

**AKHBAR : The Star****TARIKH : 24 Januari 2022****MUKA SURAT : 1,3****HARI : Isnin****RUANGAN : Star Metro (News)****TAJUK : Development Order Holds The Key**

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STRINGENT conditions and various technical reports must be satisfied and submitted before any land near flood retention ponds is alienated for development.

A crucial part of the conditions is that a 50m setback, from the highest water level of a flood retention pond, must be maintained between the pond and land that is to be developed.

This is just one of many conditions imposed on developers who submit plans to develop land near flood retention ponds in Kuala Lumpur, according to the Federal Territories Director of the Lands and Mines Office (PPTGWP).

PPTGWP director Datuk Muhammad Yasir Yahya said that before any approval was given (to a company) to develop land surrounding a flood retention pond, various government agencies had to be consulted, with the Drainage and Irrigation Department (DID) as the most crucial among them.

"The DID has some of the strictest terms and conditions, including carrying out on-site studies

and inspections before development is allowed.

"It also includes a list of do's and don'ts when degazetting land for alienation," he said.

Among DID's conditions is that the developer must build a gate surrounding its assets to keep trespassers away.

These assets include treatment plants, sediment forebay, water-gate, storage room and hydrology stations located within the land that is to be developed.

The developer is also required to build an entry and exit route, (into the area) that will withstand heavy vehicles including those coming in for pond maintenance work.

The pond's capacity for flood retention should not be compromised, hence the developer must carry out hydraulic analysis to prove that the pond's capacity, once the development was completed, remained the same, said Yasir.

Any development taking place around flood retention ponds must observe the criteria required for flood retention and water level for the pond in question.

Yasir said for degazetting purposes, any landscaping or structures built on the land, must also take into account the setback rule.

This would ensure the area surrounding the edge of the ponds was not affected by development, he added.

An Erosion and Sediment Control Plan (ESCP) as well as a final title survey report is also required by DID from the developer before commencing work.

Yasir was commenting on the questions raised recently regarding Kuala Lumpur's six retention ponds, which were mentioned in the Auditor-General's Report 2019 Series 2.

On Dec 28 last year, Segambut MP Hannah Yeoh, citing the Auditor-General's Report, had called on the Malaysian Anti-Corruption Commission (MACC) to investigate the alienation of six flood retention ponds for the purpose of development between 2015 and September 2020.

Following that, several Kuala Lumpur MPs lodged police reports for the authorities to investigate possible abuse of power over the sale of the ponds.

The six retention ponds in question are Kolam Batu, Kolam Nanyang, Kolam Delima, Kolam Taman Wahyu, Kolam Batu 4 1/2 and Kolam Taman Desa.

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# Development order holds the key

The Kuala Lumpur Land Office says complex procedure for land alienation means it is not so easy to develop area near flood retention ponds.



In progress: The land beside Kolam Taman Wahyu in Kepong, Kuala Lumpur, has been alienated for development. — YAP CHEE HONG/The Star

# 'Land alienation involves stringent processes'

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MACC subsequently instructed Kuala Lumpur City Hall (DBKL) to appoint independent surveyors to ascertain if the projects at Kolam Taman Wahyu and Kolam Delima had encroached into the retention ponds.

The Kolam Batu 4 1/2 and Taman Desa projects were cancelled before the aforementioned report came out.

## Kolam Batu 4 1/2

Yasir reiterated that several stringent conditions had to be fulfilled before approval was given to develop land near a retention pond.

"A good example is the previous company that obtained approval to develop the land around Kolam Batu 4 1/2 in Jalan Kelang Lama.

"The company was unable to satisfy many of the conditions imposed by DID.

"A development order would only be issued if those conditions were met," said Yasir.

The mixed development project at Kolam Batu 4 1/2 has since been cancelled.

Instead, the area will be upgraded and maintained as a recreational park.

Yasir added that the pond would be dual functional — a flood retention pond and public recreational park — and that the developer was to ensure this materialised irrespective of whether the land was developed.

## Kolam Taman Desa

Meanwhile, ownership approval for the Kolam Taman Desa was cancelled after technical reports, carried out by the developer and DID, revealed that development was not conducive for the pond.

Hence, Kolam Taman Desa is to remain as it is.

The four remaining ponds will also function as flood retention ponds and recreational parks.

## Kolam Taman Wahyu

"DBKL is closely monitoring the development in the Kolam Taman Wahyu area and the developers know that they cannot cover up the pond," said Yasir, disclosing that the land title was issued in 2016.

He said approval for land alienation came with strict terms and conditions.

Developers, he said, needed to get the development order from DBKL before starting construction.



Yasir: DID imposes many conditions which have to be met before a development order is issued.



Ratna Rajah: Both DID and PPTGWP are in the midst of responding to questions arising from the Auditor-General's Report.

"DID, too, is involved in the development order meetings to ensure that conditions specified in the land title are followed.

"More detailed technical reviews will be imposed once the development order is issued.

"If a company fails to comply with the terms and conditions, then DBKL can issue a stop-work order.

"The development order is a crucial document.

"It takes into account all the conditions and reports requested by all related agencies that a developer has to comply with before, during and until the project is completed," said Yasir.

He added that DBKL and DID were the monitoring agencies.

## Answering questions

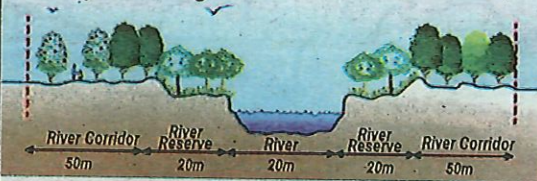
According to Yasir and DID deputy director Ratna Rajah Sivapiragasam, both agencies had to respond to the numerous questions raised in the Auditor-General's Report in 2019.

They were only able to provide the answers to the Auditor-General in 2021.

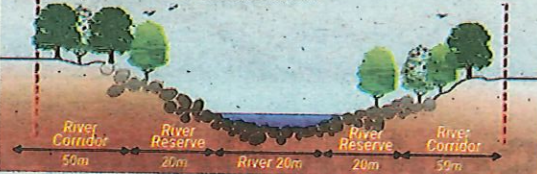
"The Auditor-General accepted many of the answers as they

## 50-metre setback from highest water level of a pond or river

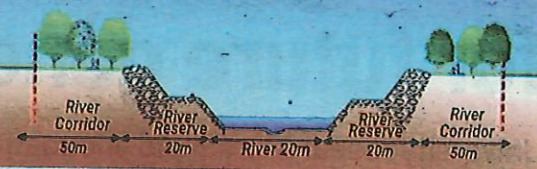
### 1. River/pond in villages



### 2. River/pond in recreational areas



### 3. River/pond in towns and cities



Source: DID

involved a lot of technical information," said Yasir.

"Approval (for land alienation) is given with many conditions attached to it, but the approval was not finalised when the Auditor-General was carrying out investigations," he explained.

He said the Federal Territory Land Executive Committee would get feedback from all related agencies before degazetting land reserved for flood retention ponds or public space.

"It can get very technical during these sessions.

"Agencies such as DID will come into the meetings to present technical reports," he said, adding that DBKL was a permanent member of the committee.

Ratna Rajah, however, opined that a more succinct headline could have averted queries raised in the report.

"The report should have said 'Pembermilikan Sebahagian' or 'Pembermilikan Tanah Pinggiran kolam' which would have meant land surrounding the ponds; instead it said 'Senarai kolam takungan banjir yang di-luluskan pembermilikan bagi

tujuan pembangunan'.

"This was not correct and caused confusion, giving the wrong perception to the public that the ponds were being sold," he said.

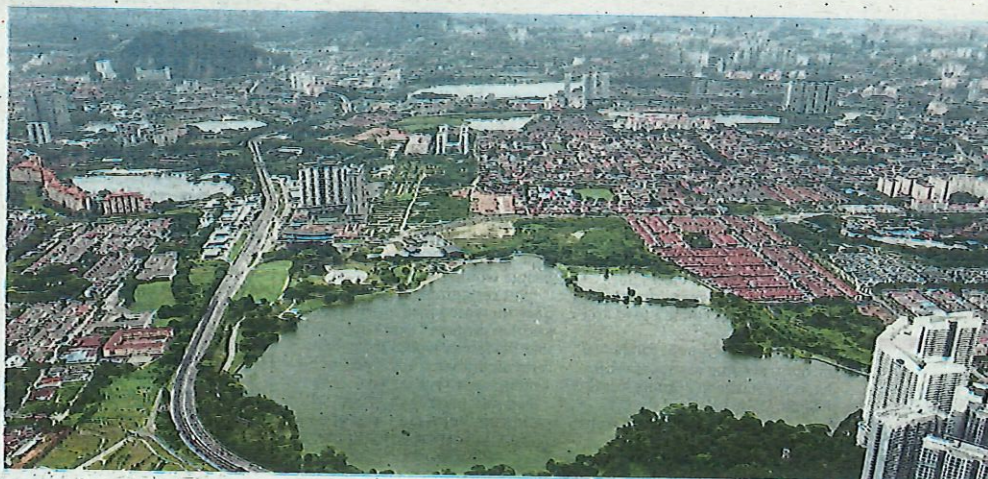
"We are now in the midst of doing damage control in terms of public perception of the civil service, as well as meeting with MACC to try and explain technical jargon regarding the process," he elaborated.

Ratna Rajah, however, said some good had come out of this issue as local authorities now realised the importance of putting clear boundary markings at the ponds.

"There was no clear markings to show the boundary between the development and the pond itself at Delima and Wahyu flood retention ponds.

"It will be difficult to show encroachment without a boundary marker," he pointed out.

"Now MACC has tasked DBKL to appoint a surveyor to find out if there has been any encroachment, and this presents a good opportunity for City Hall to do its own markings," he said, adding that the ambiguity raised in the report could have been prevented.



A view of the Batu retention pond in Kuala Lumpur, one of the six retention ponds that was looked into.  
— Filepic