

COMPLIANCE TO ADS SOUGHT

Clarifications No 1: The committee observed that the Golf Course may not be a permissible activity under the extant CRZ rules and therefore needs detailed examination.

Compliance: Golf Course, being a sport activity, is permissible in CRZ as per the I, (e) of the Annexure-III of the amendment to CRZ notification dated 4th Feb 2015. It reads as follows:

1 (e)-*"no permanent structures for sports facilities shall be permitted except construction of goal posts, net posts and lamp posts".*

MoEF&CC has granted CRZ clearance for a similar project and copy of the clearance is attached at **Annexure No – I**.

Clarifications No 2.: The committee observed that in so far as the resort is concerned, the project proponent may develop the same provide it is in consonance with the CRZ Notification 2011. However, in the instant case, it appears the resort is being proposed in the area not permissible under the extant CRZ rules.

Compliance: The proposed site has Sea on one side and a river on another side. As far as Sea is concerned, the development is permissible on landward side existing authorized structure/authorized road. In this project, there are two authorized structures in the vicinity. The construction is permissible on landward side of the imaginary line drawn parallel to the HTL connecting two authorized structures as per the OM number No.J-17011/3/95-LA-III dated 8th September, 1998 issued by the Ministry. Copy of the same is enclosed as **Annexure No – II**.

As far as the River is concerned, the CRZ area is 100 m from the HTL. The proposed construction/ development is beyond 100 m hence the development is outside the purview of CRZ Notification, 2011.

Clarification 3: The committee noted that the CRZ map seen flawed and the same may be got examined.

Compliance: The CRZ map prepared an Institute authorized by the MoEF&CC has duly demarcated the HTL, drawn imaginary line parallel to HTL and superimposed the plan with resort building is enclosed at **Annexure No – III**.

F.No.11-32/2014-IA-III
Government of India
Ministry of Environment, Forests & Climate Change
(IA.III Section)

Indira Paryavaran Bhawan,
Jor Bagh Road,
New Delhi - 110 003

Dated: 9th December, 2014

To
The General Manager-Projects,
M/s Leading Hotels Ltd.,
La Campala, Road No.4, Miramar,
Panaji, Goa – 403 001
Email: p.ravi@theleadinghotels.in

Subject: CRZ Clearance for setting up of 18 hole PGA Golf Course and Eco-Tourism Resort in Survey No. 2 to 13 (part) of Tiracol Village in Pernem Taluka of North Goa District, Goa by M/s Leading Hotels Ltd. - Reg.

This has reference to your proposal forwarded by Member Secretary (GCZMA) & Director, Dept. of Environment, Goa vide letter No: GCZMA/N/12-13/73/512 dated 13.06.2014 and your letter dated 22.07.2014 seeking prior CRZ Clearance for the above project under the Coastal Regulation Zone (CRZ) Notification, 2011. The proposal has been appraised as per prescribed procedure in the light of provisions under the Coastal Regulation Zone Notification, 2011 on the basis of the mandatory documents enclosed with the application viz., the Questionnaire, EIA, recommendation of State Coastal Zone Management Authority and the additional clarifications furnished in response to the observations of the Expert Appraisal Committee constituted by the competent authority in its meetings held on 30th July, 2014 - 1st August, 2014.

2. It is inter alia, noted that the proposal is for setting up of 18 hole PGA Golf Course and Eco-Tourism Resort at Survey No. 2 to 13 (part) of Tiracol Village in Pernem Taluka of North Goa District, Goa. The project is located in North Goa bordering the State of Maharashtra. The project consists of a Resort with 140 Standard Villas, 58 Premium Villas and a US PGA standard championship Golf Course spread over a built-up area of around 95,638 sqm. The total development is spread over an area of 9,90,000 sq.m (244.62 acres). Area allocated for Golf Course is 562,536 Sqm, for Standard Resort Vilas & Resort Public Spaces is 202,350 sqm, for premium resort villas-129,504 sqm. and for Engineering utilities and back of house maintenance is 95.610 sqm. The total solid waste from resort is 520 kg/day (Biodegradable waste-260kg/day and Non biodegradable waste -260kg/day). The waste water generated in the resort will be segregated into Grey and Black water. Grey water comprises water from "showers/wash basins" etc., which will be treated by an Ultra Filtration Plant. The Black water (from toilets & urinals) will be treated separately using MBR Technology. Treated sewage water will be used within the Resort for flushing, landscaping and/or for golf course irrigation. The total water requirement is 1500 cum/day. The total power requirement is 4500 kVA and will be sourced from Goa Electricity. 45 nos. of Recharge wells proposed to recharge the existing aquifers. The total cost of the project is Rs. 505 crores.

Leading hotel_CRZ

3. The delineation of HTL/LTL has been undertaken by the Institute of Remote Sensing-Anna University, Chennai. The project area of 145.6 acres falls in Coastal Regulation Zone- III. The land area allocated for Golf between 0 – 100 m (along river) is 31,000 sqm, between 0 – 200 m is 2,10,000 sq.m, between 200 – 500 m is 1,90,000 sqm and beyond 500m is 1,31,500 sqm. The land area allocated for Resort between 200 – 500m is 1,50,000 sq.m and beyond 500m is 2,77,500 sqm. According to Project Proponent, no sand dunes are present in the site. The Goa Coastal Zone Management Authority (GCZMA) has recommended the project vide letter no. GCZMA/N/12-13/73/512 dated 13.06.2014.

4. As regards complaint from Goa Foundation that several of the survey numbers are lands covered under the Goa Daman & Diu Agricultural Tenancy Act, 1964, No Land so declared under the Agricultural Tenancy Act can be utilized for any purpose other than agriculture, There is a specific law which prohibits such diversion (Goa Land Use Regulation Act, 1991) and there is a specific judgment of the Bombay High Court on this very aspect dated 27.6.2000. The Board, by granting the consent order, has violated both the provisions of the Regulation Act as well as the High Court's Judgment. EAC noted that the issue is a State subject, hence should be dealt at the state level. However, suggested the Project Proponent (PP) to submit their response to the Ministry for the record. Accordingly, PP submitted their response in the Ministry on the complaint vide letter dated 25.08.2014. It is noted from PP's letter dated 28.07.2014 and 25.08.2014 that LHL has obtained so far two conversion SANAD dated 30.12.2011 and 03.05.2013 respectively. The final project site approved by the Government in February, 2013 is 9,90,000 sqmts. Obtaining conversion SANAD and Planning permissions from the Government indicated that the project zone is Tenancy/Encumbrance free. Conversion SANAD is issued only after a full-fledged inquiry by the Collector pertaining to the Tenancy aspects of the land. Further PP stated that Goa foundation has put up similar complaints in the Goa State Pollution Control Board and State Level Environmental Impact Assessment Authority. The same was also clarified at the State level & hence the Consent to Establish and Environmental Clearance were obtained.

5. Goa Coastal Zone Management Authority (GCZMA) recommended the proposal of M/s Leading Hotels Ltd in terms of the Policy No. GCZMA-H/Court matter/07/656/Part IV/311 dated 10.06.2011 framed and notified in pursuance to the order dated 10.06.2011 of Hon'ble High Court of Bombay in W.P. No. 422 of 1998 and W.P. No.99 of 1999, for consideration and granting CRZ clearance.

6. The Expert Appraisal Committee, after due consideration of the relevant documents submitted by the project proponent and additional clarifications furnished in response to its observations, have recommended for the grant of CRZ Clearance for the project. Accordingly, the Ministry hereby accords necessary CRZ Clearance for the above project as per the provisions of Coastal Regulation Zone Notification, 2011, subject to strict compliance of the terms and conditions as follows:

A. SPECIFIC CONDITIONS:

- (i) Setting up of 18 hole PGA Golf Course and Eco-Tourism Resort in Survey No. 2 to 13 (part) of Tiracol Village in Pernem Taluka of North Goa District, Goa by M/s Leading Hotels Ltd shall be in strict compliance with the order dated 13.10.2006 of Hon'ble High Court of Bombay in W.P. No. 422 of 1998 and W.P. No.99 of 1999 as well as the hotel policy No. GCZMA-H/Court

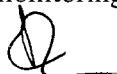
matter/07/656/Part IV/311 dated 10.06.2011 as notified by the Government of Goa and all other connected court cases.

- (ii) The CRZ clearance is subject to the outcome of the connected court cases, if any.
- (iii) "Consent for Establishment" shall be obtained from State Pollution Control Board under Air and Water Act and a copy shall be submitted to the Ministry before start of any construction work at the site.
- (iv) All constructions shall be beyond the hazard line of 200 m from HTL of Sea and 100m from HTL of Creek whichever is more.
- (v) Approval of the State or Union territory Tourism Department shall be obtained.
- (vi) The project proponent shall not undertake any construction within 200 metres in the landward side of High Tide Line and within the area between Low Tide Line and High Tide Line.
- (vii) There shall be no ground water drawal in the no development zone of CRZ area. Between 200-500m from HTL, the water can be tapped with the approval of the State Ground Water Authority.
- (viii) Necessary arrangements for the treatment of the effluents and solid wastes must be made and it must be ensured that the untreated effluents and solid wastes are not discharged into the water or on the beach; and no effluent or solid waste shall be discharged on the beach
- (ix) The quality of treated effluents, solid wastes, emissions and noise levels and the like, from the project area must conform to the standards laid down by the competent authorities including the Central or State Pollution Control Board and under the Environment (Protection) Act, 1986.
- (x) The total covered area on all floors shall not exceed 33 percent of the plot size i.e., the Floor Space Index shall not exceed 0.33 and the open area shall be suitably landscaped with appropriate vegetal cover;
- (xi) The overall height of construction upto the highest ridge of the roof, shall not exceed 9metres and the construction shall not be more than two floors (ground floor plus one upper floor);
- (xii) Live fencing and barbed wire fencing with vegetative cover may be allowed around private properties subject to the condition that such fencing shall in no way hamper public access to the beach; to allow public access to the beach, at least a gap of 20metres width shall be provided if the width of the plot is more than 500 metres.
- (xiii) There shall be no extraction of sand, levelling or digging of sandy stretches except for structural foundation of building, swimming pool.
- (xiv) No flattening of sand dunes shall be carried out.

- (xv) The construction shall be consistent with the surrounding landscape and local architectural style.
- (xvi) Installation and operation of DG set if any shall comply with the guidelines of CPCB. The diesel required for operating DG sets shall be stored in underground tanks and if required, clearance from Chief Controller of Explosives shall be taken.
- (xvii) There shall be no man-made beach development.
- (xviii) No permanent structures for sports facilities shall be permitted except construction of goal posts, net posts and lamp posts.
- (xix) The construction shall be consistent with the surrounding landscape and local architectural style.
- (xx) Extraction of sand, leveling or digging of sandy stretches except for structural foundation of building, swimming pool shall not be permitted within 500metres of the High Tide Line.
- (xxi) There shall be no disposal of waste into the coastal area. All the solid waste shall be handled as per the Solid Waste Management Rules.
- (xxii) Construction activity shall be carried out strictly as per the provisions of CRZ Notification, 2011. No construction work other than those permitted in Coastal Regulation Zone Notification shall be carried out in Coastal Regulation Zone area.
- (xxiii) The project shall be executed in such a manner that there shall not be any disturbance to the fishing activity.
- (xxiv) It shall be ensured that there is no displacement of people, houses or fishing activity as a result of the project.
- (xxv) The project proponent shall set up separate environmental management cell for effective implementation of the stipulated environmental safeguards under the supervision of a Senior Executive.
- (xxvi) The funds earmarked for environment management plan shall be included in the budget and this shall not be diverted for any other purposes.

B. GENERAL CONDITIONS:

- (i) Adequate provision for infrastructure facilities including water supply fuel and sanitation must be ensured for construction workers during the construction phase of the project to avoid any damage to the environment.
- (ii) Full support shall be extended to the officers of this Ministry/Regional Office at Bangaluru by the project proponent during inspection of the project for monitoring purposes by furnishing full details and action plan including action



taken reports in respect of mitigation measures and other environmental protection activities.

- (iii) A six-Monthly monitoring report shall need to be submitted by the project proponents to the Regional Office of this Ministry at Bangaluru regarding the implementation of the stipulated conditions.
- (iv) Ministry of Environment, Forests & Climate Change or any other competent authority may stipulate any additional conditions or modify the existing ones, if necessary in the interest of environment and the same shall be complied with.
- (v) The Ministry reserves the right to revoke this clearance if any of the conditions stipulated are not complied with the satisfaction of the Ministry.
- (vi) In the event of a change in project profile or change in the implementation agency, a fresh reference shall be made to the Ministry of Environment, Forests & Climate Change.
- (vii) The project proponents shall inform the Regional Office as well as the Ministry, the date of financial closure and final approval of the project by the concerned authorities and the date of start of land development work.
- (viii) A copy of the clearance letter shall be marked to concerned Panchayat/local NGO, if any, from whom any suggestion/ representation has been made received while processing the proposal.
- (ix) State Pollution Control Board shall display a copy of the clearance letter at the Regional Office, District Industries Center and Collector's Office/Tehsildar's office for 30 days.

7. These stipulations would be enforced among others under the provisions of Water (Prevention and Control of Pollution) Act 1974, the Air (Prevention and Control of Pollution) Act 1981, the Environment (Protection) Act, 1986, the Public Liability (Insurance) Act, 1991 and EIA Notification 1994, including the amendments and rules made thereafter.

8. All other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire Department, Civil Aviation Department, Forest Conservation Act, 1980 and Wildlife (Protection) Act, 1972 etc. shall be obtained, as applicable by project proponents from the respective competent authorities.

9. The project proponent shall advertise in at least two local Newspapers widely circulated in the region, one of which shall be in the vernacular language informing that the project has been accorded CRZ Clearance and copies of clearance letters are available with the State Pollution Control Board and may also be seen on the website of the Ministry of Environment, Forests & Climate Change at <http://www.envfor.nic.in>. The advertisement should be made within 10 days from the date of receipt of the Clearance letter and a copy of the same should be forwarded to the Regional office of this Ministry at Bengaluru.



10. This Clearance is subject to final order of the Hon'ble Supreme Court of India in the matter of Goa Foundation Vs. Union of India in Writ Petition (Civil) No.460 of 2004 as may be applicable to this project.

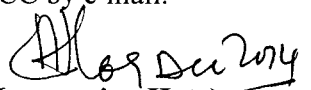
11. Any appeal against this clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

12. Status of compliance to the various stipulated environmental conditions and environmental safeguards will be uploaded by the project proponent in its website.

13. A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, Zilla Parishad/Municipal Corporation, Urban Local Body and the Local NGO, if any, from whom suggestions/ representations, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the company by the proponent.

14. The proponent shall upload the status of compliance of the stipulated Clearance conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the Regional Office of MoEF&CC, the respective Zonal Office of CPCB and the SPCB.

15. The environmental statement for each financial year ending 31st March in Form-V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of Clearance conditions and shall also be sent to the respective Regional Offices of MoEF&CC by e-mail.


(Dr. Manoranjan Hota)
Director

Copy to:

1. The Secretary (Environment), Department of Science, Technology & Environment, Government of Goa, Panjim, Goa.
2. The Chairman, CPCB, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi – 32.
3. The Chairman, GCZMA, C/o Dept. of Science, Tech. & Environment, Govt. of Goa. Opp. Saligao Seminary, P.O. Saligao, Bardez, Goa – 403 511.
4. The Chairman, Goa State Pollution Control Board, Dempo Towers, EDC Plaza, Patta, Panaji - 403 001, Goa.
5. The CCF, MoEF&CC, RO (SZ), Kendriya Sadan, 4th Floor, E&F Wings, 17th Main Road, II Block, Koranmangala, Bangalore – 560 034.
6. Guard File.
7. Monitoring Cell.


(Dr. Manoranjan Hota)
Director

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT AND FORESTS

No.J-17011/3/95-LA-III

Dated 8th September, 1998.

To

The Chief Secretary,
Government of Maharashtra,
Mantralaya, Mumbai.

Subject :- Coastal Zone Management Plan(CZMP) of Maharashtra,

Sir,

The undersigned is directed to refer Para-8 of our letter of even number of dated 27th March, 1998, regarding new constructions along the water front in the areas categorised as CRZ-II in Maharashtra and to clarify that :

1. Construction of new building/reconstruction/expansion of existing, authorised buildings shall not be permitted in the seaward side direction in the CRZ-II area of Mumbai Municipal Corporation, unless the following conditions are satisfied;

i. The CRZ-II area should be within the territorial jurisdiction of the Mumbai Municipal Corporation as it existed on 19-1-91, i.e., the date of coming into effect of the Coastal Regulation Zone Notification, 1991.

ii. This construction/protrusion towards the seaward side should not go beyond the imaginary line drawn from the seaward side of the existing authorized structure on the adjoining plot.

iii. The imaginary line will be parallel to the High Tide Line.

iv. The building(s) to be constructed will be restricted to the single plot (plot boundary as on 19-2-91) immediately abutting/adjoining the existing authorized structures between which the imaginary line is drawn.

v. The imaginary line to be drawn should not cut across any river, creek, backwater, estuary, water body, sandy beach or mangroves.

vi In case of reconstruction, change in the existing use of the building shall not be permitted. Further any permissible extension of the plinth in seaward direction vis-a-vis the existing plinth limits will be governed by the stipulations mentioned in the above paras.

2. Construction shall neither be permitted on the seaward side of existing roads nor on the seaward side of the existing authorised structures in areas not covered by para 1(i) above, until these areas have been examined by the Committee headed by the Chief Secretary, Maharashtra to determine the CRZ-II categorization of these areas, and have been acknowledged as having been taken on record in the Ministry of environment and Forests.

3 It is clarified that the phrase "**Existing Authorised Buildings**" means those buildings of a permanent nature that were existing prior to 19-2-1991, and were constructed in accordance with the building regulations and bye-laws in vogue prior to 19-2-91, and had received necessary sanctions including commencement and occupation certificates from the concerned local authority prior to 19-2-1991. Further, the construction of buildings, including expansion and reconstruction, should be in accordance with the FSI/FAR norms and all other Town & country Planning regulations, including maximum permissible density, height, zoning etc. that were prevalent and in force as on 19-2-1991. **The phrase building means a permanent fixed structure with a roof forming in enclosure and providing protection from the elements.**

The State Government of Maharashtra is requested to ensure that the aforesaid clarifications are strictly followed while implementing the Coastal Zone Management Plan of Maharashtra in Mumbai Municipal Corporation Area.

Yours faithfully,

Sd/-
(R.H.Khwaja)
Joint Secretary

DEMARCATON OF HIGH TIDE LINE, LOW TIDE LINE AND COASTAL REGULATION ZONE FOR THE PROPOSED GOLF COURSE & RESORTS AT BENGRE VILLAGE, MANGALORE, KARNATAKA



REF NO. AU/IRS/KSR/408-2017/DT. 17.07.2017

PREPARED BY
INSTITUTE OF REMOTE SENSING,
ANNA UNIVERSITY,
CHENNAI - 600 025.

FOR
OPUS LAGUNA GOLF AND RESORTS PVT LTD
NO.15, MAGRATH ROAD, OFF M.G. ROAD
BANGALORE

| LEGEND | |
|------------------------------------|---------------------------------------|
| SOURCE: GPS Survey | SOURCE : CRZ Notification 2011 |
| ⊗ HTL Reference Point | CRZ-1B |
| — High Tide Line (HTL) | CRZ-II |
| --- Low Tide Line (LTL) | CRZ-IV B |
| - - - 100m FROM HTL | CRZ-IV A |
| — 200m FROM HTL | MANGROVES (CRZ -I A) |
| — 500m FROM HTL | 50m BUFFER MANGROVES (CRZ -I A) |
| --- 139m Line from HTL | |
| SOURCE: Client | |
| — PROJECT DETAILS | |
| ▭ PROJECT BOUNDARY | |
| ▭ SURVEY BOUNDARY | |
| ▭ FOREST GUEST HOUSE | |
| ▭ EXISTING STRUCTURE | |
| ▭ POLICE STATION | |
| ▭ EXISTING ROAD | |
| ▭ 6m WIDE APPROACH ROAD TO THE SEA | |

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| PREPARED BY | |
| VERIFIED BY | |
| APPROVED BY | Prof. S.S. Ramakrishnan, B.E(Hons), M.Tech., Ph.D., Director Institute of Remote Sensing, Anna University, Chennai-600 025. |

(*The existence of building before 1991 is to be verified by the approving authority)
Ref. No. Letter No.FEE 285 CRZ 2017,dated 26.09.2017 from Secretary of Government,(Ecology and Environment),Forest,Ecology and Environment Department)