Sub Committee suggested to obtain certain details/documents such as :-

- i). Documents in proof of the FSI of the existed building
- ii) Details on plot boundaries as existed on 19th February,1991.
- iii) the approved plan of choice garden apartments
- v) The approved plan of adjoining buildings
- vi) the survey plot No. of the Project site

Point for Decision

KCZMA may consider the site inspection report and advice on the further course of action.