

KERALA COASTAL ZONE MANAGEMENT AUTHORITY

55th MEETING

Agenda & Notes

*Venue : Conference Hall, 4th Floor, Sasthra Bhavan, Pattom,
Thiruvananthapuram.*

Date : 11.00 A.M on 6th May, 2013

**KERALA COASTAL ZONE MANAGEMENT AUTHORITY
SCIENCE AND TECHNOLOGY DEPARTMENT, SASTHRA BHAVAN,
PATTOM, THIRUVANANTHAPURAM -695 004**

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55th MEETING

Date & Time	Venue
6 th May, 2013 11.00 A.M	Sasthra Bhavan Pattom, Thiruvananthapuram

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Agenda Item No.55.1

Confirmation of the Minutes of the 54th meeting held on 15th April, 2013.

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

Agenda Item No.55.2

Consideration of **Deferred** Agenda items from 54th meeting.

Deferred Agenda Item No. 55.2.1
File No. 96/A2/2013/KCZMA/S&TD

Nayarambalam Grama Panchayath construction of seed store –
Application of Sri. Syamsundar

The Secretary, Nayarambalam Grama Panchayat has submitted the proposal for the construction of a seed store in sy.No.465/6 of Nayarambalam village. The construction proposed is of with a plinth area of 34.71m² on the banks of Pokkali fields. The area comes in the NDZ of CRZ -III where new constructions are not permissible. Facilities for local fishing communities are permissible in the area. The environment group of KSCSTE has opined that being a traditional activity, the case may be considered for CRZ clearance.

May be placed before the meeting of KCZMA for a decision.

Construction of Smrithi Mandapam for Peruman Disaster by Panayam Grama
Panchayat, Kollam

- Name of Applicant** : The Secretary, Panayam Grama Panchayat, Pernad, Kollam.
- Project Details** : Construction of Smrithi Mandapam with plinth area of 7.5m² (copy of design **enclosed**)
- Activities proposed** : New construction of Smrithi Mandapam
- Location Details** : Re. Sy. No. 3/1, Panayam Village
- CRZ of the area** : The area is on the banks of Ashtamudi backwater just 2 meter away from HTL. The memorial is small construction with 7.5m² and not having any commercial activity. The CRZ will be CRZ III.

Hence placed before KCZMA for a decision.

Re-construction of Residential building by Smt. Jaseela, Valappattanam

Grama Panchayath, Kannur

- Name of Applicant** : Bathakkathyal Muzamil Thayyil Peedikayil Jaseela, Valappattanam, Kannur.
- Project Details** : Residential building with a plinth area of 178m², Two Floors, Height 6.74m.
- Activities proposed** : Re-Construction of building of plinth area 168m².
- Location Details** : Re. Sy. No. 63/9, 5 cents, 45m from HTL of River.
- CRZ of the area** : The area is on the banks of Valappattanam River which has tidal influence from sea. The width of the river is more than 100m. Hence the CRZ landward of HTL is 100m and it is categorized as CRZ III. This area is also No Development Zone.
- Provisions of CRZ Notifications.** : As per CRZ Notification 2011, Clause 8 III A (ii) no new construction can be permitted in the No Development Zone of CRZ III. Only reconstruction of authorized structures can be permitted in the No Development Zone of CRZ III subject to FSI and density of the existing building.
- Comments** : Reconstruction can be allowed limiting the plinth area to 168m² for the entire structure to the plot.
- Other details** : The Secretary, Valapattanam Grama Panchayath has certified that the existing building is authorized and existing prior to 1991.

Hence placed before KCZMA for a decision.

Construction of Dwelling Unit by Shri.Prasad, Vettikappally, Ambika
Market.P.O, Vaikom, Kottayam

- Name of Applicant** : Shri.Prasad, Vettikappally, Ambika Market.P.O, Vaikom, Kottayam.
- Project Details** : Construction of building for Residential purpose with plinth area of 53.95m².
- Activities proposed** : Construction of dwelling unit.
- Location Details** : Re. Sy. No. 280/9A-8 (2.02 Ar) Vechoor Village, 88m from HTL of backwater.
- CRZ of the area** : The area is on the banks of Vembanad backwater. The area is in CRZ III. It is No Development Zone.
- Provisions of CRZ Notifications.** : As per CRZ Notification 2011, Clause 8 III A(ii) No new constructions can be permitted in the No Development Zone of CRZ III. Only reconstruction of authorized structures can be permitted in the No Development Zone of CRZ III.
- Other details** : The Secretary, Vechoor Grama Panchayath has reported that the applicant is a fisherman. It is also reported that the Panchayath has not provided disaster management facilities and sanitation facilities in that area.

Hence placed before KCZMA for a decision.

Deferred Agenda Item No. 55. 2.5
File No. 2115/A3/2012/KCZMA/S&TD

Construction of Residential building by Sri.K.P.Manikandan, Kottummel
Kadayil Veedu, Mattel House, Perinadu.P.O, Kollam

- Name of Applicant** : Sri.K.P.Manikandan, Kottummel Kadayil Veedu, Mattel House, Kandachira, Perinadu.P.O, Kollam – 691 601.
- Project Details** : Construction of Residential building with a plinth area of 1800 Sq.ft., Single floor.
- Activities proposed** : Construction of residential building.
- Location Details** : Sy. No. 34/1, 32/10 of Panayam Panchayath. 65m from HTL of backwater.
- CRZ of the area** : The area is in the No Development Zone of CRZ III.
- Provisions of CRZ Notifications.** : As per CRZ Notification 2011 No new constructions can be permitted in the No Development Zone of CRZ III.
- Other details** : Major portion of the Grama Panchayath is in CRZ.

Hence placed before KCZMA for a decision.

CRZ violations along the banks of Chilavannur backwater

In pursuance to a compliant filed by one Sri.A.V.Antony on the illegal construction along the banks of Chilavannur backwater, Kochi; a Sub Committee visited the site and reported the following massive violations.

- 1) Construction made by Galaxy Developers (2 locations).
- 2) Heera Water.
- 3) Abad Lotus Lake.
- 4) Rain Tree Realms.
- 5) Ambadi Resorts.
- 6) Golden Kayaloram.
- 7) Jewel Home.
- 8) Pearl Garden View.
- 9) Water Front Enclave (Blue Lagoon).

A large number other small buildings were also seen constructed in the area in violation to the provisions of CRZ Notification. Accordingly the Secretary, Cochin Corporation and Maradu Municipality were directed to issue stop memo, to the violators. They were also directed to furnish the detailed list of permits granted by them, for the constructions in the said area.

Even after the elapse of two years no reply has been received from the Corporation / Municipality.

The Secretary, Local Self Government Department was appraised the above vide D.O. letter on 02.03.2013.

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

**Construction of Apartment Building with 12 floors at Beach Road, Kozhikode
by M/s. KGL Builders**

- Name of Applicant** : Manager (Finance & Admn), Korath Gulf Link Builders (Pvt) Ltd., Banerji Road, Broadway, Ernakulam.
- Project Details** : Construction of Apartment with 12 floors. The plinth area is 5492.99m² and carpet area 3971.38m² in Beach Road, Kozhikode.
- Activities proposed** : Construction of Apartment building with 12 floors, STP etc.
- Location Details** : Re-Survey No. 475 Block No,12, Ward I, Puthiyangadi Village, West Hill, Beach Road, Kozhikode. 40.43 cents. The site is landward of the road which is marked in KCZMP.
- CRZ of the area** : Being on the sea coast, the area has a CRZ of 500m landward from the HTL in addition to the area between HTL & LTL. The project area is in CRZ II and landward of existing road.
- Project cost** : Rs. 7.42 Crore.
- Provisions of CRZ Notifications.** : As per CRZ Notification 2011, Clause 8 II(i) & (ii) buildings shall be permitted only on the landward side of the existing road or on the landward side of existing authorised structures. Buildings permitted shall be subject to the existing local town and country planning regulations including 'existing' norms of FSI/FAR. (Existing means as on 19th February 1991).
- Comments** : The construction is permitted by the Kozhikode Corporation landward of authorized road in CRZ II area. The area is marked in Map No.55 of Kerala Coastal Zone Management Plan. The construction is permitted in an extent of 40.43 cents of land with a plinth area of 5492.99m². The Kozhikode Corporation has permitted a FAR of 3.05. The permitted FAR as per the Kerala Building Rules 1984, Rule 17 is with a FAR of 1.5. This is applicable as on 19.02.1991. The total investment is above Rs.5 Crores. The permit was issued on 19.11.2008.

The violations made by the builder is :

- 1) Construction had been initiated without obtaining CRZ clearance from concerned authorities.
- 2) The total investment exceeds Rs.5 Crore and hence construction requires prior CRZ clearance from Ministry of Environment and Forest, Government of India as per CRZ Notification 1991 (Clause 3 (2)(v). CRZ clearance as per the provisions of the Notification 1991 has not been obtained from MoEF, Government of India.
- 3) The Kerala Building Rules 1984 were applicable to the area as per the CRZ Notification 1991. FAR as per the Kerala Building rule for residential building is 1.5. The construction is permitted with an FAR of 3.06. (The FAR is calculated by the Corporation Officials). This is also against the provisions of the Notification.

Other details

: The following errors / mistakes are noted:

The Form I application is submitted on 29.01.2013. The wetlands of national importance Kottuli is within 15 km radius from the site. This is not reported. The details of roads, hospitals, schools, places of worship etc. are not clearly indicated. The validity for the consent of Pollution Control Board has expired. Hence the applicant was requested to rectify the above defects.

Status of Court Case

: The applicant has filed a WP(C) No. 25899/12 before the Hon'ble High Court and obtained a Stay Order for one month from 18.02.2013, to continue with the construction subject to orders passed by KCZMA. (Copy is **attached** herewith).

KCZMA may decide.

Allegations against Chairman, KCZMA on CRZ violations

Pursuant to the discussions initiated by the Mathrubhumi.T.V Channel in connection with CRZ violations and other issues related to the protection of Coastal Environment and the allegation against Chairman, KCZMA in respect of CRZ violations emerged in the discussion, Sri.Baby John, Member, KCZMA expressed to discuss the issue to bring out a statement clarifying KCZMA stand. Copy of e-mail correspondence is attached hereto.

Further, through his letter (copy attached) the member called for convening meeting of KCZMA and also referring to the Kamburam violation and the constructions going on in lieu of court orders in favour of the proponents. The constructions under reference are that of KGL Pvt. Ltd. and Pentagon constructions. The proponents submitted their applications while the case was pending and in lieu of interim orders. Their application forms were defective and lacked details. The proponents were informed of the defects and details essential and they were asked to furnish revised application. The second application too was defective and they have again informed. In the meanwhile the court allowed them to continue work subject to the decision of KCZMA in their applications.

The two cases are placed for appraisal separately.

There was also a calling attention raised by Shri.V.S.Sunil Kumar, Hon'ble Member, Kerala Legislative Assembly on 15.02.2013 under the caption "കയ്യേറ്റങ്ങൾ തടയുന്നതിന് നടപടി" for answer by Sri.Adoor Prakash, Hon'ble Minister for Revenue & Coir. The extract of the proceedings in the Assembly taken from the website is attached hereto for favour of perusal by KCZMA.

Hence placed before KCZMA for discussion on the matters and for appropriate decision.

Regularisation of Residential Building by Smt.Radha Devi Vijimon, Charuvila
Puthen Veedu, Perumon.P.O, Kollam

- Name of Applicant** : Smt.Radha Devi Vijimon, Charuvila Puthen Veedu,
Perumon.P.O, Kollam.
- Project Details** : Constructed a Residential building with plinth area of
100m², 2 floors, Height 6.65m.
- Activities proposed** : Regularisation of Residential building.
- Location Details** : Sy. No. 73/9, 73/10 of Panayam Village, Kollam, 50m
from HTL of Ashtamudi Backwater. The elevation from
the water level is nearly 10m.
- CRZ of the area** : The area is on the banks of Ashtamudi Backwaters
100m landward of HTL is CRZ III, No Development Zone.
- Provisions of CRZ Notifications.** : As per CRZ Notification, no new constructions can be
permitted in No Development Zone of CRZ III except
reconstruction of existing authorized buildings without
increase in existing plinth area, existing density and
existing FSI for permissible activities (Clause 8 III A(ii) of
CRZ Notification 2011).
- Other Details** : Major portion of the panchayat is in CRZ. KCZMA has
cleared a few cases of similar nature based on elevation.

Hence placed before KCZMA for a decision.

Deferred Agenda Item No. 55. 2.10

File No. 466/A2/2012/KCZMA/S&TD

Construction of house in Valapattanam Grama Panchayath area –
Application of Smt. Ponnankai Shahina.

The Secretary, Valapattanam Grama Panchayath has submitted the application for the construction of a house in Re. Sy. No. 66/9 in the Valapattanam Grama Panchayath area by Smt. Shanina. An expert team visited the site and submitted report to KCZMA. Copy may be seen attached.

Placed before the meeting of KCZMA for a decision

Modification of KCZMP

The CZMP had to be modified by 6th January 2011, as per the guidelines issued by MoEF. The CZMP was to be prepared by 6th January 2013 as per CRZ notification 2011. The preparation of CZMP was delayed due to various reasons. CESS has submitted a project proposal for preparation of CZMP based on CRZ notification 2011 for an amount of Rs.4.2579 crores and a copy of which is enclosed herewith. The proposal from CESS need to be considered urgently. It is to be noted that preparation of Coastal Zone Management Plan (CZMP) based on CRZ notification 2011 is mandatory and should have been done prior to 6th January 2013. As it was delayed, necessary decision may be taken to expedite action for preparing the CZMP. KSCSTE has earmarked Rs.50 lakh towards" Kerala Coastal Zone Management Authority (KCZMA) in the 2012-13 budget in which Rs.3-4 lakh would have been required for CRZ site inspections and KCZMA Counsel charges and other related expenses. RS.46 lakh available under KCZMA head in the 2012-13 financial year of KSCSTE may be used for revised coastal zone management plan preparation which can be approved as advance to CESS. Additional fund required for CZMP preparation may be met from Council by suitable reappropriation from other unutilized budget heads of the Council in the current year budget.

Hence placed before KCZMA for a decision.

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467/13

CRZ Site Inspection Report at Bayantakath Hameeda- Valapattanam

Grama Panchayath

1. Introduction:

The CRZ site inspection committee constituted by KCZMA order No.469/A2/2012/KCZMA/S&TD; dtd 5.10.2012 for the construction of building at Valapattanam Gramapanchayath by Bayantakath Hameeda was inspected on 7th January 2013. The committee consists of KCZMA member Dr. A. Ramachandran, Registrar, Cochin University and Dr. Kamalakshan Kokkal, Joint Director & Head, Coastal & Environment Division, KSCSTE.

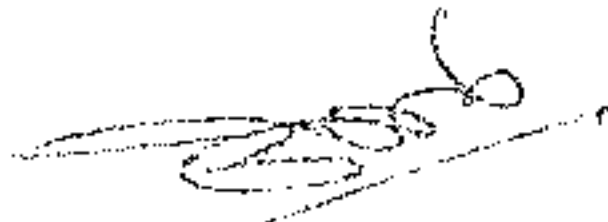
2. Methodology: -

The committee has gone through the back file pertained to the case. It has conducted discussions with Shri. Pradeep Kumar Secretary of Valapattanam Gramapanchayath. The site visit was conducted along with Shri. Pradeep Kumar, Secretary of Valapattanam Gramapanchayath.

3. CRZ Status: -

The workshop building lies at a distance of about 48m from HTL of Valapattanam River landward of Kadavu Road. It lies in No Development Zone of CRZ III. Ecologically sensitive areas like mangroves which can be categorised as CRZ I is absent in the area. On local enquiry it is understood that the above workshop building was reconstructed perusing the pre-existing timber Industry godown building namely Albaderia whose plinth area is not available in the records. The Secretary of the Gramapanchayath also informed that the building was existing as per Tax Assessment register for 1992-93. The plinth area of the reconstructed workshop building is 190.98m².

4. As per the provisions of CRZ notification reconstruction in the NDZ of CRZ area is permissible without increasing the plinth area of the building.



Dr. Kamalakshan Kokkal
Joint Director & Head
Coastal & Environment Division



Dr. A. Ramachandran
Registrar, CUSAT & KCZMA Member

Deferred Agenda Item No. 55. 2.12

File No. 467/A2/2012/KCZMA/S&TD

Construction of Workshop building at Valapattanam Grama Panchayath –
Application of Smt. Bayantakath Hameeda

The Secretary, Valapattanam Grama Panchayath has submitted the proposal for the reconstruction of a building in Re. Sy. No. 48/9 in the Panchayath area by Smt. Hameeda. A team of experts visited the site and submitted report. Copy of the same may be seen attached to this.

Placed before the meeting of KCZMA for a decision.

Construction of building for Residential purpose by Sri.T.P.Muhammed

Kunhji, Valappattanam

- Name of Applicant** : Sri.T.P.Muhammed Kunhji, Sri.Naufal.T, Sri.Naushad.T and Smt.Ramsheela.T, Thotton House, Keeriyad, Kollarathikkal.P.O, Chirakkada, Valapattanam
- Project Details** : Construction of Residential Building.
- Activities proposed** : Construction of building with a plinth area of 184.14m², 2 floors, height 7.25m.
- Location Details** : Sy. No. 65/9 of Valapattanam Village, Banks of Valapattanam River, 30m from HTL.
- CRZ of the area** : The area is on the banks of river having tidal influence from sea. 100m landward of HTL of tidal influenced waterbody in the area is categorized as CRZ III – No Development Zone. Hence the site is in the No Development Zone.
- Provisions of CRZ Notifications.** : As per CRZ Notification Clause 8 III A(ii) no new constructions shall be permissible in No Development Zone of CRZ III. Only reconstruction will be permissible subject to conditions.

Hence placed in the KCZMA meeting for a decision.

Construction of building for Ice Plant by Sri.Muhammed Basheer, Paduvingal, Kandanassery, Thrissur

- Name of Applicant** : Sri.Muhammed Basheer, Paduvingal, Kandanassery P.O, Thrissur.
- Project Details** : Building for Ice Plant and setting of Machinery for Ice Plant.
- Activities proposed** : Construction of building and with a plinth area of 251.96m² and installation of machineries.
- Location Details** : Re. Sy. No. 66/1, Edakazhyur, Chavakkad. On the banks of an inland water body having tidal influence and within 500m from HTL of sea.
- CRZ of the area** : The area is in CRZ III.
- Project Cost** : Rs.15 Lakhs.
- Provisions of CRZ Notifications.** : As per CRZ Notification Clause 8 III A (iii)(1) facilities required for local fishing communities such as fish drying yards, auction halls, net mending yards, Ice plant, Ice crushing unit etc. are permissible in CRZ III area.

Hence placed in the KCZMA meeting for a decision.

**Construction of two Shopping Complex in Neendakara Fishing Harbour
without obtaining CRZ clearance**

Harbour Engineering Department has constructed two Shopping Complex in Neendakara Fishing Harbour without obtaining CRZ clearance. The 48th KCZMA meeting discussed the case and constituted an Expert Committee to examine the issue. The Expert Committee reported that in the vent of the construction is meant for a shopping Complex and not for Port operations, the referred constructions will be violating the provisions of CRZ Notification, since it lies in the CRZ III.

The 52nd KCZMA meeting again discussed the Expert Committee report and decided to call for an affidavit from the Chief Engineer, Harbour Engineering to the effect that the Shopping Complex is purely meant for port related activities. The Chief Engineer, Harbour Engineering has furnished the Affidavit, certifying that the Shopping Complex constructed is purely meant for Fishing Port related activities.

Hence this matter is placed before the KCZMA meeting for a decision.

Deferred Agenda Item No. 55. 2.16

File No. 1262/A2/2012/KCZMA/S&TD

**Alleged illegal reclamation of backwater behind Bolghatty Palace &
Marine Drive area**

Sri.N.Ramachandran, Secretary, Association for Environmental Protection Council, Aluva filed a complaint on the illegal reclamation and construction in Marine Drive Area, Kochi. Earlier KCZMA examined the petition on the illegal reclamation in connection with the second stage Development of Marine Drive Scheme and notice issued to the concerned Secretary, GCDA informed that they have not finalized any project related to this.

Copy of the complaint may be seen **attached** to this.

KCZMA may decide.

Deferred Agenda Item No. 55.2.17

File No. 1675/A3/2012/KCZMA/S&TD

Construction of Residential Building of Mr. Harold & Smt.Sherly, Puthen

Thuruth, Meenam, Sakthikulangara, Kollam

53rd meeting of KCZMA discussed the application for CRZ clearance for the construction of a Single storied Residential building with a plinth area of 50.4 M2, single storied, FAR: 0.12, Coverage: 12% in Survey No. 46/27 of Sakthikulangara, Kollam by Mr. Harold & Smt. Sherly, Puthen Thuruth, Meenam, Sakthikulangara. As the construction is in the NDZ of CRZ (II) on the banks of backwaters and the distance of the construction from the water-body is 17 metres, (as per the application) the KCZMA decided to get clarified from the local body the distance of the construction from the water-body.

Accordingly the Secretary, Kollam Corporation clarified that the applicants belong to traditional fisherfolk community and the distance of the construction from the water body is 17 meters. **(Copy appended).**

May be placed again before the KCZMA meeting for a decision.

Construction of Residential Building by Sri. Abdul Rasheed.N.P,
Palakkottu.P.O, Ramanthali, Kannur

- Name of Applicant** : Sri. Abdul Rasheed.N.P, Palakkottu.P.O, Ramanthali, Kannur.
- Project Details** : Construction of Residential Building with plinth area of 122.8m², double storied. Height less than 9m.
- Activities proposed** : Construction of building.
- Location Details** : Sy. No. 81/8 of Ramanthali Village, Kannur. 250m from HTL of sea.
- CRZ of the area** : The area is categorized as CRZ III (between 200-500m from HTL).
- Provisions of CRZ Notification.** : As per CRZ Notification 2011, Clause 8 III (iii) 'B'(vii) construction of dwelling units of traditional communities can be permitted in the area between 200-500m from HTL of sea.

Hence may be placed in the KCZMA meeting for a decision.

Construction of Building for Armed Forces Tribunal

- Name of Applicant** : Shri.Jayaprakash Narayanan, Registrar, AFT Regional Bench, Bristow House, K.J.Herschell Road, Kochi.
- Project Details** : Construction of building for AFT. Two storied building details of plinth area, FAR, height etc. not provided.
- Activities proposed** : Construction of building, stand for parking vehicles etc.
- Location Details** : Re. Sy. No. 138/1 of Mulavukkad Village, Ernakulam. The total area is 1.3239 acres out of which 30 cents is marshy land having mangroves.
- CRZ of the area** : Mulavukad in an island in the Vembanadu backwater / kayal which is influenced by tidal action. In general, Mulavukad has extensive areas of tidal flats and filtration ponds which are connected to Vembanad. Mangrove vegetation is present in many of the unused filtration ponds especially on its banks. The referred site is on the banks of Vembanad Kayal / backwater. The plot has tidal flats and low lying areas which are connected to Vembanad by a canal. Part of the tidal flats is covered under mangroves. Tidal water enters into the mangrove ecosystem present in the area through the canal. The mangrove ecosystem is classified as CRZ IA. Tidal flats are CRZ IB. Being an island in the backwater, the CRZ landward of the HTL will be 50m from the HTL. As per the CZMP (1996) and CRZ 2011, this will be CRZ III and No Development Zone. The landward extent of CRZ will be restricted to a distance equivalent to the width of the water body, provided the width is less than 50m. The water body is classified as CRZ IV.
- Project cost** : Rs. 11.836 Crores.
- Provisions of CRZ Notification.** : The revised proposal for construction is partly in the No Development Zone of CRZ III and partly outside CRZ. Construction of building in No Development Zone of CRZ III is not permissible.

Hence placed in the KCZMA meeting for a decision.

Deferred Agenda Item No. 55. 2.20
File No. 473/A3/2013/KCZMA/S&TD

Construction of Residential Building by Smt. Sreeja S, Karakkattu Veedu,
Koduvilla P.O, Kizhakkekallada, Kollam

- Name of Applicant** : Smt. Sreeja S, Karakkattu Veedu, Koduvilla P.O, Kizhakkekallada, Kollam.
- Project Details** : Construction of a residential building with plinth area 192.23m² , 2 floors height 8.8m
- Activities proposed** : Construction of building.
- Location Details** : Sy. No. 540/9, 541/23, 56m from HTL of Ashtamudi backwater
- CRZ of the area** : The area is in CRZ III, No Development Zone
- Provisions of CRZ Notification.** : As per CRZ Notification clause 8 III A (ii) New constructions are not permitted in No Development Zone of CRZ III. Only reconstruction can be permitted

Hence may be placed in the KCZMA meeting for a decision.

Deferred Agenda Item No. 55. 2.21
File No. 300/A3/2013/KCZMA/S&TD

Construction of Residential Building after demolishing existing building by
Sri.Sibi Abraham, Vaikom

- Name of Applicant** : Sri.Sibi Abraham, Vadakaram Cherry House, Pallipurathssery.P.O, Vaikom.
- Project Details** : Construction of Residential building after demolishing existing building, plinth area of 270.22m², Proposed building is 265.11m² and Height 8.75m.
- Activities proposed** : Demolishing of existing building and construction of residential building.
- Location Details** : Sy. No. 86/21B, 86/21C, 86/21D of Vaikom Village. Distance from HTL of backwater is 53.4m.
- CRZ of the area** : The area is in the No Development Zone of CRZ III.
- Provisions of CRZ Notification.** : As per CRZ Notification clause 8 III A (ii) No construction shall be permitted within NDZ except for repairs or reconstruction of existing authorized structure not exceeding existing Floor Space Index, existing plinth area and existing density and for permissible activities under the notification including facilities essential for such activities.

Hence may be placed in the KCZMA meeting for a decision.

Construction of Container Freight Station at Vallarpadam

- Name of Applicant** : M/s. MIV Logistics Private Ltd.
- Project Details** : To develop a Container Freight Station at Vallarpadam Ware House construction of 45,099.44m².
- Activities proposed** : Development of Container Freight Station at Vallarpadam.
- Location Details** : The proposed project area is located at Lat 9^o 59'24.92"N Long 76^o14'45'90"E, on the banks of Vembanad backwater locally known as Thattappally River and Ernakulam Channel. It is in Ernakulam district. The proposed area is part of the land reclaimed by Cochin Port Trust with material from channel dredging.
- CRZ of the area** : The HTL is along the embankments on the sides of the backwater. The proposed development site being in a Panchayath, the CRZ landward from the HTL, except those categorized as CRZ I, is CRZ III (CRZ 2011; 1991). Vallarpadam in which the proposed site falls is an island. Hence the CRZ extends landward from the HTL upto 50m (CRZ 2011; vide para 8 V(ii)). The water body (Thattapalli River / Vembanad: filtration ponds) and the bed is CRZ IV. There are no mangroves in the project site. But there are mangroves along the banks of backwater / thodu and in the nearby areas. These are CRZ IA. It has narrow intertidal zones on the banks. These are CRZ IB.
- Project cost** : Rs.62.45 Crores.
- Provisions of CRZ Notifications.** : The activity is related to Port. The land was reclaimed by the Port and details of reclamation and permission obtained are not provided. The activity being related to Port can be considered for CRZ clearance by KCZMA.

It may be discussed in KCZMA meeting . Unauthorised reclamation may be taken seriously.

**Proposal for the Yasoram Sky City Project – Construction of a Fly Over
across Chilavannoor Kayal, Kochi**

The 19th Meeting of the KCZMA held on 22nd August 2006 decided to recommend the Yasoram Sky City Project to the MoEF subject to conditions. This was reconsidered in the 21st Meeting of KCZMA held on 20th January 2007. Modifying the stipulation for obtaining the concurrence for the State Government, the project was recommended for clearance, on CRZ angle, to the MoEF subject to the concurrence from Environment Department, Government of Kerala and with the conditions decided by the 19th KCZMA meeting.

The 52nd Meeting of the Expert Appraisal Committee for New Construction and Industrial Estates Projects held from 19-22 November 2007 recommended the proposal for Environmental Clearance.

The proponent filed a writ petition as W.P. (c) No. 34311 of 2009 before the Honourable High Court of Kerala upon which the Court directed the petitioner to place revised proposal in the prescribed format and ordered that the KCZMA will consider that proposal and make recommendations and forward it to the competent authority in the Central Government, taking into consideration that all the other authorities have already cleared the project except as regards the question of the place of landing at one end of the bridge.

The MoEF vide their letter-dated 11.06.2009 informed the acceptance of the report of the Special Expert Appraisal Committee after visiting the site on 9th April 2009 and that the EAC has interalia recommended that the project alignment might be slightly modified to shift into non-CRZ. It was therefore suggested that the project may start from NH 47 from the bridge south of the existing proposed site at Wyte Fort, by taking suitable permissions from NHAI and the project may be terminated at the bridge on SA Road and thereafter, the project may not attract consideration under CRZ. On further correspondence between the proponent and Government of India, the Government of India vide their letter dated 20.10.2009, required the proponent to submit the revised proposal in the prescribed format recommended by the State Coastal Zone Management Authority.

The proponent submitted the modified proposal for their Sky City. The 39th KCZMA meeting examined the case in detail and referred the case to a Subcommittee to re-examine the proposal with all available documents and to ascertain the policy of the State as development of the project involves Public Properties like Kayal.

Vide the Note dated 4th November 2010 the matter was brought to the notice of Honourable Chief Minister, upon which the Honourable Chief Minister recorded that the project has not even been given in-principle-sanction, that the deduction of the Honourable Court is not based on facts and therefore urgent action shall be taken to file review/appeal against the court order.

A review petition was filed before the Honourable High Court. The report of the Subcommittee, in their recommendations noted that there is no clarity on the landing of the Sky city at three different points such as Irrigation Bund Road, Chilavannoor Bridge and Puthenpalam (Sahodaran Ayyappan Road); the observation during the site visit indicates that the reclamation, landscaping and construction in the CRZ area for landing of the Sky city project may not be permissible activity as reclamation and construction is inevitable at the three points of landing of the fly-over Sky city for its operational viability. The project attracts para 2(viii) of the CRZ notification. Further the project is planned on a public water body and therefore the project proponent may get clearance from Government of Kerala. The 42nd KCZMA meeting discussed the Subcommittee report in detail and decided that the project is not permissible as per the provisions of CRZ Notification and also to call for reasons, if any, from the proponent for not rejecting the request and whether they have any further arguments for consideration. The proponent was issued notice dated 3rd February 2011. The proponent replied that he is not in a position to furnish reply to the notice as writ appeal No. 120/2011 is pending before the Honourable High Court of Kerala. The Honourable High Court dismissed the appeal and therefore the proponent was asked to appear for a hearing on 28th March 2011. The proponent informed that the writ appeal has been restarted on 18th March 2011 and requested to postpone the hearing.

In the meanwhile the Industries Department, Government of Kerala ordered vide G.O. (Ms) No. 228/2011/ID dated 09-12-2011 granting clearance to the Skycity project subject to conditions.

The proponent was informed that he should not proceed with the project without obtaining necessary clearance as envisaged under the CRZ Notification 2011. He was also requested to furnish application in Form I with relevant supporting documents for obtaining CRZ clearance. Application in Form 1 has not so far been received.

As learnt from the Judgment Monitoring system of the Honourable High Court of Kerala the writ appeal has been disposed on 28th May 2011. Copy of the Judgment taken from the Website placed below may please be perused.

It may also be submitted that the Indian Institute of Architects Cochin Chapter and another Petitioner has filed a writ petition as W.P. (c) No. 4561/2012 before the Honourable High Court. The petitioners have therein submitted that the project can be implemented only by blatantly violating the established statutory norms, regulations and conventions and also compromising with the inter equity concept of public property such as land and water and atmosphere. The petitioners have challenged the orders giving clearance issued by the Industries Department in Government and prayed to set aside the same. The Secretary, Ministry of Environment and Forests who is a respondent in the writ petition has vide his D.O. Letter, called for the factual status and information about the Advocate representing the Government and also a copy of the final affidavit filed in the Court on behalf of Government of Kerala for ready reference. The Statement of Facts on the allegations and averments in the writ petition and the related details has not been forwarded so far for want of approval. The file dealing with the above said writ petition is placed below for favour of perusal and orders in that file also regarding the statement of facts and details to be furnished to the Secretary Government of India, Ministry of Environment and Forests as well as the Advocate General and the Standing Counsel for KCZMA.

It may be submitted that the Notice issued by the KCZMA is yet to be answered by the proponent; Application in the prescribed format is yet to be received; the above said writ petition is pending and action to file counter affidavit has to be taken; the Government of India has to be supplied with the relevant details.

Hence placed before KCZMA for a decision.

Deferred Agenda Item No. 55. 2.24
File No. 207/A3/2013/KCZMA/S&TD

**Construction of Hall for Recreation Club by Dr.Ajith Bhaskar, Nandanam,
Angavila, Vakkom.P.O, Thiruvananthapuram**

- Name of Applicant** : Dr.Ajith Bhaskar, Nandanam, Angavila, Vakkom.P.O,
Thiruvananthapuram.
- Project Details** : Construction of Hall for Recreation Club with plinth area
of 600m².
- Activities proposed** : Construction of Building.
- Location Details** : Sy.No.422/1, 422/4, 422/5, 422/11/1, 121/441/193,
120. 183 cent.
- CRZ of the area** : The area is on the banks of backwater having tidal
influence from sea. 100m landward of HTL will be CRZ
III and No Development Zone.
- Project Cost** : Rs.60 Lakhs
- Provisions of CRZ
Notification.** : As per CRZ Notification 2011, Clause 8 III A (ii) No new
construction shall be permitted within the No
Development Zone of CRZ III.
- Comments** : The present construction is within No Development Zone
and hence will not be permissible.

Hence placed in the KCZMA meeting for a decision.

**Construction of Residential Building at Cherode Grama Panchayath,
Vadakara, Kozhikode**

- Name of Applicant** : The Secretary, Cherode Grama panchayt, Muttungal West, Vadakara, Kozhikode
- Project Details** : Reconstruction of residential buildings by
1. Smt. Mashura P.T Pallithazh
 2. Smt. Pathu Pallithazha
 3. Shri. Seithalavi Varayante Valappil
 4. Smt. Saradha Varayante Valappil
- Activities proposed** : Reconstruction of Residential buildings by
1. Smt. Mashra - Plint area 44.15 m² single storied
 2. Smt. Pathu - Plinth area 44.15m² -Single storied
 3. Shri. Seithalavi -Plinth area 58.14m² -Single storied
 4. Smt. Saradha -47.95m² -Single Storied
- Location Details** :
1. Smt. Mashura - Rs.No.26/6 50m from HTL of sea
 2. Smt. Pathu - Rs.No.26/6 68m from HTL of sea
 3. Shri. Seithalavi -Rs.No.26/2 25m from HTL of sea
 4. Smt. Saradha -Re.sy No.1/1, 39/8 100m from HTL of sea
- CRZ of the area** : The area is in the No development Zone of CRZ III. The sea wall is taken as HTL
- Provisions of CRZ Notification.** : As per CRZ Notification clause 8 III(ii) reconstruction of authorized buildings are permissible in CRZ area without increase in existing plinth area/FSI and Density. The above constructions are certified as authorized. The plinth area in each construction is higher than the existed ones but below 60m².

Hence placed in the KCZMA meeting for a decision.

Construction of Residential Building by Shri.Vijayan, S/O Sreedharan,
Kaladan (H), Ariyallor P.O, Malappuram

- Name of Applicant** : Shri.Vijayan, S/o. Sreedharan, Kaladan(H),
Ariyallor.P.O, Malappuram.
- Project Details** : Construction of a residential building with plinth area of
96.09 m², Height 6.25m.
- Activities proposed** : Construction of building.
- Location Details** : Re. Sy. No. 106/14 Ward No. XIX of Vallikkunnu Grama
Panchayat, Malappuram. The site is between 400-500
from HTL of sea.
- CRZ of the area** : The area being in Panchayat is classified as CRZ III.
- Provisions of CRZ
Notification.** : As per CRZ Notification 2011, Clause 8 II B (vii)
construction or reconstruction of dwelling units of
traditional community can be permitted in the area
between 200-500 m from HTL of sea, subject to local
town and country planning regulations, with overall
height of 9m with two floors (Ground + one floor).

Hence placed in the KCZMA meeting for a decision.

Construction of the development of Bekal Beach Park, Kasaragod

- Name of Applicant** : Managing Director, Bekal Resort Development Corporation Ltd.
- Project Details** : Beach with walkways and pathways, Building for Rain shelters (Mantapam), Toilet Block and Petgolas.
- Activities proposed** : The Development of Trikannad Beach, udama , Kasaragod
- Location Details** : No details provided by the applicant regarding the Land records. The site where the BRDC has carried construction activities is located in Udma Panchayat along the coastal Zone west of fisheries school. The site is close to the sea, ie. within 200m from HTL of Sea.
- CRZ of the area** : As per the approved Coastal Zone Management Plan of the State, the Coastal Zone of Udma Gramapanchayath has Coastal Regulation Zone (CRZ) along its seacoast and on the banks of Bekal Hole. As per the KCZMP the CRZ of the Panchayath consists of CRZ I and CRZ III. Ecologically sensitive and important areas in the CRZ such as sand dunes, areas of outstanding natural beauty/historical/heritage areas etc are CRZ I (i). Intertidal Zones including seasonal beaches are CRZ I (ii). The CRZ III consists of the CRZ in rural area (developed and undeveloped). As per CRZ Notification 1991 and 2011, the CRZ upto 200m from the High Tide Line (HTL) in CRZ III, falls under 'No Development Zone'.

The CRZ areas in the Panchayath are shown in Map No. 75 of the Kerala Coastal Zone Management Plan (KCZMP). The area where construction made is in the No Development Zone of CRZ III.

Provisions of CRZ Notification : No new constructions are permitted in CRZ-I. No constructions are permitted within the No Development Zone of CRZ III except certain permissible activities as defined in the CRZ notification. Construction activities are restricted in CRZ III landward of 200m No Development Zone.

All the constructions that are being carried out in Pallikara beach by BRDC is in CRZ and also within the 200m "No Development Zone" of CRZ III where no constructions are permitted except for repairs of existing authorized structures not exceeding existing FSI, existing plinth area and existing density, and for permissible activities under the CRZ Notification including facilities essential for such activities (Vide para 8 III A(ii)). However, the following uses/activities are permissible in this zone (Vide para 8 III A (iii) 9 a)) Agriculture, horticulture, gardens, pastures, parks, playfields and forestry. In the "No Development Zone" construction of dispensaries, schools, Public rain shelters, community toilets, bridges, roads and provision of facilities for water supply, drainage, sewerage which are required for the local inhabitants may also be permitted, on a case to case basis, by the Central Government or Coastal Zone Management Authority constituted for the State/Union Territory.

Comments : The construction made includes walkways and pathways, Building for Rain shelters (mantapam), Toilet Block and Pergolas. Toilet blocks and Rainshelters are permissible.

Hence placed before KCZMA for a decision.

Construction of Building for Ice Plant

- Name of Applicant** : Sri. Moinudheen Haneefa, Thengilakath House, Bepore, Kozhikode.
- Project Details** : Construction of a building for Ice Plant and setting up an Ice Plant.
- Activities proposed** : Construction of building and installation of Machineries building plinth area – 192m².
- Location Details** : Sy. No. 144/2, 3, 5 of Kadalundi Village, 52m from HTL of sea.
- CRZ of the area** : The area is on the banks of Arabian Sea and in the Panchayath. The proposed area is the No Development Zone of CRZ III.
- Project cost** : Rs. 21,38,220/-
- Provisions of CRZ Notification.** : As per CRZ Notification 2011 Clause 8 III A (iii) 1, facilities required for local fishing communities such as fish drying yards, auction halls, Ice Plants, Ice crushing units etc. may be permitted in CRZ III – No Development Zone.
- Comments** : The following conditions may be imposed if clearance is given :
- 1) No ground water shall be withdrawn from No Development Zone area.
 - 2) Proper safety measures shall be carried out in the Ice Plant and storage tanks of Ammonia.
 - 3) Effluents shall not be discharged in CRZ area including sea.

Hence placed in the KCZMA meeting for a decision.