

PLANNING PERMISSION

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# Folly of not heeding sound advice

Landslide in Tanjung Bungah is a tragedy that signalled its coming

**T**HE landslide in Lengkok Lembah Permai, Tanjung Bungah, Penang, is a tragedy for at least two reasons. One is most certainly because 11 innocent lives were lost. The other is because people who were in the position not to proceed with the development project, despite receiving disapproval from the authorities, did not pay heed to the advice. Advice was aplenty, from Putrajaya and Penang, too. One was from the Department of Environment (DoE), which issued a letter of rejection on Jan 23, 2015, to developer Taman Sri Bunga Sdn Bhd (TSBSB) when the latter applied for planning approval. Now, how the developer went ahead in spite of DoE's rejection remains a mystery. Non-governmental organisations and others have been calling for a halt to projects on the hills, reminding developers and authorities about earlier tragedies in the country. But some chose to be as deaf as doorposts.

The DoE had very good reasons to reject TSBSB's "Application for Planning Approval". The hillside development is located next to a granite quarry, which has been operating since 1960, and has all the signs of continuing for

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many years to come. And, there is no buffer zone between the apartment project and the quarry, whose blasting site is a mere 400 to 500m away. The quarry's crushing site is just 162m off the proposed apartments. Just think of the safety and health issues that the housebuyers would have to put up with. Whither the so-called corporate social responsibility (CSR) that

many Malaysian companies boast about? CSR seems to be reduced to philanthropy, and some occasional photo opportunities for C-suite executives. This is a gross misunderstanding of the philosophy and principle of CSR. A company that cares for people and the environment will conduct its entire business operation in a responsible manner. No exemptions, no exceptions, be it a small developer or a Fortune 500 company. While everyone connected to the Lengkok Lembah Permai apartment project must shoulder the burden and guilt of the tragedy, the question remains — how did TSBSB proceed with work despite DoE's disapproval?

Why do we forget so easily? The 1993 Highland Towers tragedy that took 48 lives is not ancient history; it is less than a generation old. And, it was due to a landslide, too. There have been others, like the landslide in Bukit Antarabangsa in 2008 that took four lives and buried 14 bungalows. Have we not learnt anything? Building residential towers or apartments on hills requires clearing of trees and surface plants that bind the earth together, and, clearing them means creating the conditions for landslides to happen. Developers and authorities know this, and yet they sprout like mushrooms on hills. Well, almost. The landslide in Lengkok Lembah Pantai was a tragedy that signalled its coming. People working at the construction site had witnessed minor landslides before the big one on Saturday. The last minor landslide at the site was on Thursday, two days before it was too late for anyone to do anything. This is the tragedy of not taking heed.

# 'WHY DID WORK START DESPITE REJECTION?'

If guidelines are not followed, what is the point of having them, ask NGOs' adviser

GEORGE TOWN

**S**HOCKED by revelations that the landslide-hit project in Tanjung Bungah had been green-lit despite objections from the Department of Environment (DoE), many quarters here are demanding an explanation from those involved.

They want, in particular, the state government, the Penang Island City Council and project developer to explain how work could go ahead.

Consumers Association of Penang (CAP), Sahabat Alam Malaysia (SAM), Tanjung Bungah Residents Association (TBRA) and Penang Residents' Association said the project should not have proceeded after DoE rejected the developer's application for planning permission in January 2015.

Their legal adviser, R. Meenakshi, said the state government, the city council, the developer and the authorities should be held accountable, and stern action must be taken against them.

"We are shocked to learn that the 49-storey affordable housing project had gone on despite being rejected by DoE.

"We are more shocked to learn that the Penang government and (city council) chose to ignore the objection.

"How could this happen? This is simply outrageous and unacceptable.

"The authorities, particularly the Penang government and local council, owe the people an explanation," she said at the site of the landslide which buried 11 people alive.

Meenakshi said DoE should also not absolve itself from responsibility and was equally to blame as it did not follow through with its application rejection.



R. Meenakshi



Dr Lim Mah Hui



Datuk Seri Zainal Abidin Osman

"It has the power under the Environmental Quality Act (EQA) and should have prevented it from happening."

She said if recommendations were treated only as "guidelines", there was no reason for the department to exist.

"If guidelines are not followed, what is the point of having them? If the government, which is supposed to follow the law, does not, who is going to follow it then?"

The Natural Resources and Environment Ministry said on Sunday that DoE had rejected an application for planning permission from the developer.

According to the statement, it received an application from Taman Sri Bunga Sdn Bhd on Jan 9, 2015, to build affordable apartments at the site. After considering all criteria, DoE issued a letter of rejection on Jan 23.

The statement said among the reasons for the rejection was that there were no buffer zones between the project site and activities of a nearby granite quarry.

DoE, in reply to queries from the *New Straits Times* yesterday, reiterated that its rejection of the planning permission application was based on the *Guideline of Siting and Zoning of Industries and Residential Area*.

However, it said the guideline was not legally-binding and merely a reference for technical planning in assisting local authorities to make decisions in approving projects.

It said the state government and local authorities were responsible for approving development projects, and both were not subjected to DoE jurisdiction under EQA.

Meenakshi said the Penang Structure Plan (PSP) categorised Tanjung Bungah as a "secondary corridor", which limited residential developments to 15 units per acre.

"Even in the primary corridor, only 30 units are allowed per acre. In this project, there are more than 900 units. How is this following the stipulated laws? Many laws have been broken, yet there has been no action from the authorities. Why?"

"Clearly, a state-level Commission of Inquiry must address these legal issues."

Meenakshi said if such an incident had happened overseas, "heads would have rolled" as leaders would have taken responsibility.

"But we will never see this here, as no one is taking any responsibility."

Penang Forum steering committee member Dr Lim Mah Hui said the state government should not have approved so many hill-slope projects if it could not monitor operations.

"We cannot just allow the private sector to do their own policing. It is like asking a fox to take care of chickens."

Penang Federal Action Council chairman Datuk Seri Zainal Abidin Osman the project should not have received approval if any technical department did not support it.

"As such, the Penang government should set up an independent body to audit all approval given for hill-slope development by the local authority statewide," he said, adding that the state government should also stop pushing the blame to others.