

KERALA COASTAL ZONE MANAGEMENT AUTHORITY

40th MEETING

Agenda & Notes

Venue : Sasthra Bhavan,
Pattom,
Thiruvananthapuram.

Date & Time: 2.30 PM on 30th October, 2010.

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

KERALA COASTAL ZONE MANAGEMENT AUTHORITY

40th MEETING

Date & Time

30th October, 2010
2.30PM

Venue

Sasthra Bhavan,
Pattom, Tvpm.

Agenda Items

- 40.1 : Confirmation of the Minutes of 39th Meeting
- 40.2 : Action taken report on the decision of 39th Meeting.
- 40.3 : Consideration of New Agenda Item.
- 40.3.1 : Construction of multistoried residential building – M/s.Adelie Builders and Developers Pvt. Ltd. – Reg
- 40.3.2 : Construction of Apartment in Thalassery Municipality by M/s.York Properties and Ayles Properties-reg.
- 40.3.3 : Second Stage Development of Mini fishing Harbour at Chethi-Alappuzha – CRZ clearance –reg.
- 40.3.4 : Olavanna Grama Panchayat, Kozhikode - Construction of house – application of Smt.Mini.P.M., Devinilayam, Kozhikode – Request for reconsndiferation-reg.
- 40.3.5 : Construction of resort – Kanhangad Municipality – M/s.White Sandus Resorts and Hotels Pvt. Ltd.-reg.
- 40.3.6 : Construction of dwelling unit in Panayam Grama Panchayat, Kollam – Application of Sri.Suresh Babu – reg.
- 40.3.7 : DLF Bay View Project on Plot N5 of cochin Marine Drive Scheme-reg.
- 40.3.8 : Construction of Dispensary in Mayyanadu Grama Panchayat – Request of Parish Priest – Immaculate Conception Church – Pullichira –reg.
- 40.3.9 : Extension of term of Adv.S.Ramesh, Standing Counsel, KCZMA-reg.

Agenda Item No.40.1

Minutes of the 39th meeting

The minutes of the meeting (copy at Annexure I) may be considered for approval. With regard to Agenda Item No.38.3.1, it was decided in the 39th meeting of KCZMA to add one more condition that the applicant should not possess any other house. Decision of KCZMA communicated to Secretary, Panayam Grama Panchayat.

Agenda Item No.40.2

Action Taken Report(39th KCZMA)

Agenda Item No	File No	Subject	Action taken
39.3.1	2144/A2/09/S&TD	Construction of Apartments and Tourist villas in Chirakkal Pallikkunnu Grama Panchayat -reg.	Project Proponent has been directed to submit the proposal for the resort as decided by the Authority.
39.3.2	917/A2/10/S&TD	Second stage Development of Mini Fishing Harbour at Chethi - Alappuzha - CRZ clearance -reg.	KCZMA deferred the case. Hence included as an agenda item in the 40 th meeting
39.3.3	974/A2/10/S&TD	Olavanna Grama Panchayat, Kozhikode - Construction of house - Application of Smt.Mini.P.M., Devinilayam, Kozhikode - Request for reconsideration-reg.	KCZMA deferred the case. Hence included as an agenda item in the 40 th meeting
39.3.4	1290/A2/09/S&TD	Construction of multistoried residential building - M/s.Adelle Builders and Developers Pvt. Ltd.	KCZMA deferred the case. Hence included as an agenda item in the 40 th meeting
39.3.5	1593/A2/09/S&TD	Construction of apartment in Thalassery Municipality by M/s.York Properties and Ayles	KCZMA deferred the case. Hence included as an agenda item in the

		Properties -reg.	40 th meeting
39.3.6	1556/A2/10/S&TD	Yesoram Sky City - Modified proposal-reg.	Referred the case to the Subcommittee to re-examine the proposal as decided by the Authority.
39.3.7	1353/A2/10/S&TD	Construction of dwelling unit in Panayam Grama Panchayat, Kollam - Application of Sri.Suresh Babu-reg.	KCZMA deferred the case. Hence included as an agenda item in the 40 th meeting
39.3.8	1591/A2/10/S&TD	Cosntruction of Shopping Mall in Maradu Grama Panchayat by M/s.Thomsun Realtors Pvt. Ltd -reg.	Subcommittee is constituted to examine the status reports.
39.3.9	1546/A2/10/S&TD	Construction of Dispensary in Mayyanadu Grama Panchayat - Request of Parish Priest - Immaculate Conception Church - Pullichira -reg.	KCZMA deferred the case. Hence included as an agenda item in the 40 th meeting
39.3.10	1408/A2/10/S&TD	4/6 laning of Kuttippuram-Edappally Section of NH-17 - request for CRZ clearance - reg.	Decision communicated to NHAI. Reply awaited.
39.3.11	1214/A2/10/S&TD	Construction of resort - Kanhangad Municipality - M/s.White Sandus Resorts and Hotels Pvt. Ltd. -reg.	KCZMA deferred the case. Hence included as an agenda item in the 40 th meeting
39.3.12	1463/A2/10/S&TD	Alleged Destruction of mangroves in Edakochi area for Cricket Staduim-reg.	Notice issued to KCA. Interim reply received. Reminder issued.
39.3.13.	682/A2/10/S&TD& 681/A2/10/ S&TD	Construction of Commercial-cum-residential complex- Purva Oceana and Purva Grand Bay in Marine Drive, Kochi-reg.	Decision communicated to all concerned to examine the project details.

Agenda Item No.40.3.1

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

**Construction of multistoried residential Building – M/s.Adalie Builders
and Developers Pvt. Ltd.**

M/s.Adalie Builders & Developers Pvt. Ltd submitted a proposal for the construction of a multistoried building in the name DLF Riverside Housing Project in Sy.No.1019, 1028-33, 1474 & 1473-75 of Poonithura Village, Cochin. The case has been discussed by KCZMA and referred the same to the Subcommittee for site inspection. The copy of the site inspection report may be seen as Annexure **1(a)**.

The Subcommittee has reported that the construction is permissible subject to certain conditions.

Point for decision

KCZMA may allow the construction subject to the conditions specified in the site inspection report and CRZ Notification 1991.

**Construction of Apartment in Thalassery Municipality by M/s.York
Properties and Ayles Properties -reg.**

The proposal for the construction of apartments in Thalassery Municipality has been considered by KCZMA in its 33rd and 35th meetings. It was seen that the existing structures from which the imaginary line is to be drawn and parallel to the High Tide Line are not in the adjacent plots. The status of one of the reference buildings is not clear from the documents submitted by the applicant. Hence the Authority decided to refer the case to the Committee, constituted earlier in file No.1290/A2/09/S&TD , to clarify the issue.

Accordingly, they submitted the report to CZMA. Copy of the same may be seen as Annexure **2(a)**.

The Committee has recommended that permission may be granted for the construction of residential apartment subject to certain conditions.

Point for decision

Whether the proposal for the construction of residential apartment in Ward 5, Block-1, TS-6, 1/1 in Thalassery Municipality may be allowed subject to the conditions as suggested in the above report.

**Second stage Development of Mini Fishing Harbour at Chethi-
Alappuzha – CRZ clearance -reg.**

Chief Engineer, Harbour Engineering department has requested to grant CRZ clearance for the second stage developmental activities in Fishing Harbour, Chethi. The project proposal includes construction work such as extension of Southern and northern break waters for a length of 50m, construction of Wharf and protection work, dredging, construction of compound wall, approach road, water supply, etc. MoEF had accorded sanction for the first stage development.

As per the provisions of CRZ Notification 1919, construction of harbour is a permissible activity, with approval of MoEF.

Hence the proposal may be recommended and forwarded to MoEF subject to conditions:

- i) The developmental works may be undertaken as per the plans approved by the local authorities conforming to the existing local and central rules and regulations including the existing provisions of CRZ Notification.
- ii) No construction activity is permitted between LTL and HTL.
- iii) Since the project envisages development of roads and dredging proper environmental safety measures must be ensured.
- iv) The project proponent must take necessary arrangements for disposal of solid wastes and for the treatment of effluents/wastes. Effluents/solid wastes should not be discharged into the water body.
- v) The project proponent should provide necessary facilities for officials of KCZMA/Science and Technology Department for inspection of the project site and its premises at any time.
- vi) All other necessary clearances should be obtained.

Point for decision

Whether the proposal for the second stage Development of fishing Harbour at Chethi, Alappuzha may be recommended and forwarded to MoEF, subject to the above conditions.

Olavanna Grama Panchayat, Kozhikode – Construction of house –
Application of Smt.Mini.P.M., Devinilayam, Kozhikode – Request for
reconsideration –reg.

Secretary, Olavanna Grama Panchayat has forwarded the request from Smt.Mini.P.M., Devinilayam, Kozhikode for reconsideration of her earlier application submitted vide letter dated 6.8.2009. the case has been examined by KCZMA in its 34th meeting and the request was rejected since the same is not admissible as per the provisions of CRZ Notification 1991.

From the letter of the Panchayat, it is seen that, the site is at a distance of 15m from the High Tide Line of river of width more than 200m. The plinth area of the proposed building is only 51.97sq.m and the height is 3.9m. The applicant has also informed that, she doesn't possess any other land. There exists large number of houses in the location. The plot is at about 20m high from the water level. The Panchayat also informed that there is no chance of flood or land sliding in the area. Hence the applicant has requested to reconsider the application.

Even though the plot lies in the No Development Zone of CRZ-III, there is no proximity of sea or backwater, only a river passes through the area. Hence it seems that there is no chance of hazard. Even though as per the existing CRZ Notification, the hazard line concept is not considered as a criteria, the fact also may be taken into account. It may also be noted that the proposed house is a very small one with a plinth area of 51.97sq.m., and the applicant has no other land. Earlier on various occasions, permission has been granted for construction of house in the No Development Zone, under Government housing Schemes and projects for economically weaker sections. Taking into account of all these facts the request of Smt.Mini also may be considered favourably and CRZ clearance may be granted for the construction.

Point for decision

Whether the above construction may be allowed subject to conditions.

Construction of resort - Kanhangad Municipality – M/s.White

Sandus Resorts and Hotels Pvt. Ltd. -reg.

Secretary, Kanhangad Municipality has forwarded the proposal for the construction of a resort in Sy.No.588/32. It is also reported that there are two existing authorized buildings seaward to the proposed site. The proposed building is a double storied one with a plinth area of 655.08sq.m. The total estimated cost of the project is 2,16,57,115/- (Rupees Two Crore Sixteen Lakh Fifty Seven Thousand one Hundred and Fifteen Only).

As per CRZ Notification 1991, construction of buildings can be allowed, landward of the existing authorized buildings. Hence the construction may be permitted subject to following conditions:

- i) All constructions should be in accordance with local, town and country planning regulations, and as per the plan approved by the local body.
- ii) The construction shall be consistent with the surrounding landscape and local architectural style.
- iii) The over all height of construction should not exceed 9m and shall not be more than 2 floors.
- iv) Ground Water should not be tapped within 200m of High Tide line.
- v) Necessary arrangements for the treatment of effluents and solid waste must be made.
- vi) Payment of Scrutiny fee.
- vii) Project proponent should provide necessary facilities and unhindered access for the officials of KCZMA for inspection of the project site and its premises at any time.

Point for decision

Whether the proposal for the construction of resort in CRZ-II area may be allowed subject to the above conditions.

Agenda Item No.40.3.6

File No.1353/A2/10/S&TD

Construction of dwelling unit in Panayam Grama Panchayat, Kollam

- Application of Sri.Suresh Babu -reg.

Secretary, Panayam Grama Panchayat has forwarded the proposal for the construction of a dwelling unit in Sy.No.40/9-3 of Panayam Village, at a distance of 62m from the banks of Ashtamudi backwaters. The Panchayat also reported that the width of the water body at the site is about 100m. As per the existing CRZ Notification, the construction is not permissible. But the applicant has informed that he has no other land to construct house, and is not in a position to purchase another plot. Hence he has requested to grant permission for the above construction.

As per the plan, the total plinth area of the proposed building is 121.44sq.m.

Earlier, on several occasions permission has been given for construction of dwelling units in the No Development Zone under Govt. Schemes and other cases. More over the implementation of the new CRZ Notification 2010, also may be taken into account. As per the draft Notification 2010, 50m may be left as No Development Zone on the banks of backwaters. Hence decision may be taken by considering all these facts.

Point for decision

Whether CRZ e may be granted to the construction of a house at 62m from the banks of backwaters, in view of the coming CRZ Notification 2010.

Agenda Item No.40.3.7

File No.1430/A2/10/S&TD

DLF Bay View Project on Plot N5 of Cochin Marine Drive Scheme.

DLF Ltd. has submitted the proposal for the construction of residential cum Commercial complex at Marine Drive area, procured from GCDA. The proposed construction comes in Map No.34 of the CZMP of the State. The Project involves the construction of 6 villas, 292 apartments and commercial Block. The total plinth area of the building as reported is 7,655.92 sq.m.

From the CRZ status report, it is clear that the land for the proposed construction is part of Marine Drive Scheme. The construction is in CRZ-II area and as per the CRZ Notification 1991, construction can be permitted landward of existing authorized building or approved or proposed road as per the approved CZMP of the state. There is a walkway of 12m width, on the Western side of the construction, which is shown in the master plan of Marine Drive Scheme. The construction can be permitted after leaving an area(20m as per grid map provided) equivalent to the width of the canal. A Committee has been authorized to look into the CRZ status of the land coming under GCDA & GIDA in the 39th meeting of KCZMA held on 25.9.2010.

Point for decision

Whether the proposal for the construction of commercial-cum-residential complex in Marine Drive area may be recommended and forwarded to MoEF, subject to the guidelines in the CRZ Notification 1991.

Agenda Item No.40.3.8

File No.1546/A2/10/S&TD

**Construction of Dispensary in Mayyanadu Grama Panchayat -
Request of Parish Priest - Immaculate Conception Church -Pullichira -reg.**

Secretary, Mayyanadu Grama panchayat has submitted the proposal of Parish Priest Fr.Lazar.S.Pattakkadavu to continue with the construction made in the No Development Zone of CRZ area in Sy.No.504/10 of Mayyanadu Village in the premises of Immaculate Conception Church, Pullichira, to use it as a dispensary. Earlier as decided by the KCZMA, vide Lr.No.211/A2/10/S&TD dated 6.8.2010, informed that the construction of the above building is not permissible as per the provisions of CRZ Notification 1991. Hence the applicant has submitted the new proposal, for using it as a dispensary.

As per the provisions of CRZ Notification 1991, the construction of dispensaries for the use of local inhabitants is permissible. In this context, it may also be noted that an IA in WP©No.27481/10 has been filed challenging the order issued by the Authority, by Pullichira Edavaka Samrakshana Samithi. The case is pending before the Hon'ble High Court.

Point for decision

KCZMA may consider the case and advise on the further course of action.

Extension of term of Adv.S.Ramesh, Standing Counsel, KCZMA - reg.

Adv.S.Ramesh, Thusharam, St.vincent road, cochin has been appointed as Standing counsel, for KCZMA, vide G.O.(Rt)No.116/09/S&TD dated 19.11.2009 for a period of one year subject to the following conditions. The term expires as on 18.11.2010.

Point for decision

KCZMA may discuss the matter in detail and to decide whether extension may granted for one more year.

KERALA COASTAL ZONE MANAGEMENT AUTHORITY

Minutes of the 39th Meeting of Kerala Coastal Zone Management Authority

Date & Time : 25th September, 2010 at 2.30 PM

Venue : Sasthra Bhavan, Pattom, Thiruvananthapuram

The meeting commenced at 2.30PM. The Chairman welcomed all the Members to the meeting of the Authority. Thereafter, the Authority considered the items in the Agenda.

List of Members present is given as Annexure I

Agenda Item No.1

KCZMA considered the minutes of the 38th meeting and approved it, subject to condition that in item No.38.3.1(file No.901/A2/10/S&TD) the applicant should not possess any other house. It was also pointed out that EMS Housing Scheme is intended for persons who do not have their own house.

Agenda item No.2.

Action Taken Report

The Authority noted the action taken on the decisions of 38th meeting of KCZMA and approved it.

Agenda Item No.3

New proposals for consideration

Sd/-
Dr.C.T.S.NAIR,
Chairman, KCZMA.

Agenda Item No. 39.3.1

File No.2144/A2/09/S&TD

**Construction of Apartments and Tourist Villas in Chirakkal & Pallikkunnu
Grama Panchayat-reg.**

Secretary, Chirakkal Grama Panchayat has forwarded the proposal for the construction of apartments and Villas in Re.Sy.No.178/4, 178/5 and 178/8 in Chirakkal and Pallikkunnu Grama Panchayat area of Kannur District. On examination, KCZMA rejected the request as the same is not admissible as per rules.

M/s.MIR Realtors has requested to reconsider their application for the construction of Apartments and Tourist Villas in CRZ-III areas, in Chirakkal and Pallikkunnu Grama Panchayat. They have informed that they have revised the layout of the apartments and, hence the construction falls beyond 500m of High Tide Line. They have also requested to grant permission for the construction of Tourists' Cottages in CRZ-III area. Project proponent made a presentation for construction of Tourist Resorts between 200-500m of High Tide Line. They stated that the initial proposal for villas has been abandoned and they are now proposing Tourist Resorts, in the same location.

KCZMA discussed the matter and decided to direct the proponent for submission of proposal for the resort, including Building Plan in the prescribed format of MoEF.

Agenda Item No.39.3.2

File No.917/A2/10/S&TD

**Second stage Development of Mini Fishing Harbour at Chethi-
Alappuzha - CRZ clearance -reg.**

Chief Engineer, Harbour Engineering department has requested to grant CRZ clearance for the second stage developmental activities in Fishing Harbour, Chethi. The project proposal includes construction work such as extension of Southern and northern break waters for a length of 50m, construction of Wharf and protection work, dredging, construction of compound wall, approach road, water supply, etc. MoEF had accorded sanction for the first stage development.

KCZMA deferred the case in view of the existing election code of conduct prevailing in the state.

Sd/-

Dr.C.T.S.NAIR,
Chairman, KCZMA.

Agenda Item No.39.3.3

File No.974/A2/10/S&TD

**Olavanna Grama Panchayat, Kozhikode - Construction of house -
Application of Smt.Mini.P.M., Devinilayam, Kozhikode - Request for
reconsideration -reg.**

KCZMA discussed the request for reconsideration of the earlier proposal for CRZ clearance for constructing a house in CRZ area by Smt.Mini.P.M., Devinilayam, Kozhikode, in detail and decided to defer the case in view of the election code of conduct prevailing in the State.

Agenda Item No.39.3.4

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

**Construction of multistoried residential Building - M/s.Adelle Builders
and Developers Pvt. Ltd.**

M/s.Adelle Builders & Developers Pvt. Ltd submitted a proposal for the construction of a multistoried building in the name DLF Riverside Housing Project in Sy.No.1019, 1028-33, 1474 & 1473-75 of Poonithura Village, Cochin. The case has been discussed by KCZMA and referred the same to the Subcommittee for site inspection.

KCZMA has discussed the site inspection report in detail and deferred the case in view of the election code of conduct prevailing in the State.

Agenda Item No.39.3.5

File No.1593/A2/09/S&TD

**Construction of Apartment in Thalassery Municipality by M/s.York
Properties and Ayles Properties -reg.**

The proposal for the construction of apartments in Thalassery Municipality has been considered by KCZMA in its 33rd and 35th meetings. It was seen that the existing structures from which the imaginary line is to be

Sd/-

Dr.C.T.S.NAIR,
Chairman, KCZMA.

drawn and parallel to the High Tide Line are not in the adjacent plots. The status of one of the reference buildings is not clear from the documents submitted by the applicant. Hence the Authority decided to refer the case to the Committee, constituted earlier, to conduct inspection in the site.

KCZMA has discussed the site inspection report in detail and decided to defer the approval in view of the election code of conduct prevailing in the State.

Agenda Item No. 39.3.6

File No.1556/A2/10/S&TD

Yesoram Sky City – Modified proposal-reg.

Managing Director, Yesoram Infra Developers Pvt. Ltd. has requested to place the modified proposal for their Sky City Project before KCZMA and to forward the same to MoEF, Govt. of India in compliance to the judgment dated 5.8.2010 in WP©NO.34311/09. Earlier in the year 2007, KCZMA examined the proposal and recommended the same to MoEF for CRZ clearance.

The project proponent made a presentation regarding the construction.

KCZMA examined the case in detail and decided to refer the case to a Subcommittee with Dr.N.R.Menon, Dr.Madhusoodana Kurup, Dr.K.V.Thomas, CESS, Dr.Kamalakshan Kokkal, KSCSTE to re-examine the proposal with all available documents. It was also decided to ascertain the policy of the State as it involves Public properties like Kayal for developing the project.

Agenda Item No.39.3.7

File No.1353/A2/10/S&TD

Construction of dwelling unit in Panayam Grama Panchayat, Kollam

- Application of Sri.Suresh Babu -reg.

Secretary, Panayam Grama Panchayat has forwarded the proposal for the construction of a dwelling unit in Sy.No.40/9-3 of Panayam Village, at a distance of 62m from the banks of Ashtamudi backwaters. The Panchayat also reported that the width of the water body at the site is about 100m. As per the existing CRZ Notification, the construction is not permissible.

Sd/-

Dr.C.T.S.NAIR,
Chairman, KCZMA.

KCZMA decided to defer the case in view of the existing the election code of conduct.

Agenda Item No.39.3.8

File No.1591/A2/10/S&TD

Construction of Shopping Mall in Maradu Grama Panchayat by

M/s.Thomsun Realtors Pvt. Ltd. -reg.

M/s.Thomsun Realtors Pvt. Ltd. has furnished the application for NOC for construction of Commercial Complex in Maradu Grama Panchayat. CRZ Status report of the area prepared by IRS, Anna University in Chennai is also enclosed with the application. From the report, it is seen that the area in 10.18 acres of land, which is the project site lies outside CRZ limits. Hence they have requested to grant CRZ clearance for the project.

KCZMA has considered the same project proposal earlier with status report prepared by CESS that the area was in CRZ III, and rejected the same on the ground that Commercial activities are not permissible in CRZ area, as per CRZ Notification 1991.

KCZMA considered the project proposal in detail and decided to constitute a Subcommittee with Dr.N.R.Menon, Dr.Madhusoodana Kurup and Dr.Kamalakshan Kokkal, and Dr.Harinarayanan, KSCSTE to verify the contradictions in the two reports and to bring out the CRZ status to be followed for the project.

Agenda Item No.39.3.9

File No.1546/A2/10/S&TD

Construction of Dispensary in Mayyanadu Grama Panchayat -

Request of Parish Priest - Immaculate Conception Church -Pulichira -reg.

Secretary, Mayyanadu Grama panchayat has submitted the proposal of Parish Priest Fr.Lazar.S.Pattakkadavu for CRZ clearance to continue with the construction made in the No Development Zone of CRZ area in Sy.No.504/10 of Mayyanadu Village in the premises of Immaculate Conception Church, Pullichira, to use it as a dispensary. Earlier as decided by the KCZMA, vide Lr.No.211/A2/10/S&TD dated 6.8.2010, the panchayat and applicant were informed that the construction of the above building is not permissible as per the provisions of CRZ Notification 1991. Hence the applicant has submitted the new proposal, for using it as a dispensary.

KCZMA deferred the case in view of the election code of conduct.

Sd/-
Dr.C.T.S.NAIR,
Chairman, KCZMA.

Agenda Item No.39.3.10

File No.1408/A2/10/S&TD

4/6 laning of Kuttippuram -Edappally Section of NH-17 – request for CRZ clearance -reg.

Project Director, National Highway Authority of India has submitted the proposal for the 4/6 laning of Kuttippuram-Edappally Section of NH-17 under NHDP Phase-III Programme. The total length of the project road is 121KM. The cost exceeds Rs.5crores.

As per the CRZ status report, the road alignment passes through CRZ-I, CRZ-II & CRZ-III areas. A small patch of CRZ-I present in Ponnani area, and Kuriappilli Puzha.

KCZMA considered the case in detail and decided to recommend the project to MoEF, Govt. of India subject to condition that

- a) ***appropriate engineering solutions may be adopted in CRZ-I area for the widening of road without disturbing mangroves.***
- b) ***Accordingly revised Management Plan may be obtained from the NHAI for submitting to MoEF.***

Agenda Item No.39.3.11

File No.1214/A2/10/S&TD

Construction of resort - Kanhangad Municipality – M/s.White

Sandus Resorts and Hotels Pvt. Ltd. -reg.

Secretary, Kanhangad Municipality has forwarded the proposal for the construction of a resort in Sy.No.588/32. It is also reported that there are two existing authorized buildings seaward to the proposed site. The proposed building is a double storied one with a plinth area of 655.08sq.m. The total estimated cost of the project is 2,16,57,115/-(Rupees Two Crore Sixteen Lakh Fifty Seven Thousand one Hundred and Fifteen Only).

KCZMA deferred the case in view of the existing Election Code of Conduct.

Sd/-
Dr.C.T.S.NAIR,
Chairman, KCZMA.

Agenda Item No.39.3.12

File No.1463/A2/10/S&TD

Alleged Destruction of mangroves in Edakochi area for Cricket Stadium

President, Resfed has submitted a complaint alleging that large scale destruction of mangroves are being done in Edakochi area by Kerala Cricket Association for the construction of a Cricket Stadium. Another complaint in the same issue is received from the Chairman, Peoples Movement For Earth, Justice and Democracy. The Chief Minister and Minister(Forest) have intervened and for now stopped the felling of mangroves.

KCZMA discussed the matter in detail and authorized the Chairman, KCZMA to take appropriate action against CRZ violation.

Agenda Item No.39.3.13

File No.682/A2/10/S&TD&

File No.681/A2/10/S&TD

Construction of Commercial -cum-residential Complex-Purva Oceanium Purva Grand Bay in Marine Drive, Kochi.

KCZMA in its 35th meeting held on 31.5.2010 discussed the project proposal for the construction of two commercial-cum-residential complexes in the name Purva Oceana and Purva Grand Bay in Marine Drive area, Kochi. The case has been referred to a Subcommittee to conduct study in the site and to furnish detailed report.

KCZMA considered the Subcommittee report in detail. It was decided that the Plan submitted by GCDA can be accepted after fulfilling the recommendation of Subcommittee at item No.1&5 of the report. The Committee is again entrusted to examine all the documents pertaining to CRZ clearance for the Marine Drive Projects of GCDA&GIDA. It was decided to include Standing Counsel, Adv.S.Ramesh and Chief Town Planner in the Committee. It was also decided to correspond with Principal Secretary, LSGD regarding the Govt. approval issued for GIDA & GCDA projects .

Other items

The Standing Counsel presented a brief description of court cases relating to KCZMA.

Meeting concluded at 6.00 PM.

Sd/-

Dr.C.T.S.NAIR,
Chairman, KCZMA.

Annexure - I

Kerala Coastal Zone Management Authority – 39th Meeting at
2.30PM on 25.9.2010

Present:

1. Dr.C.T.S.Nair, Chairman, KCZMA.
2. Dr.K.V.Thomas, Scientist, CESS.
3. Smt.Mercykutty Amma.J., Ex.MLA
4. Dr.N.R.Menon, CUSAT
5. Prof.B.Madhusoodana Kurup, CUSAT.
6. Shri.K.Radhakrishnan, Additional Secretary to Government, Fisheries & Ports Department.
7. Smt.P.V.Omana, Additional Secretary, Environment Department
8. Shri.Eapen Varghese, Chief Town Planner, (Nominee of Principal Secretary, LSGD)
9. Sri.Jayaprasad.S.D., Chairman, KSPCB.
10. Sri.Sathish Chandran, Joint Director, Directorate of Industries & Commerce.
11. Adv.S.Ramesh, Standing Counsel, KCZMA.

Sd/-
Dr.C.T.S.NAIR,
Chairman, KCZMA.

Report of the Subcommittee**Evaluation of the construction of the residential multi-storeyed complex by M/s Adelle Builders & Developers Pvt.Ltd in Poonithura Village at Chilavannur, Cochin Corporation for CRZ notification adherence and clearance**

M/s Adelle Builders & Developers Pvt.Ltd requested the Kerala Coastal Zone Management Authority (KCZMA) for CRZ clearance for the construction of a residential multi-storeyed complex named DLF riverside housing project in survey Nos. 1019, 1028-33, 1474 & 1473-75 of Poonithura Village at Chilavannur, Cochin Corporation on the eastern bank of Chilavannur *Kayal*. The project proponent made a presentation before KCZMA on 17th July 2009 and the Authority discussed the matter. Subsequently, a subcommittee was constituted vide Govt. letter No. 1290/A2/09/S&TD, dated: 29.09.2009 with Prof. B. Madhusoodana Kurup (Member, KCZMA), Dr. K.V. Thomas (Scientist F, CESS) and Dr. Kamalakshan Kokkal (Principal Scientific Officer, KSCSTE) as members to inspect the site where the proposed DLF riverside housing project is planned.

The Committee inspected the site on 29.10.2009 and submitted the report stating that the project proponent has already started the construction and the structure of a sizeable number of floors of the multi-storeyed residential complex is nearing completion and therefore the subcommittee could not go ahead with the given mandate to evaluate the proposed site for CRZ clearance for the construction of the proposed multi-storeyed residential complex. The Committee also informed that the situation demands for a change in the mandate of the Subcommittee for evaluating the ongoing construction with respect to adherence of CRZ notification and adjudging its permissibility. The Committee also asked for submission of a set of documents by the project proponent to accomplish the revised mandate of the Committee in case the Committee is authorised to do so.

The KCZMA discussed this matter vide item 35.3.1 and authorised to the same Committee to check the set of records asked for by the

Subcommittee including evaluation of the construction in compliance with CRZ notification 1991 and its subsequent amendments.

The Subcommittee met on 01.07.2010 at Sasthra Bhavan, Pattom, Thiruvananthapuram and discussed various modalities to be adopted for evaluating the construction made by M/s Adelle Builders & Developers Pvt.Ltd from CRZ angle and adherence of CRZ notification 1991 and its subsequent amendments (refer minutes of Subcommittee held on 01.07.2010)

The Subcommittee examined the ~~following~~ documents submitted by the project proponent and also obtained clarification in respect of FSI from City Town Planner over phone. It was also decided to examine the case in the light of recent amendments issued from Ministry of Environment and Forests (MoEF) with regard to constructions in CRZ-II region. The Subcommittee also decided to visit the project site on 19/7/2010 for making detailed observations and collect the required data enabling processing the case.

Observations:

The site where M/s Adelle Builders & Developers Pvt. Ltd. is constructing an apartment complex at Vytilla ,Poonithura Village, Cochin Corporation, is located on the banks of Chilavannur canal, Vembanad backwaters which is influenced by the tidal action.

The site of M/s Adelle Builders & Developers Pvt.Ltd is located in Corporation of Cochin, and therefore the CRZ of the area, except those belonging to CRZ I, falls in CRZ II category (Map No.34 A of CZMP of Kerala State). The site does not have any CRZ I(i) area such as mangroves. It was given to understand that there was no building in this site prior to the construction of the new apartment complex by the project proponent. As per the certificate issued by the Revenue Officer, East Zonal Office, Corporation of Cochin, buildings bearing door nos. from 29/156C1 to 156C91(assessment nos. from 216 to 300) is owned by Sri. Jose Thomas of Choice Garden apartments in survey number 1471 and 1019 in Poonithura Village and these were subjected to assessments from 1989, as per the records maintained by the above office. As per the plan submitted by the project proponent and also based on the site

inspection it was found that survey no.1019 is abutting/adjoining the site where M/s Adelle Builders & Developers Pvt. Ltd. is constructing the multi-storeyed apartment complex at Vytilla, Poonithura Village, Cochin Corporation. On examination of the documents furnished by the project proponent it was confirmed that Choice Garden apartments located in survey no.1019 is an authorised building which was in existence prior to 19/2/1991 in the adjoining plot of the site where M/s Adelle Builders & Developers Pvt. Ltd. is constructing the apartment complex.

The cadastral CRZ map of the site shows a narrow canal (of about 2 to 3 m width) between the Choice garden apartments and the site where M/s Adelle Builders & Developers Pvt. Ltd. Around 100 m length of the canal is covered with concrete slabs. It has been informed by M/s Adelle Builders & Developers that this functions as a municipal drain for waste water drainage from urban conglomeration of the northern side of the project site.

As per the CRZ notification 1991 and various subsequent clarifications issued by the MoEF, construction of residential apartments is permissible in CRZ II. The proposed construction has to be on the landward side of the existing road (or roads proposed in the approved Coastal Zone Management Plan of the area) or on the landward side of existing authorised structures (existing as on 19-2-91). The buildings thus permitted should be subject to the existing local Town and Country Planning Regulations including the existing norms of Floor Space Index/Floor Area Ratio (existing as on 19-2-91).

While clarifying for issues related to CRZ II in Mumbai Municipal Corporation, the MoEF vide its letter No.J-17011/3/95-LA-III dated 8-9-1998, directed that the area should be within the territorial jurisdiction of the Corporation as it existed on 19-2-91 for consideration under CRZ II. It was also clarified that the construction should not go (towards sea/backwater/river) beyond the imaginary line drawn from the seaward side of the existing authorised structure on the adjoining plot and the above imaginary line should be parallel to the High Tide Line.

The MoEF vide the above letter also issued clarifications in regard to the manner in which imaginary line should be drawn in respect to CRZ II areas. Some salient excerpts of the clarification of the Ministry are given below:

1. The imaginary line will be parallel to the High Tide Line.
2. The building(s) to be constructed will be restricted to the single plot (plot boundary as on 19.02.1991) immediately abutting/adjoining the existing authorised structures between which the imaginary line is drawn.
3. Construction/ protrusion towards the seaside should not go beyond the imaginary line drawn from the seaward side of the existing authorised structure on the adjoining plot.
4. The imaginary line to be drawn should not cut across any river, creek, backwater, estuary, sandy beach or mangroves

The Subcommittee visited the construction site on 19.07.2010, made observations on various construction activities going on in the site and noted other geographical features of the site. The team also recorded various measurements required for drawing the imaginary line on the basis of the recent clarifications issued by the ministry.

The Committee analysed the data in strict compliance of the clarifications of the MoEF as given above and adjudged the multi-storeyed apartment complex under construction by M/s Adelle Builders & Developers Pvt. Ltd for CRZ adherence and compliance. The Choice Garden apartments located in survey no.1019 is an authorised building in the adjoining plot of the site where M/s Adelle Builders & Developers Pvt. Ltd. is constructing the apartment complex. As per the records provided this was in existence prior to 19/2/1991. The shortest distance to the HTL from the Choice Garden apartments is from the change room/toilet close to the northwest corner of the building complex adjacent to the swimming pool. This distance is about 13.5m. The Committee found that a small portion towards northern side of the building complex under construction is protruding towards backwater beyond the imaginary line from the seaward side of the existing authorised

building drawn parallel to the High Tide Line. It is also noted that the imaginary line drawn parallel to the HTL from the Choice Garden building is cutting a narrow canal which is reported to be a drainage canal. This being a drainage canal the condition that the imaginary line should not cut across waterbody need not be invoked in this case.

Recommendations

1. M/s Adelle Builders & Developers Pvt. Ltd is constructing a multistoried residential apartment complex in Chilavannoor, Poonithura village in Cochin Corporation in CRZ II area and hence permissible subject to the following conditions.
2. The cadastral level CRZ map in the CRZ status report submitted may be referred for identifying the High Tide Line
3. The shortest distance from the HTL to the existing authorised building on the adjoining plot (Choice Garden apartments) is 13.5m. The imaginary line is drawn parallel to the High Tide Line from the seaward side of the existing authorised building on the adjoining plot (Choice Garden apartments). Hence the minimum distance from the HTL to the line of the referred multi-storeyed residential apartment complex under construction should be 13.5m. The KCZMA may ratify the construction made in the CRZ II by M/s Adelle Builders & Developers Pvt. Ltd, provided the minimum distance from the line of the building complex is 13.5m from the HTL. Any portion protruding beyond the imaginary line towards backwater may be demolished.
4. Construction of the apartments should be subjected to the existing (existing as on 19-2-91) local Town and Country Planning Regulations.
5. Floor Space Index/Floor Area Ratio allowed for construction shall not exceed what was existing as on 19-2-91
6. The imaginary line drawn parallel to the HTL from the Choice Garden building is cutting a narrow canal which is reported to be a drainage canal. This being a drainage canal the condition that the imaginary line should not cut across waterbody may not be invoked in this case.
7. The project proponent should have obtained CRZ clearance from KCZMA before starting the construction and the Subcommittee found that this is