



STATE PLANNING AUTHORITY MANUAL



MINISTRY OF PLANNING AND RESOURCE MANAGEMENT

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MINISTRY OF PLANNING AND RESOURCE MANAGEMENT

January, 1999

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The State Planning Authority Manual is being made available so that constructive comments can be made in the future.

January 1999

DISCLAIMER

This manual is to be used only as a GUIDE by government departments, statutory agencies, consultants and other people seeking approval from the State Planning Authority; in regard to subdivision and development of land in so far as it relates to matters which are the responsibility of the State Planning Authority. Any representation, statement, opinion or advice expressed or implied represents the view that the manual is to be used by all persons as a guide only, and was made in good faith so that ALL persons can appreciate the plan making, development, and subdivision process in Sarawak. The manual is released for information and discussion by the State Planning Authority on the basis that the government, its employees, independent consultants and agents are not made liable for any damages, or loss whatsoever which may result from action taken in regard to any representation, statement opinion or advice referred to in this manual.

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FOREWORD

With the formation of the State Planning Authority by virtue of the amendments made to the Land Code (Cap.81) in November, 1997, the functions and procedures are clearly spelt out in the amended Land Code.

2. One of the main weakness currently encountered is lack of guidelines or manual which can be referred to by everybody involved in the planning process, in particular the development control process. Sometimes there is confusion and uncertainty as to the functions of the various government agencies. This is becoming more important now with the coming into force a number of legislations such as the Building Ordinance, 1994 and the Land Use (Control of Prescribed Trading Activities) Ordinance, 1997.

3. This planning manual is intended, firstly, to explain the planning objectives and principles upon which development will be carried out. Secondly, it will provide the procedures for development control and will streamline the overall development and subdivision process. Thirdly, it outlines a plan making process.

4. I am sure this manual will increase the common appreciation of what is involved in the development process while the improved procedures will significantly reduce the time taken to consider and approve any planning applications.



(HAJI ZAIDI K. ZAINIE)

Secretary,
State Planning Authority/
Permanent Secretary,
Ministry of Planning and Resource Management

January, 1999

EXECUTIVE SUMMARY

This manual has been prepared as an aid to government officers, developers, consultants, statutory bodies and councils dealing with development/subdivision applications, and those involved in the preparation of structure plans and local plans for submission to the State Planning Authority. The objective of the manual is to develop consistency in implementing the Authority's policies and rules as well as a uniform approach and format in dealing with development/subdivision applications.

The manual outlines various issues relating to the Authority's responsibility for regulating development and/or subdivision in Sarawak and the procedures adopted by the State Planning Authority, the secretariat, the Director of Lands and Surveys and the divisional superintendents in dealing with development applications.

A goal of the manual is to ensure that everyone dealing with planning in Sarawak is aware of the procedures to use in seeking planning approval from the State Planning Authority.

The first part of the manual deals with the plan making process.

The second part outlines the procedures for subdivision and development, including other procedures dealing with the submission and approval of subdivision plan and engineering plan and the procedure for approval of building plans. This part of the manual contains detailed checklists of these procedures, flow charts and the State Planning Authority conditions of approval. It is not intended to cover all of the aspects of development control, but provides a practical collection of material which has become standard practice in Sarawak.

The third part deals with the land use (CONTROL OF PRESCRIBED TRADING ACTIVITIES) ORDINANCE 1998.

The fourth part deals with specific State Planning Authority rules which may be made with the approval of the Majlis Mesyuarat Kerajaan Negeri, for carrying out the provisions of section 248 (1) and section 248 (2) of the land code (Amendment) ordinance 1997.

The final part of this manual is concerned with adopted policies of the State Planning Authority to be used as a guide when considering development/subdivision applications as provided for in section 229(1)(d) and section 229(1)(e) of the land code (amendment) ordinance, 1997.

This manual is no more than a "Starting Point" and should continually provide the building block and the flexibility for refinement so that the knowledge of the manual's users can be used to modify the manual as and when necessary so that it is a useful tool for assisting everyone in dealing with development applications.

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PART 1

COORDINATION, REGIONAL STUDIES, SETTLEMENT PATTERNS AND PLAN MAKING FUNCTIONS OF THE STATE PLANNING AUTHORITY

WHAT REQUIRES STATE PLANNING AUTHORITY APPROVAL

NO	ITEMS	YES	NO
PART 1			
1	Local Plan	X	
2	Structure Plan	X	
3	Planning Studies	X	
4	Variation of title condition	X	
5	Location and siting of government buildings	X	
6	Location and siting of public utilities excluding way-leave and 11KV electrical substation	X	
PART 2			
7	Applications that constitute material change of use or development such as: <ul style="list-style-type: none"> * Division of a single house as 2 or more separate houses. * Building/or other operations in, on, over or under any land. * Change in building use/or land. * Material alteration to the features, colour scheme, or external appearance of a commercial building or a row of shophouses. * Use of a dwelling house not originally constructed for human habitation. * Demolition/reconstruction/addition to a building. * Display of advertisements on any external part of a building which is not normally used for that purpose. * Erection of any structure for telecommunication transmission system on land or building not intended for that purpose. * Land used for the deposit of refuse or waste materials, if the superficial area or the height of the deposit is extended. * Removal of rock materials (including earth, soils) that results in significant alteration to land topography. * Visual appearance of a building, viz. advertisements, colour, canopies, building-height, roof finishes, screening treatment of rear lanes. 	X	
8	Plan of subdivision or development	X	
9	Subdivision plan		X
10	Engineering plan		X
11	Survey plan		X
12	Building plan		X
13	Terms and conditions of title in connection with subdivision		X
14	Application for alienation and development of State land	X	
15	Appeal (Reconsideration of SPA decision)	X	
PART 3			
16	Licence <ul style="list-style-type: none"> * Application of licence for certain land-uses, outlined in the Land Use (Control of Prescribed Trading Activities) Ordinance 1997 Viz. <ul style="list-style-type: none"> (a) for the operation of any premises which manufactures or stores fertilizers, pesticides or insecticides, next to any food shop; (b) for the operation of a garage or a foundry or smithy in a building for residential purpose; (c) for the operation of a garage or timber yard in any shophouses built on land not permitted for industrial use; and (d) for the operation of a foundry, smithy or garage in area adjoining a school, hospital, mosque, church or any other place of religious worship. 	X	
PART 4			
17	STATE PLANNING AUTHORITY RULES	X	
PART 5			
18	POLICIES OF THE STATE PLANNING AUTHORITY	X	

PLAN MAKING (PART I)

CONTENTS

- 1.0 INTRODUCTION
- 2.0 PLAN MAKING OBJECTIVES
- 3.0 BACKGROUND ON THE LEGISLATION PERTAINING TO THE PLAN MAKING PROCESS
- 4.0 COORDINATION
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- 6.0 SETTLEMENT PATTERN
- 7.0 THE PLAN MAKING PROCESS
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- 9.0 FORM AND CONTENT OF PLANS

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- 5.1 AN EXAMPLE OF A REGIONAL PLAN
- 8.1 EXAMPLE OF STRUCTURE PLAN
- 8.2 EXAMPLE OF LOCAL PLAN/ACTION PLANS

PART 1

Coordination, Regional Studies, Settlement Patterns and Plan Making Functions of the State Planning Authority.

1.0 INTRODUCTION

This part of the manual sets out the main coordination and plan making functions of the State Planning Authority as outlined in the relevant provisions of the Land Code (Amendment) Ordinance 1997 particularly Section(s) 229(1)(c), 229(1)(d), 229(1)(e) and other matters relating to the plan making functions of the Authority Viz. Section 227 relating to the definitions of "Structure Plan" and "Local Plan".

2.0 PLAN MAKING OBJECTIVES

The jurisdiction of the State Planning Authority is not limited to the subdivision and development process alone but also includes many forward planning functions. In particular the State Planning Authority may approve an application for planning approval of subdivision and/or development subject to any requirements it may impose so as to achieve the aim of proper planning and overall development of the site to which the application relates. Alternatively, the State Planning Authority may refuse planning approval if the land is unsuitable for development or the proposed subdivision or development is not in the interest of proper planning or development of the area, or not in conformity with the structure plan or local plan for the area where the land is situated. In fact these forward planning functions particularly, the preparation of structure plans, local plans, and infrastructure plans provides the rationale by which the State Planning Authority can refuse to grant planning approval in regard to the subdivision and/or development of land. [S. 232(1)(b)]. In summary, the forward planning objectives which the State Planning Authority is responsible for are:

To approve the location and siting of government establishments and infrastructure.

To approve/refuse/amend a number of planning activities V iz.

- regional studies and the siting of new towns, villages, and areas for settlement or resettlement of people. [S. 229 1(c)]
- structure plans. [S. 229 1(e)]
- local plans. [S. 229 1(e)]
- To draw up or formulate policies and plans for the development and redevelopment of any area. [S. 229 1(e)]
- To formulate policies and guidelines for and to give directions to local authorities with regard to the use and development of land. [S. 229 1(d)]

To prepare a map or plan showing the proposals for development or land use for the area. Viz. preparation of land-use plan. (See definition of structure plan and local plans in the Land-Code Amendment Ordinance 1997 p. 14).

To prepare plans for parks and greens.

To identify area(s) as a "designated area" for the purpose of regulating the use of land and premises for certain trading or business activities and for the location thereof and for other matters connected therewith or incidental thereto.

To prepare guidelines and design briefs for guiding development control.

3.0 BACKGROUND ON THE LEGISLATION PERTAINING TO THE PLAN MAKING PROCESS

- 3.1 The Land (Control of Subdivision) Ordinance (Cap. 82), the principal Ordinance governing Development Control was enacted 40 years ago. This has now been repealed and superseded by Part X of the Land Code Amendment Ordinance, 1997. This particular section came into force on 1st August, 1998.

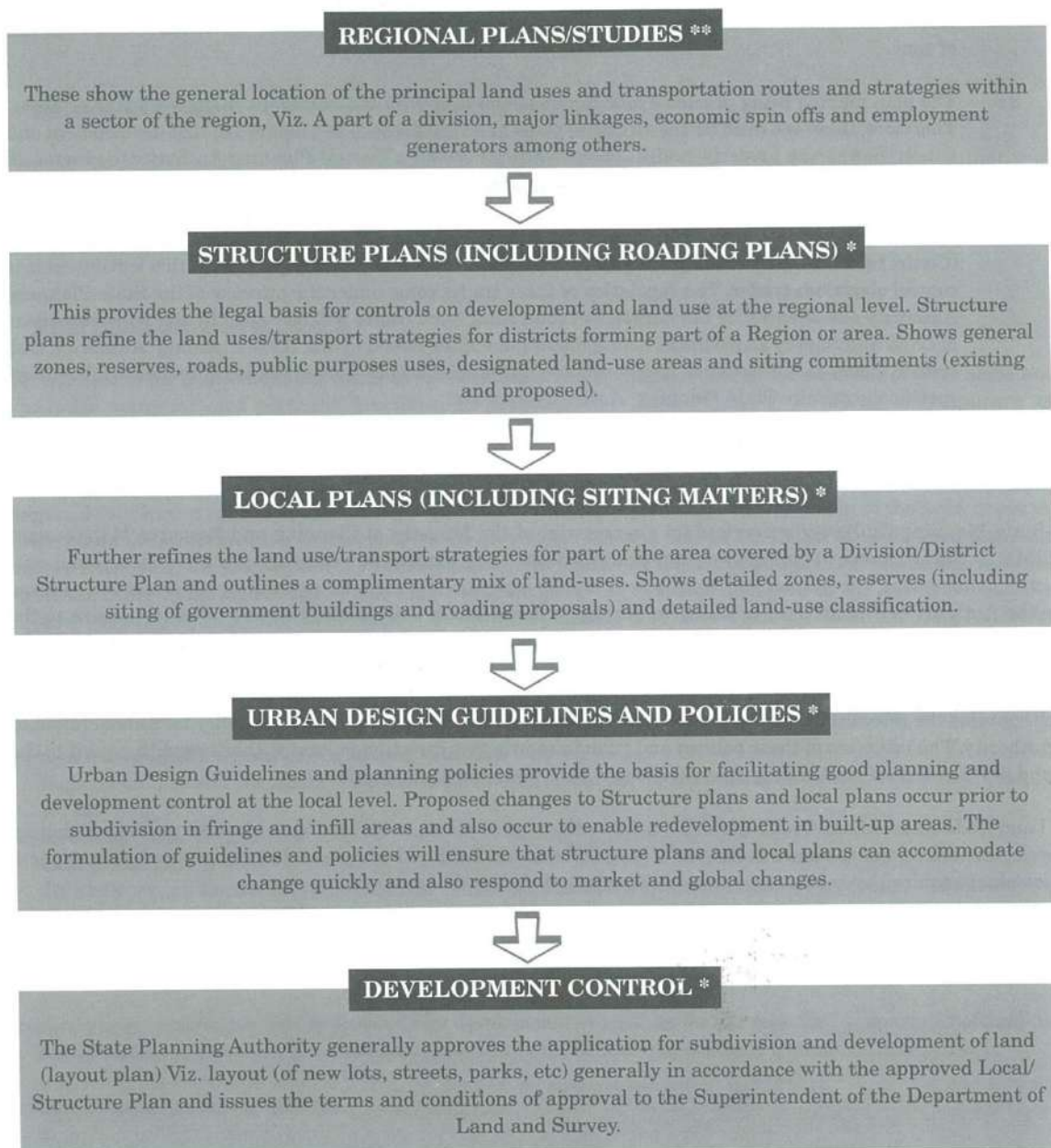
- 3.2 Forty years ago, there was not much issues in development. Neither was there many high rise buildings and traffic congestion. There was hardly any requirement of environmental quality , structure plans or local plans. But now circumstances have changed. While the number of applications for subdivision was a handfull then, now the number has increased manifold. Architectural concepts and designs have increased in sophistication while the submission of plans through information technology is only a matter of time.
- 3.3 The plan making being practised now can no longer cope with the numerous changes and innovations. Therefore, there is a need for the structure plans and local plans to be prepared so that development and subdivision can be properly guided. There is also a need for a Central Planning Authority to oversee all developments and coordinate the plan making process.
- 3.4 Another piece of legislation which is relevant to Development Control is the enactment of Land Use (Control of Prescribed Trading Activities) Ordinance, 1997. The primary purpose of this legislation is to control obnoxious trades. The regulation of these trades come under the purview of the State Planning Authority and licences for the purposes of controlling such trades will be issued by the Superintendent of Land and Survey Department acting under guidelines issued by the State Planning Authority. Only certain trades in "Designated Areas" requires the special licence from the Superintendent whilst others specifically require State Planning Authority approval.

4.0 COORDINATION

The State Planning Authority is serviced by a secretariat of the Ministry of Planning and Resource Management (MPRM). In Sarawak the planning system provides a formal mechanism for integrating the planning, land-use, resource management, subdivision and development control aspirations of the total community . It is and will continue to be the Authority's primary responsibility to develop and coordinate the planning system to be responsive to the community's needs. The Authority's coordination and decision making role, will be achieved by the issue of periodic policy statements and plans on land-use, planning, resource management, subdivision, development and urban design matters, formally adopted by the State Planning Authority. The Secretariat of the State Planning Authority which contains the relevant professional and technical expertise will advise and formulate policy for consideration of the Authority. The intention of these policies and guidelines is to give direction to local authorities with regard to the use and development of land among others for land within their respective jurisdiction.

The Land Code Amendment Ordinance 1997 outlines the type of plans, to be used as a basis for guiding planning/ redevelopment/development and subdivision of land in Sarawak. T able 1.1 provides a broad structure of the types of studies/plans required by various government departments during the plan making process.

TABLE 1.1: THE PLAN MAKING PROCESS



NOTE: All of the above require the approval of the State Planning Authority and must be forwarded to the Secretary State Planning Authority for a decision of the State Planning Authority, unless otherwise delegated to the Director of Lands and Surveys or any other public officer.

** Non-statutory function of the State Planning Authority to be delegated to the State Planning unit.

* Statutory function of the State Planning Authority. All these matters shall be referred to the Secretary, State Planning Authority/Secretariat of the Ministry of Planning and Resource Management before being considered by the State Planning Authority.

5.0 PLANNING STUDIES

Under the provisions of clause 229(1)(e) of the Land Code Amendment Ordinance 1997, the State Planning Authority shall draw up or formulate policies and plans for the development and redevelopment of any area including the formulation of structure plan and local plan for any particular region or area of the State. This provision together with the definition of "Structure Plans" and "Local Plans" in the ordinance provides the basis by which the Authority may ask for a written statement or report on a planning matter, or other descriptive matter.

These reports/studies provide a broad framework for planning at the regional or sub-regional level. The results of such studies are to be translated into structure plans and identify the growth options for various divisions within Sarawak and forwarded to the State Planning Authority for adoption. (See Appendix 5.1).

A land-use plan should be prepared showing proposed and existing land-uses, including existing and proposed communication networks. The capacity of the existing urban area, proposed urban extension, and industrial areas among others should be determined, based upon selected densities and land-use constraints. From the study of this material, problem areas should be defined, for example controlling urban sprawl, the development of growing urban areas, identifying the need for low cost housing, resettling squatter areas, promoting energy efficient and sustainable development among others. A major consideration of the planning studies will be on the integration of land-uses, V iz. Residential/commercial densities with movement systems (i.e. public transport) and Resource Management areas (i.e. major public parks and open spaces or coastal areas).

Under the provisions of clause 229(1)(c) of the Land Code Amendment Ordinance 1997 the Authority shall "determine the location and siting of Government buildings, public utilities and facilities, and the siting of new towns, villages and areas for settlement or resettlement of people".

6.0 SETTLEMENT PATTERN

The purpose of carrying out an analysis of settlement patterns is to determine areas of population and employment growth and decline, so that the Authority can adequately carry out its functions relating to the siting of new towns, villages and areas for settlement or resettlement of people. More importantly these studies provide the basis for determining the location and siting of government buildings, as well as public utilities and facilities. Based upon factors such as physical constraints to development, population and employment projections, development proposals, development policies and market trends, alternative settlement patterns and transport (Roading & Public transport) plans to the year 2020 should be determined. These alternatives should then be evaluated and the preferred settlement pattern determined based upon achieving those stated goals and objectives of the study as well as having regard to feasibility, flexibility, maintenance and costs. The determination of settlement patterns and development priorities is extremely important in relation to development programming and budget estimates for specific projects, particularly in regard to the provision of public utilities and facilities.

7.0 THE PLAN-MAKING PROCESS

A function of the Authority outlined in the Land Code (Amendment) Ordinance 1997 is that it shall prepare "Structure Plans" and "Local Plans" for any particular region or area of the State. The Ordinance states that "Structure Plans" shall consist of:-

- (a) a written statement formulating the policy and general proposals of the State Planning Authority in respect of the development and other use of land of a town, city or region including measures for the improvement of physical environment and management of traffic;
- (b) a map or plan showing the general proposals for development or land use for the area intended to be covered by the plan; and
- (c) such illustrations or other descriptive matter as the Authority thinks appropriate to explain or illustrate the general proposal in the plan;

and that a "Local Plan" shall consist of:-

- "(a) a written statement formulating in such detail as the State Planning Authority thinks appropriate for the proposed development and other use of land in a particular area, or for any description of development or other use of such land, in that area, including such measures as the Authority thinks fit for the improvement of the physical environment and the management of traffic.
- (b) a map or plan showing the proposals for development or land use for the area; and
- (c) such diagrams, illustrations or other descriptive matter as the Authority thinks appropriate to explain or illustrate the proposals in the plan;"

The State Planning Authority can impose terms and conditions in regard to the construction of any buildings in areas which come under the objects of the Building Ordinance 1994. Such planning matters like building setbacks, provision of car parks or car park spaces, regulating residential densities, design and appearance of buildings, the use of land and buildings, the provision of open spaces, design of parks and greens, and traffic circulation among others are considered to be matters of great importance to the State Government of Sarawak.

These matters which will be the subject of written policy statements and rules [Section 248(1)] have been included in the Land Code Amendment Ordinance 1997 so that planning in the State of Sarawak may occur in an orderly sequence; and coordinated so as to achieve the overall interest of planning development of the area where the land is situated [S. 232(2)] and [Section 232(1)].

The Authority's coordinating and decision making role, will be achieved by the issue of periodic policy statements and plans on land-use, planning, resource management, solid waste disposal, road network, infrastructure development (Water and Sewerage), subdivision, development, and urban design matters among others formally adopted by the State Planning Authority.

The State Planning Authority can delegate any of its functions to the Director of Lands and Surveys or to any public officer. [S. 229(2)]

8.0 DEVELOPMENT PLANS

The purpose of development plans is to express the development strategy and settlement pattern in physical terms on the ground in the form of land uses, communication networks and to improve the physical environment among others.

8.1 Structure Plan

Because planning is entering a period of intense activity and rapid change it is essential to have a plan which is capable of amendment and adaptation as conditions change and new opportunities occur. To meet this need it is necessary to develop a broad structure plan which deals in objectives, policies and standards rather than in the detailed and static land use allocations of detailed zoning plans.

Structure Plans of a diagrammatic form should be prepared indicating broad land use zones for residential, commercial, government establishments (hospitals), educational uses (universities, secondary schools etc.), industrial, recreation, public parks and open spaces, resource management (conservation areas and national parks), agricultural or rural, as well as indicating the approximate location of town, group and local centres, transport routes, primary and secondary schools, religious purposes, etc. The determination of various land uses and location of centres and community facilities should be based upon acceptable design standards.

These plans should be related to policy statements and Rules on development which will be issued from time to time by the State Planning Authority. Such plans do not attempt to plan areas in detail but should explain in general terms the policies and proposals for the area, and the reason why comprehensive treatment is needed. For example all structure plans should show a hierarchy of commercial centres V iz. (CBD/city centre, regional centre, sub-regional centre, town centre, local centre, service centre) the desirable nett leaseable area for each centre and the density policy for all residential areas V iz. (20 dwellings per hectare) normal density, high density 50 dwellings per hectare). Additionally, some attempt should be made to relate public transport plans to higher residential densities, low cost housing projects, and important commercial centres. Areas in need of a local plan should also be indicated on structure plans. Alternative structure plans may be evolved and through an evaluation process the most desirable scheme decided upon. Refer to Appendix 8.1 for examples of structure plans.

Structure plans should also show:

The extent of development areas.

"Designated Area".

Areas in need of Local Plan(s).

Areas requiring further study such as action plan areas.

Roading and public transport plans.

Land-uses and government siting commitments.

Sewerage treatment sites.

Solid waste sites.

Drains and location of pumping stations;

Water Catchment boundaries/water intake points;

Resource management areas (Coastal Management Plan); and

Low cost housing strategies among others.

8.2 Local Plans

Local plans should be prepared to serve as a guide for development control as well as setting out a more detailed structure of development. Such plans should be prepared within the broad framework of the structure plan and previously determined development policies. They may include areas of new development or redevelopment, or areas where bad neighbour land-uses should be discouraged.

Local plans can be prepared for developing fringe areas and set out existing and proposed main road patterns and specifically locate land uses such as residential, commercial, industrial, etc. These plans should then be implemented through the use of development controls and/or development policy. Inappropriate industrial areas in particular should be located away from the city centre, and close to a higher order roading system.

The most important category of local plans will be those for action areas, and/or designated land-use areas previously identified as problem or growth areas which required attention. These should be areas which are to be planned and developed, redeveloped or improved in a comprehensive manner over the next ten years or so, or areas which are in need of land-use control or prescribed trading activities. Local plans may also be prepared to discourage the location of inappropriate land uses such as Industrial areas adjacent to rivers and coastal waters.

All structure plan reserves must be reflected on local plans unless otherwise directed by the State Planning Authority, and all local plan-land-use zones must accord with structure plan zonings. For example, within the structure plan residential zone the local plan zonings of residential, shops, or commercial are appropriate but heavy industrial is not. The aim is to achieve a complimentary mix of land-uses and development. Refer to Appendix 8.2 for examples of Local Plans.

9.0 FORM AND CONTENT OF PLANS

The following matters relating to the form and content of plans were discussed at the workshop held at Miri on 30-31 March, 1998.

REGIONAL PLANNING/STUDIES

- A centralised body should be responsible for regional studies/planning studies - say SPU.
- Types of studies:-
 - Kuching Urban and Regional Study
 - Integrated Waste Management Study
 - Urban Drainage Masterplan
 - Coastal Management Study
 - Kuching North Landscape Masterplan
 - Sarawak River Regulation Study
- Centralised Data Body
 - All data to be centralised/monitored/evaluated by a body i.e. Land and Survey Department.
 - Data may be used for preparation of Structure/Local Plans.

STRUCTURE PLAN

- Follow the definition as in Section 227 Land Code (Amendment) Ordinance, 1997.
- Purpose of structure plan.
 - More of a strategic document/not like traditional structure plan as shown in the U.K. plans.
 - Meant to be flexible/dynamic/positive document.
 - Not too cumbersome to produce and revise.
- How detailed should a structure plan be?
 - Indicative Plans showing general strategies of development/growth.
 - Should show generalised:-
 - Zones of Activities.
 - Roading plan and public transport strategy (if applicable).
 - Reserves and resource management areas.
 - Should show a diagrammatic Plan.
 - Should be accompanied by written statements.
 - Prioritise your strategies.
- Legal Status
 - Structure plans of a strategic nature approved by SPA, will be used as a basis for decision making, and kept on a register at the SPA.
- Review
 - Structure Plans will be reviewed when the structure and demographic trend of the area changes but not less than once in every five years.

LOCAL PLAN

- Follow the definition as in Section 227 Land Code (Amendment) Ordinance, 1997.

- Purpose of Local Plan:-

To tackle specific issues viz:-

- General improvements.
- Traffic Plan/Management/Circulation Plan.
- Should cover a specific area.

Target areas which require specific guidelines:-

- Urban Design Guidelines.
- Areas to be subject to design guide.
- Basic guide for Development Control.

- How detailed should a Local Plan be?

- Must show cadastral boundaries.
- Must show detailed.
 - * Zones
 - * Reserves
 - * Roads etc.
- Must be accompanied by written statement.

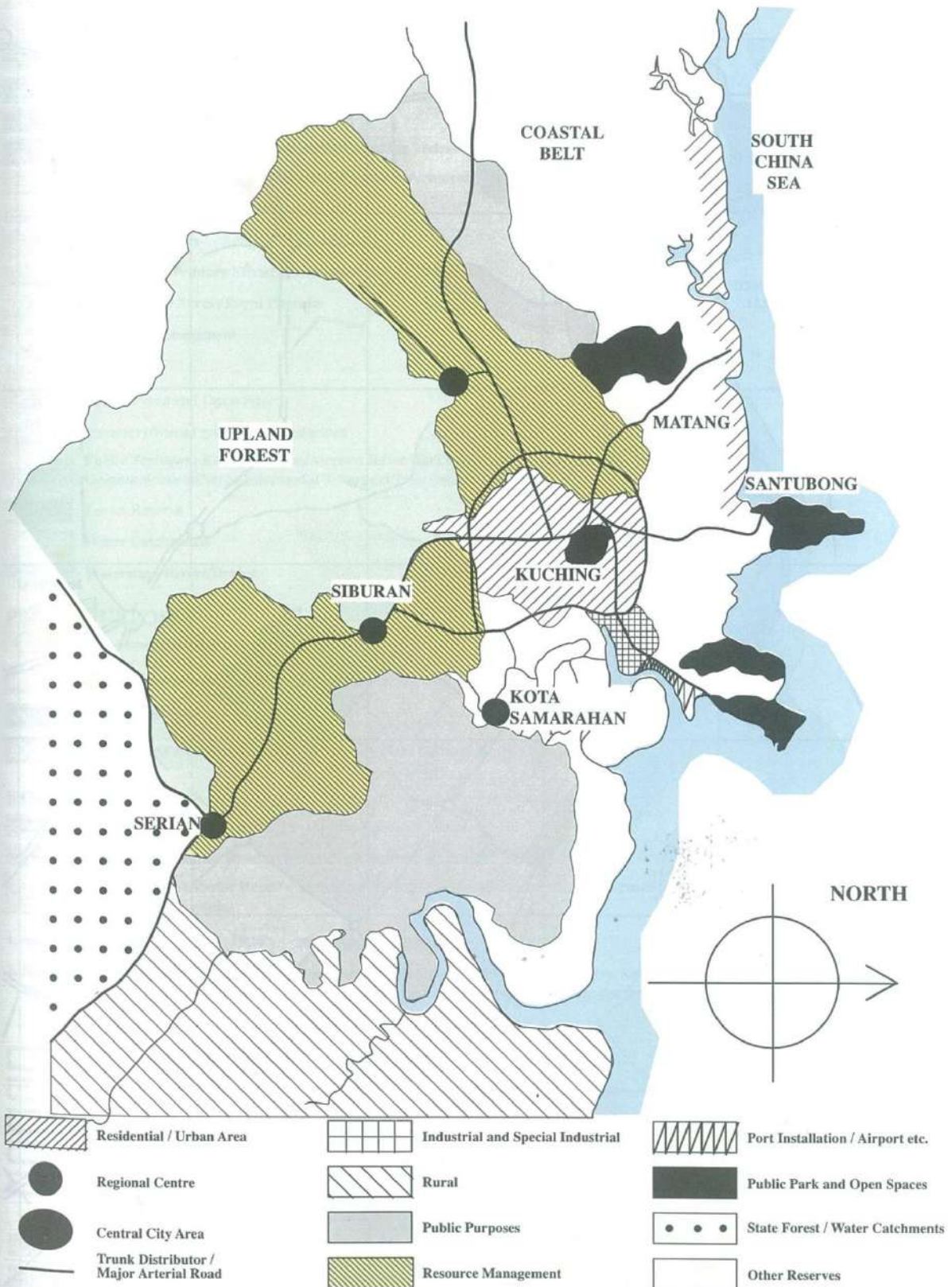
- Legal Status.

- Local Plans, other detailed plans and urban design guide will be used as a basis for decision making and kept on a register at the SPA.

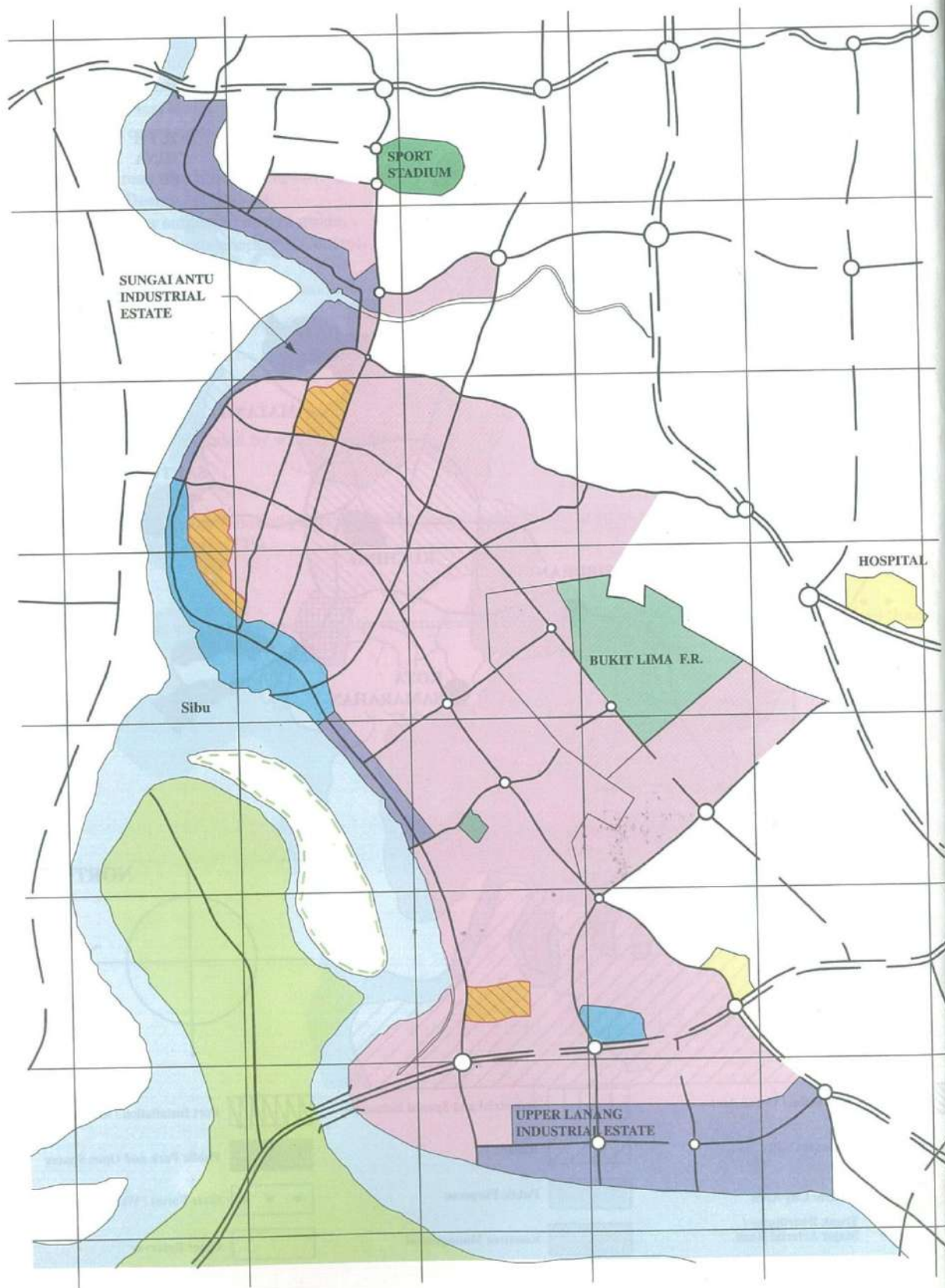
- Review.

- Local Plans will be reviewed when the structure and demographic trend of the area changes but not less than five years.

APPENDIX 5.1: AN EXAMPLE OF REGIONAL PLAN



APPENDIX 8.1: EXAMPLE OF STRUCTURE PLANS



GENERALISED LAND-USED ZONES & RESERVES FOR STRUCTURE PLAN



ZONES

	Residential
	Commercial
	Mixed Uses (Commercial)
	Industrial
	Special Industrial/Waste Management/Recycling Technology
	Health/Welfare/Community Services of a non government nature or cultural/religious uses
	Private Recreation/Tourism
	Other mixed uses
	Agricultural/Primary Mixed Farming/Intensive Cultivation
	Rural (Broad Acres)/Rural Pursuits
	Resource Management




RESERVES

	Public Parks and Open Spaces
	Cemetery/Burial grounds/crematorium
	Public Transport Routes/Utilities/Airport/Terminals/Ports/Port Installations/Wharfs/Communications/Sesco/Intermodal Transport/Interchange
	Forest Reserve
	Water Catchments
	Waterways/Rivers/Drains

PUBLIC PURPOSES

	Government establishments
	Government housing
	Educational uses
	Government establishment (Restricted) e.g. Field Force/Military Camp/prison









ROADS

	Trunk Distributor Roads/Major Arterial Roads $\geq 40.0m$
	Primary Distributor Road/Arterial distributor Road (25.0m + 34.0m)
	Secondary Distributor Road ($< 25.0m$) (including local distributor roads, access roads, and front & service roads)

1. Specify residential density viz.

R20

 20 dwellings per hectare
2. Note whether commercial centre is central business district (city centre), Regional Centre, Sub-Regional Centre, Town Centre, Local Centre, Rural Growth Centre, Service Centre or Border Town

	STUDY AREA BOUNDARY
	DESIGNATED LAND-USE AREA
	DEVELOPMENT AREA
	LOCAL PLAN / ACTION PLAN AREA
	SECTION 47/48 AREA
	OTHER
	EXISTING LAND-USE (DARK COLOUR)
	FUTURE LAND-USE (LIGHTER COLOUR)

Bintulu

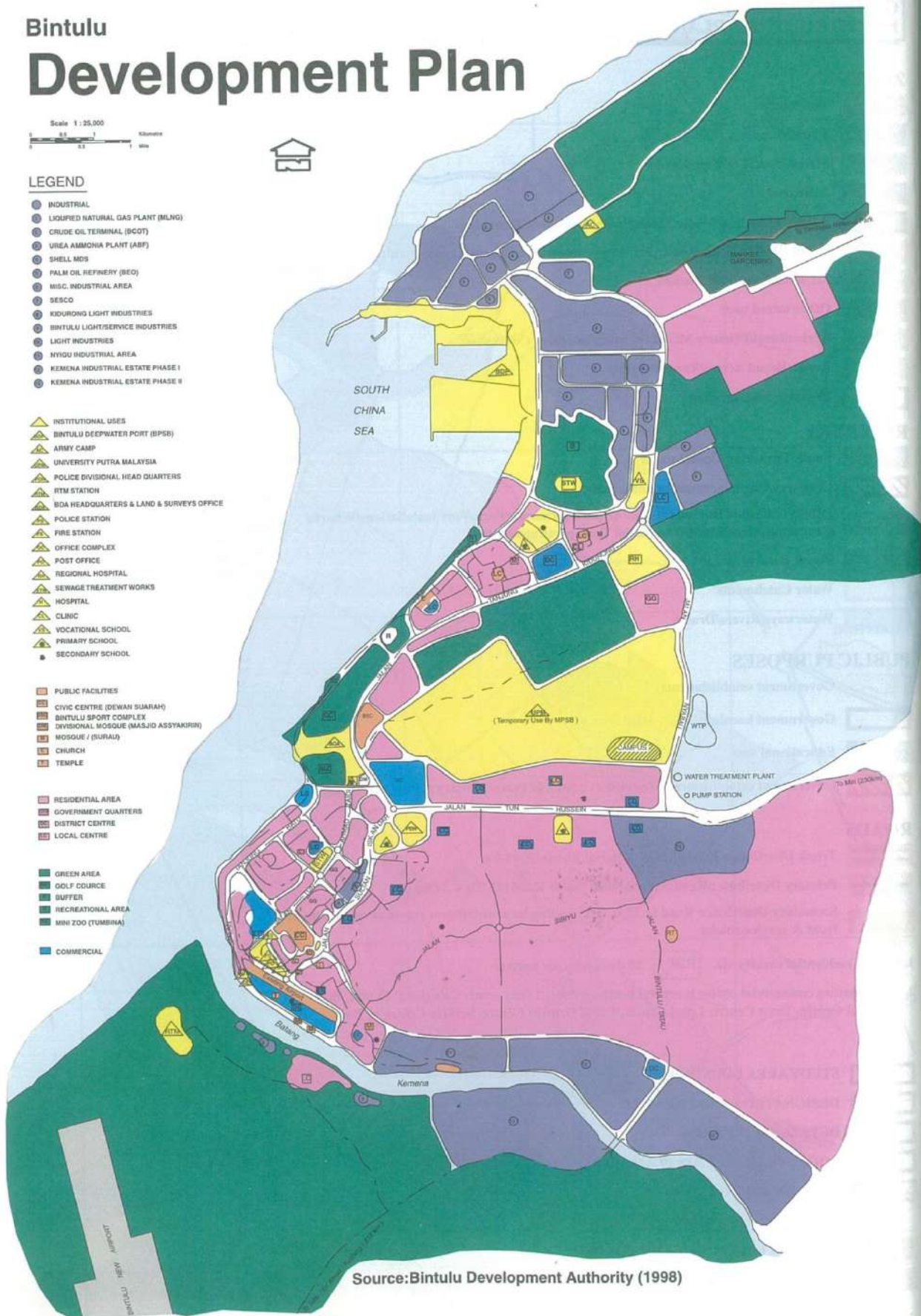
Development Plan

Scale 1 : 25,000
0 0.5 1 Kilometre
0 0.5 1 Mile



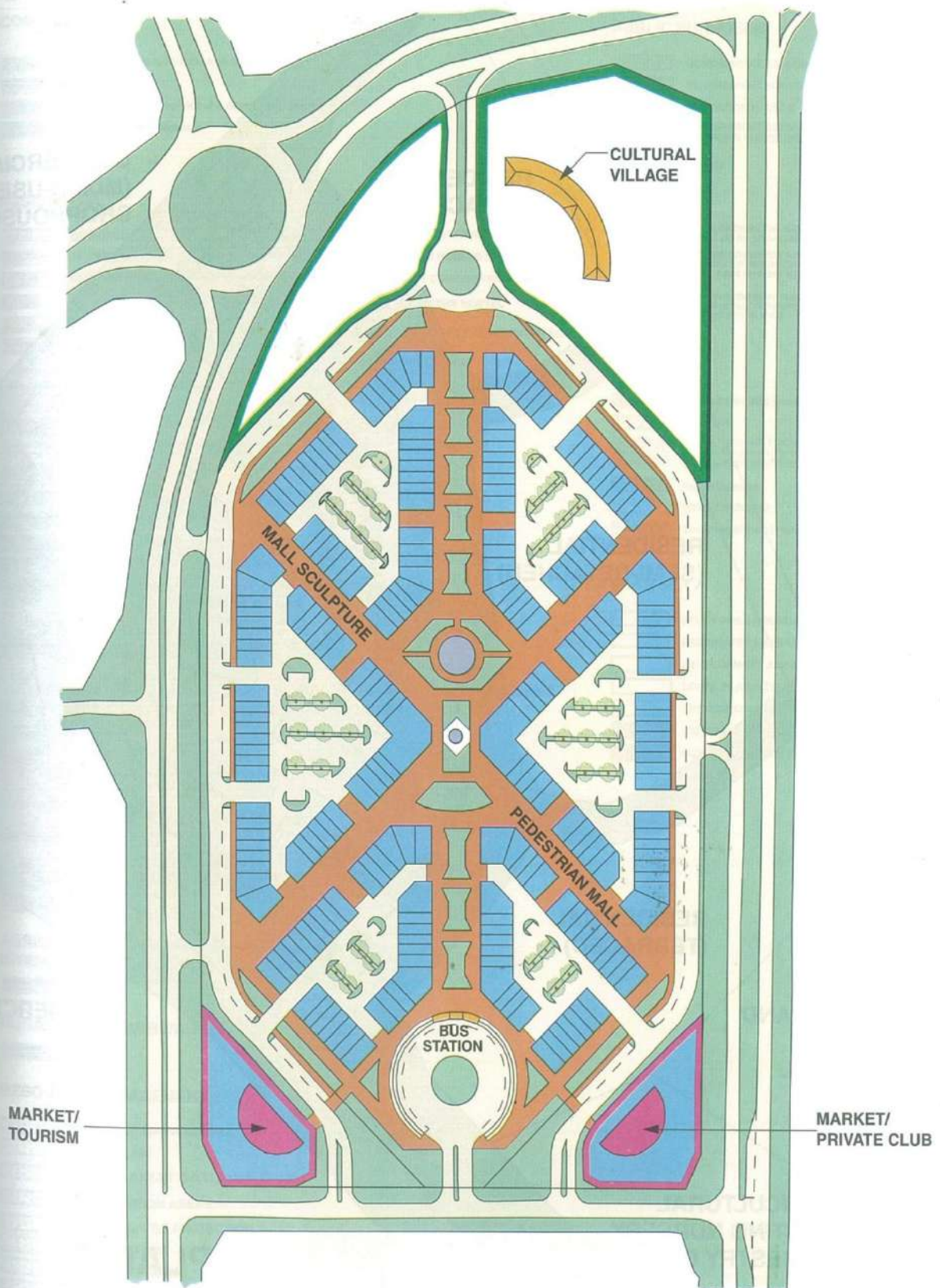
LEGEND

- ① INDUSTRIAL
- ② LIQUEFIED NATURAL GAS PLANT (MLNG)
- ③ CRUDE OIL TERMINAL (BCOT)
- ④ UREA AMMONIA PLANT (ABF)
- ⑤ SHELL MDS
- ⑥ PALM OIL REFINERY (BEO)
- ⑦ MISC. INDUSTRIAL AREA
- ⑧ SESCO
- ⑨ KIDURONG LIGHT INDUSTRIES
- ⑩ BINTULU LIGHT/SERVICE INDUSTRIES
- ⑪ LIGHT INDUSTRIES
- ⑫ NYIGU INDUSTRIAL AREA
- ⑬ KEMENA INDUSTRIAL ESTATE PHASE I
- ⑭ KEMENA INDUSTRIAL ESTATE PHASE II
- ▲ INSTITUTIONAL USES
- ▲ BINTULU DEEPWATER PORT (BPSP)
- ▲ ARMY CAMP
- ▲ UNIVERSITY PUTRA MALAYSIA
- ▲ POLICE DIVISIONAL HEAD QUARTERS
- ▲ RTM STATION
- ▲ BDA HEADQUARTERS & LAND & SURVEYS OFFICE
- ▲ POLICE STATION
- ▲ FIRE STATION
- ▲ OFFICE COMPLEX
- ▲ POST OFFICE
- ▲ REGIONAL HOSPITAL
- ▲ SEWAGE TREATMENT WORKS
- ▲ HOSPITAL
- ▲ CLINIC
- ▲ VOCATIONAL SCHOOL
- ▲ PRIMARY SCHOOL
- ▲ SECONDARY SCHOOL
- PUBLIC FACILITIES
- CIVIC CENTRE (DEWAN SUKSES)
- BINTULU SPORT COMPLEX
- DIVISIONAL MOSQUE (MASJID ASSYAKURRIH)
- MOSQUE / (SURAU)
- CHURCH
- TEMPLE
- RESIDENTIAL AREA
- GOVERNMENT QUARTERS
- DISTRICT CENTRE
- LOCAL CENTRE
- GREEN AREA
- GOLF COURSE
- BUFFER
- RECREATIONAL AREA
- MIHI ZOO (TUMBUHA)
- COMMERCIAL

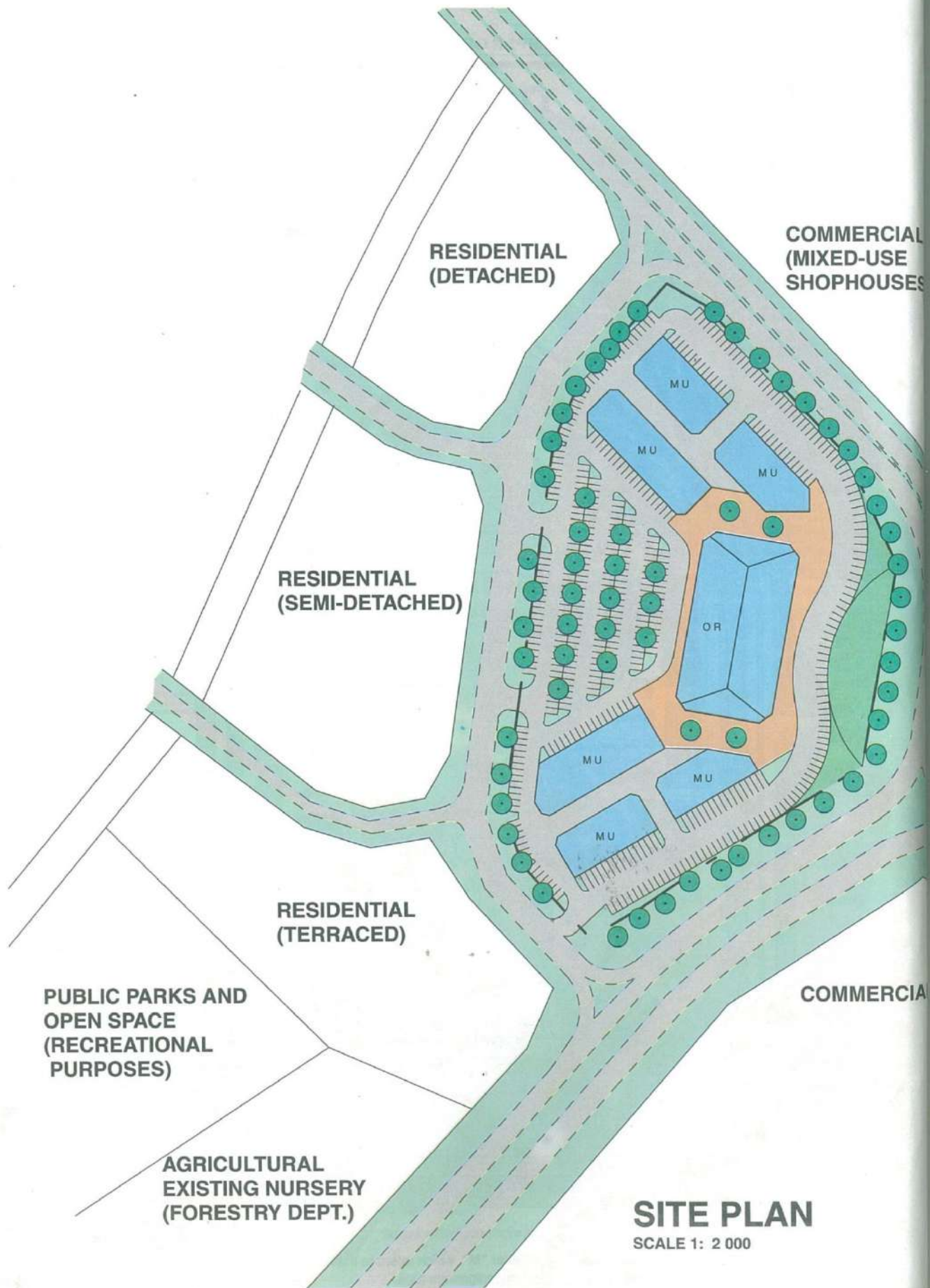


Source: Bintulu Development Authority (1998)

APPENDIX 8.2: EXAMPLE OF LOCAL/ACTION PLANS



Matu Town Plan. Concept plan based on the letter "M", which refers to the name of the place. Additionally, the plan form reflects motifs used on indigenous rugs.



SITE PLAN

SCALE 1: 2 000

LOCAL PLAN/LAND-USE PLAN (DETAILED CLASSIFICATION)

ZONES

COMMERCIAL

MU	MIXED USED (e.g. shophouses & complexes)
OB	Office/Business
SR	Shop/retail/shopping (not of a mixed-used nature)
OR	Other retail (e.g. markets)

RESIDENTIAL

D	DETACHED	SD	SEMI-DETACHED
T	TERRACE	TH	TOWN HOUSES (3-4 STOREY)
CH	CLUSTER HOUSING / QUADRUPLEX / TRIPLEX	LC	LOW COST HOUSING
AC	APARTMENTS CONDOMINIUM OVER 4 STOREY	RH	WORKERS HOSTEL
RS	RESETTLEMENT SITE	Q	QUARTERS / GOVERNMENT HOUSING
K	KAMPUNG	F	OTHER / FLAT

INDUSTRIAL

S	STORAGE / DISTRIBUTION / GODOWN WAREHOUSING / OPEN STACKING
MP	MANUFACTURING / PROCESSING / FABRICATION INDUSTRY (NON POLLUTING OR HAZARDOUS INDUSTRIES)
LI	LIGHT INDUSTRY
GI	GENERAL INDUSTRY
SI	SERVICE INDUSTRY
NO	NOXIOUS / NUISANCE OFFENSIVE / BAD NEIGHBOUR INDUSTRY
DP	DANGEROUS AND POLLUTING INDUSTRIES
EI	EXTRACTIVE INDUSTRY
RI	RURAL INDUSTRY
SI	SPECIAL INDUSTRY
CI	COTTAGE INDUSTRY

HEALTH / WELFARE / COMMUNITY SERVICES OF A NON GOVERNMENT NATURE E.G. CONVENTION CENTRE, CHILD CARE / OR CULTURAL / RELIGIOUS USES.

OTHER MIXED USES

PRIVATE CLUBS AND GROUNDS/TOURISM

AGRICULTURAL/ PRIMARY/ MIXED FARMING INTENSIVE CULTIVATION

RURAL (BROAD ACRE/RURAL PURSUITS)

RESOURCE MANAGEMENT

	RESOURCE MANAGEMENT
	FLOOD PLAIN
	COASTAL AREAS / WETLANDS MANGROVES
	CONSERVATION AREAS
	GROUND WATER PROTECTION
	NATIONAL PARK
	FLORA AND FAUNA
	MARINE PARK

PUBLIC PURPOSES

	GOVERNMENT ESTABLISHMENTS
	GOVERNMENT HOUSING
	EDUCATIONAL USES
	GOVERNMENT ESTABLISHMENT (RESTRICTED) E.G. FIELD FORCE MILITARY CAMP
	OTHER

ROADS

	TRUNK DISTRIBUTOR ROADS / MAJOR ARTERIAL ROADS >40.0m (DUAL CARRIAGEWAY)
	PRIMARY DISTRIBUTOR ROAD / ARTERIAL DISTRIBUTOR ROADS (25.0m + 34.0m) (single / dual carriageway)
	Secondary distributor road (25.0m)(single carriageway) (including local distributor roads, access roads, front and service roads)
	OTHER

RESERVES

	Public Parks And Open Spaces
	Cemetery
	Public Transport Routes/Utilities/ Airport Terminals/Ports/Ports Installation/Wharfs Communications/Intermodal Transport Interchange
	Forest Reserve
	Water Catchment
	Waterways/River/Drains

PLAN KEY

	STUDY AREA BOUNDARY
	DESIGNATED LAND-USE AREA
	DEVELOPMENT AREA
	LOCAL PLAN/ACTION PLAN AREA
	SECTION 47/48 AREA
	EXISTING LAND-USE (DARK COLOUR)
	FUTURE LAND-USE (LIGHTER COLOUR)

PART 2

DEVELOPMENT CONTROL

WHAT REQUIRES STATE PLANNING AUTHORITY APPROVAL

NO	ITEMS	YES	NO
PART 1			
1	Local Plan	X	
2	Structure Plan	X	
3	Planning Studies	X	
4	Variation of title condition	X	
5	Location and siting of government buildings	X	
6	Location and siting of public utilities excluding way-leave and 11KV electrical substation	X	
PART 2			
7	Applications that constitute material change of use or development such as: <ul style="list-style-type: none"> * Division of a single house as 2 or more separate houses. * Building/or other operations in, on, over or under any land. * Change in building use/or land. * Material alteration to the features, colour scheme, or external appearance of a commercial building or a row of shophouses. * Use of a dwelling house not originally constructed for human habitation. * Demolition/reconstruction/addition to a building. * Display of advertisements on any external part of a building which is not normally used for that purpose. * Erection of any structure for telecommunication transmission system on land or building not intended for that purpose. * Land used for the deposit of refuse or waste materials, if the superficial area or the height of the deposit is extended. * Removal of rock materials (including earth, soils) that results in significant alteration to land topography. * Visual appearance of a building, viz. advertisements, colour, canopies, building-height, roof finishes, screening treatment of rear lanes. 	X	
8	Plan of subdivision or development	X	
9	Subdivision plan		X
10	Engineering plan		X
11	Survey plan		X
12	Building plan		X
13	Terms and conditions of title in connection with subdivision		X
14	Application for alienation and development of State land	X	
15	Appeal (Reconsideration of SPA decision)	X	
PART 3			
16	Licence <ul style="list-style-type: none"> * Application of licence for certain land-uses, outlined in the Land Use (Control of Prescribed Trading Activities) Ordinance 1997 Viz. <ul style="list-style-type: none"> (a) for the operation of any premises which manufactures or stores fertilizers, pesticides or insecticides, next to any food shop; (b) for the operation of a garage or a foundry or smithy in a building for residential purpose; (c) for the operation of a garage or timber yard in any shophouses built on land not permitted for industrial use; and (d) for the operation of a foundry, smithy or garage in area adjoining a school, hospital, mosque, church or any other place of religious worship. 	X	
PART 4			
17	STATE PLANNING AUTHORITY RULES	X	
PART 5			
18	POLICIES OF THE STATE PLANNING AUTHORITY	X	

DEVELOPMENT CONTROL (PART 2)

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- 5.0 DEFINITION OF DEVELOPMENT CONTROL
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(APPLICATION FOR SUBDIVISION AND/OR DEVELOPMENT)
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- 15.0 SURRENDER AND ISSUE OF LAND TITLES
- 16.0 PROCEDURES FOR SUBMISSION OF BUILDING PLANS

Note: The Land Code (Amendment) Ordinance 1997 was amended in December 1998 to facilitate the delegation of powers by the Superintendent with the approval of the State Planning Authority Viz. The Principal Ordinance is amended by inserting immediately after Section 247 the following new section.

"Delegations of powers 247A.

A superintendent may with the approval of the State Planning Authority and subject to such conditions as may be imposed delegate the exercise or any of the powers conferred upon him relating to subdivision and development of land under this Part to a local authority or any other person". This amendment will allow the Bintulu Development Authority to accept and process applications for subdivision and development.

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APPENDIX 4.1	Main responsibility/functions of the State Planning Authority
APPENDIX 9.1	Work flow chart for subdivision and/or development
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PLANNING LEGISLATION LAND CODE AMENDMENT ORDINANCE

PART 2

1. INTRODUCTION

- 1.1 The Planning Legislation Land Code (Amendment) Ordinance 1997 received the Governor's Assent on 27 November, 1997. The new Ordinance will come into operation on 1st August, 1998.
- 1.2 This Ordinance repeals the Land (Control of Subdivision) Ordinance (Cap. 82 1958 Ed) and amends the Land Code.
- 1.3 The purpose of this planning manual is to advise members of the State Planning Authority, the Director of Lands and Surveys, the Superintendent of all Divisions, government departments, consultants and those interested of the provisions of the new Ordinance and to give a brief background to their purpose and effect.
- 1.4 The Planning manual sets out the administrative guidelines to be followed in regard to applications for subdivision and/or development of land, submission of Sub-division plan, Submission of Engineering Plan and other follow-up procedures. The manual also outlines procedures relating to plan-making procedures and the Land-use (Control of Prescribed Trading Activities) Ordinance 1997. The manual is separated into 5 separate parts so as to facilitate changes in future. Viz. Part 1: Plan Making, Part 2: Procedures for subdivision and development of land. Part 3: Land-Use (Control of Prescribed Trading Activities), Part 4: State Planning Authority Rules and Part 5: Policies of the State Planning Authority.

2.0 DEVELOPMENT CONTROL OBJECTIVES

- 2.1 To most planners Development Control is a tool by which the Government can achieve its planning objectives. In the Sarawak context, the planning objectives are:
 - (i) to approve applications for subdivision and development if the State Planning Authority considers it is expedient in the interest of proper planning and overall development of the area to which the application relates. [S. 242(1)]
 - (ii) to streamline land administration, and particularly, the process of overall development and subdivision of land;
 - (iii) to control nuisance and to improve the quality of our lives and environment; and
 - (iv) to provide better control and coordination and overall control of planning and development by directing where necessary the preparation of structure plans, local plans and planning guide lines among others.
- 2.2 The State Planning Authority therefore virtually has unfettered discretion or power to approve any application for development so long as it is in the interest of proper planning and the overall development of the area to which the application relates.

3.0 BACKGROUND ON THE LEGISLATIONS PERTAINING TO DEVELOPMENT CONTROL

- 3.1 The Land (Control of Subdivision) Ordinance (Cap. 82), the principal Ordinance governing Development Control was enacted 40 years ago. This has now been repealed and superseded by Part X of the Land Code Amendment Ordinance, 1997. This particular Section came into effect from 1st August, 1998.

- 3.2 Forty years ago, there was not much issues in development. Neither was there many high rise buildings and traffic congestion. There was hardly any requirement of environmental quality or control. But now circumstances have changed. While the number of applications for subdivision was a handful then, now the number has increased manifold. Architectural concepts and designs have increased in sophistication while the submission of plans through information technology is only a matter of time.
- 3.3 The development procedures being practised now can no longer cope with the numerous changes¹ and innovations. Therefore, there is a need for the present procedures to be streamlined, improved and updated. There is also a need for a Central Planning Authority to oversee all developments. Significantly, there is a necessity to have a comprehensive definition of subdivision and development and to ensure there is better control and coordination.
- 3.4 Another piece of legislation which is relevant to Development Control is the enactment of Land Use (Control of Prescribed Trading Activities) Ordinance, 1997. The primary purpose of this legislation is to control obnoxious trades. The regulation of these trades come under the purview of the State Planning Authority and licences for the purposes of controlling such trades will be issued by the Superintendent of Land and Survey Department acting under guidelines issued by the State Planning Authority. Only certain trades in "Designated Areas" requires the special licence from the Superintendent whilst others specifically require State Planning Authority approval.

4.0 PLANNING LEGISLATION

- 4.1 The Land Code (Amendment) Ordinance 1997 sets up:-

- The State Planning Authority with the Minister as Chairman.
- The Permanent Secretary to the Ministry of Planning and Resource Management as the Secretary of the State Planning Authority.
- The functions of the State Planning Authority. (See Appendix 4.1)
- Procedures for the application of subdivision and development.

5.0 DEFINITION OF DEVELOPMENT CONTROL

- 5.1 Development Control is needed to protect the health, safety, convenience, economy and amenity of the community by setting up standards of development. Where possible the framework of such controls should be related to existing legislation.
- 5.2 The creation of the State Planning Authority and the amendments outlined in the Land Code (Amendment) Ordinance 1997, aims to overcome the shortcomings in the approaches to planning outlined in the existing planning system.
- 5.3 "Develop" or "Development" means to carry out any building, engineering, or other operations in, on, over or under any land, or the making of any material **change** in the use of any building or land:
- 5.4 Provided that the following operations or uses of land shall not be deemed for the purposes of this part to involve development of land:
- "(a) the carrying out of works for the maintenance, improvement or other alteration of a building which do not materially affect the external appearance or the floor area of the building;
 - (b) the carrying out by any statutory authority of any works required for the maintenance or improvement of a street being works carried out on land within the boundaries of the street;
 - (c) the carrying out by any statutory authority of any works for the purpose of laying, inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus including the breaking open of any street or other land for that purpose;
 - (d) the use of any existing building or land within the curtilage of a dwelling-house for any purpose incidental to the enjoyment of the dwelling-house as such;

- (e) the use of any land for the purpose of agriculture or forestry (including afforestation), and the use for any of those purposes of any building occupied together with the land so used; and

for the avoidance of doubt it is hereby declared that for the purposes of this Part, the following circumstance shall also constitute **material change** of use or development:

- (i) the use as two or more separate houses of any building or any part thereof, previously used as a single house;
- (ii) the use as a dwelling-house of any building not originally constructed for human habitation;
- (iii) the use for other purposes of a building or part of a building originally constructed as a dwelling-house;
- (iv) the demolition of, reconstruction of or addition to a building;
- (v) the alteration in a material degree, to the features or colour scheme or external appearance of a commercial building or a row of shophouses, including but not limited, to, the installation of air conditioning plant or equipment, water storage tank or telecommunication equipment and facilities;
- (vi) the use for the display of advertisements of any external part of a building which is not normally used for that purpose;
- (vii) the erection of any structure for telecommunication transmission system, religious or cultural purposes on land or building which is not intended for that purpose;
- (viii) the use of land for the deposit of refuse or waste materials notwithstanding that the land is comprised of a site already used for that purpose, if the superficial area or the height of the deposit is thereby extended; and
- (ix) the removal of rock materials to an extent that results in significant alteration to the topography of the land; and

"Sub-division" means:-

- "(a) the application to a Superintendent for the issue of a document of title to any part of any land comprised in one document of title, or for the partition of any land into two or more parcels;
- (b) the consolidation or amalgamation in one document of title of the areas comprised in two or more subsisting documents of title;
- (c) the delineation on a plan, or the demarcation on the site, of any part or parts of any land with a view to the sale of such part or parts;
- (d) the disposal by the owner by way of sale of any specified part less than the whole of any land comprised in one document of title; or
- (e) the laying out or making of any road, footpath, drain or accessway, or the grant or reservation of any right of way over any land."

6.0 IMPLEMENTATION

Implementation of any planning scheme is one of the most important steps of the planning process. The purpose of implementation is to achieve the objectives of the planning scheme already partially expressed in the structure plan and Development Plans and to set up a checklist for assessing development applications.

Where possible the framework of such controls should be related to existing legislation and the Land Code (Amendment) Ordinance 1997.

If it is impossible to incorporate some desired development controls within the existing legislative framework development standards may be controlled through the use of development policies, under Section 229(1)d of the Land Code (Amendment) Ordinance 1997, and/or the land use (Control of Prescribed Trading Activities) Ordinance 1997.

7.0 THE STATUTORY PLANNING PROCESS

The State Planning Authority can impose terms and conditions in regard to the construction of any buildings in areas which come under the objects of the Building Ordinance 1994. Such planning matters like building setbacks, provision of car parks or car park spaces, regulating residential densities, design and appearance of buildings, the use of land and buildings, the provision of open spaces, and design of parks and greens, and traffic circulation among others are considered to be matters of great importance to the State Government of Sarawak.

These matters which will be the subject of written policy statements and rules [Section 248(1)] have been included in the Land Code (Amendment) Ordinance 1997 so that planning in the State of Sarawak may occur in an orderly sequence; and coordinated so as to achieve the overall interest of planning development of the area where the land is situated [S. 232(1)] and [Section 232(2)].

The Authority's coordinating and decision making role, will be achieved by the issue of periodic policy statements and plans on land-use, planning, resource management, solid waste disposal, road network, infrastructure development (Water and Sewerage), subdivision, development, and urban design matters among others formally adopted by the State Planning Authority.

The State Planning Authority can delegate any of its functions to the Director of Lands and Surveys or to any public officer. [S. 229(2)]

8.0 STREAMLINING THE PLANNING APPROVAL PROCESS (APPLICATION FOR SUBDIVISION AND OR DEVELOPMENT)

The Land Code (Amendment) Ordinance 1997 identifies four steps for streamlining the process of planning approval. **First**, applications which have been processed by the relevant Division Superintendent must be referred to the State Planning Authority (through the Director of Lands and Surveys). The implication here is that the Director should make his comments expeditiously when a particular application(s) is referred to him for comments because many issues would already have been covered by the Divisional Superintendent. **Second**, the State Planning Authority may decide that it does not want to consider all applications for subdivision and development and may delegate some of its function(s) to the Director of Lands and Surveys or a public officer. Those planning functions/activities which are delegated to the Director of Lands and Surveys or a public officer will be cleared quickly. This procedure will eliminate "Queues" and minimise the backlog of applications before the State Planning Authority. The Secretariat and the Superintendent of Lands and Surveys shall keep a sequential register of applications received at their respective offices. However, applications of state, national or economic importance may be on a "fast track" queue. **Third**, the State Planning Authority may decide that development should not be completed within a specific time of granting planning approval, normally twenty four months in which case land-owner(s) will not have to apply for planning approval again from the State Planning Authority if development has not been commenced within the specified time. This provision is useful in cases where an application for subdivision and development is of a very large scale and may be subject to further planning studies, namely traffic impact assessment (TIA) or Environment Impact Assessment/ Studies (EIA)/(EIS). Applications approved by the Authority may be granted an approval in principle, pending the outcome of (EIA/EIS/TIA) studies. **Fourth**, once the State Planning Authority has approved an application for subdivision and/or development, its decision is conveyed direct to the respective Division Superintendent [Section 234(1)(a)] with a copy to the Director of Lands and Surveys.

2.0 THE NEW PROCEDURES FOR SUBDIVISION AND DEVELOPMENT

Appendix 9.1 outlines in flow chart form the procedures which must be followed when submitting an application for subdivision and/or development to the State Planning Authority for approval. In essence five major steps must be followed. Viz.

Step 1 : All applications must be submitted to the respective Superintendent for the area in which the land is located. The Planning Officer and his staff are responsible for processing the application and carrying out the necessary site inspection.

All applications must be submitted on Form Q together with the relevant fees stipulated in Part 4, Rule 5 of the manual. See Appendix 9.2. If the application is for the amendment or revision to an approved plan then use Form 'Q' [Resubmission], and pay the relevant fees stipulated in Part 4, Rule 7 of the manual. The detailed requirements for submitting an application for subdivision and or development will be complemented by (notes to Form Q) (See Appendix 9.3) which will form part of the manual once it has been finalised.

In addition to the Form 'Q' and (notes to Form Q) outlined in Appendix 9.2 and Appendix 9.3. The manual also contains a detailed checklist to be used for processing applications for subdivision and development. (See Appendix 9.4)

Step 2 : Once the application has been processed by the Divisional Land and Survey Department, the application is referred to the State Planning Authority through the Director of Lands and Surveys. The Director will make comments on general matters not covered by the Superintendent such as government siting commitments, land commitment, general policies etc.

Step 3 : The Secretary of the State Planning Authority and the Planning adviser of the Secretariat will then screen the application(s) and make recommendations to the State Planning Authority after considering other relevant issues Viz. conformity with structure plan, local plan and development control standards among others. The State Planning Authority will use; State Planning Authority Form 1A for processing of subdivision and development of land; Form 1B for the processing of subdivision and development of land (for residential use only (excluding flat development, apartments, condominium, townhouses, walk up flats etc. and application for state land) not exceeding 40 units), State Planning Authority Form 2 for processing of agricultural subdivision, and State Planning Authority Form 2A for processing of application of state land in conjunction with the proposed development SP A Form 2B for application for reclassification of land in conjunction with application for development/subdivision of land. (See Appendix 9.5).

Step 4 : At this stage of the planning process the Secretary of the State Planning Authority and the planning adviser will finalise the Agenda and table the application at the State Planning Authority Meeting. The Authority will consider the application and give its decision/approval to the subdivision/development proposal with or without conditions or refuse the application as it deems fit.

Alternatively, the State Planning Authority may amend the plan or request the applicant to resubmit a revised plan soon or at later date.

Step 5 : Finally, after the Authority has made its decision the Secretary of the State Planning Authority or the Planning advisor will convey the decision to the appropriate Superintendent together with two copies of "The Approved Plan" with a copy to the Director of Lands and Surveys. See Appendix 9.6 for an example of the letter(s) which will be used by Secretary of the State Planning Authority to convey the Authority's decision. Appendix 9.7 outlines some of the conditions that the State Planning Authority may impose in granting approval to applications for subdivision and development. Once the Superintendent receives copies of the "The Approved Plan" she/he shall notify the person who submitted the plan of its approval by the State Planning Authority and supply him with a copy of "The Approved Plan", and the Authority's conditions of approval.

The Superintendent upon approval granted by the State Planning Authority will call the fees payable as outlined in Part 4 (Rule 6) of the manual. See Appendix A, Part 4 of the State Planning Authority rules.

It is anticipated that all of the above steps will be processed and ready for consideration of the SP A meeting within six months. "The Approved Plan" signed by the Secretary of the State Planning Authority shall consist of those items outlined in Appendix 9.8.

The State Planning Authority may not approve any application to commence development and/or subdivision, unless the proposed development complies with the Authority's terms and conditions and/or amended plan for subdivision and/or development of land and may demolish any building erected which has not been granted planning approval. The State Planning Authority shall grant its letter of approval based on the format outlined in Appendix 9.6 and outline its conditions of approval on Memorandum format to the Superintendent. (See Appendix 9.7). The State Planning Authority, before granting planning/development approval shall have regard to the Director and Superintendent comments and other affected parties views (See Appendix 9.9) and approve, amend/refuse a plan of subdivision/Development if it considers it expedient in the interest of proper planning and overall development of the area to which the application relates.

Strata Title applications shall be processed by the Superintendent of Lands and Surveys, and submitted to the State Planning Authority for approval in the first instance, if it involves the amalgamation of lots on land in whole or part.

10.0 FEES

Submission and resubmission should be based on a fixed sum depending on the scale and nature of the development. [See Part 4 (Appendix A) of the manual which outlines the rules relating to the payment of fees]. The amount should be enough to deter frequent resubmission and requests to revise the approved plan, and at the same time the rate is standardised for public convenience. The demand for fees may be carried out at the time the official acknowledgement letter is issued. This normally will be within 1 week from the receipt of the application. (See Appendix 10.1), and the State Planning Authority rules governing this matter at Part 4 of the manual.

11.0 REGISTER OF QUALIFIED PERSONS

Section 227 of the Land Code (Amendment) Ordinance 1997 defines a "Qualified Person" as any person whom the State Planning Authority shall certify in writing as a person having the requisite professional qualifications or experience to prepare and submit plans for the sub-division or development of land. For the purpose of doubt the Authority shall prepare a register of persons it considers to have the necessary professional qualification or experience to submit subdivision or land development projects. The rules governing the assessment of a "Qualified person" are outlined in Part 4 (Appendix B) of the manual.

A registered landowner or his agent may submit an application for Residential Subdivision without a qualified person, if the application for development or subdivision of land for residential use does not exceed 4047 square metres and only detached houses not exceeding of two storeys in height are erected on not more than four sub-divided lots. For Agricultural Subdivision the registered landowner or his agent are qualified to submit applications for subdivision. All other applications must be submitted by a qualified person, and in accordance with the State Planning Authority's rules outlined in Part 4 (Appendix B) of the manual.

12.0 SUBMISSION OF APPLICATION FOR SUBDIVISION PLAN AND/OR DEVELOPMENT OF LAND

12.1 INTRODUCTION

Once the State Planning Authority has considered "The Approved Plan" and given its approval to "The Approved Plan" consultants are required to submit sub-division plans on Form R to the Superintendent of Lands and Surveys.

12.2 OBJECTIVES OF THE SUB-DIVISION PLAN

Submission of the sub-division plan does not require the approval of the State Planning Authority, but requires the approval of the Superintendent of Lands and Surveys. In practice this matter will be delegated to the Superintendent/ Planning Officer by the Director of Lands and Surveys. [Section 234(2)(a)].

To most planners in Sarawak submission of the subdivision plan is a method by which the State Planning Authority can achieve its development control objectives. See Section 2.0. In Sarawak the objectives of submitting the subdivision plan are:

- (i) To ensure that the detailed matters related to the development and subdivision of plan comply with "The approved Plan" of the State Planning Authority.
- (ii) To ensure that the Superintendent of Lands and Surveys enforces compliance with State Planning Authority conditions of approval.
- (iii) To ensure compliance with the State Planning Authority Rules (See Part 4 of the manual), Development Control Standards and policies/guidelines issued by the Authority from time to time.
- (iv) To ensure that the submission of the subdivision plan adheres to a standardised format which shows in detail the subdivision plan, the schedule and other relevant matters. The plan provides the basis for the survey of the subdivided land and guide to issue new land titles.

12.3 BACKGROUND ON THE LEGISLATIONS PERTAINING TO THE SUBDIVISION PLAN

Submission of the subdivision plan refers to the submission of the draft subdivision plans under the previous planning system. This has now been superseded by Part X of the Land Code (Amendment) Ordinance, 1997. The procedure and provisions following approval of "The Approved Plan" by the State Planning Authority are outlined in Section 234(1)(a) of the Land Code.

12.4 PLANNING LEGISLATION

The Land Code (Amendment) Ordinance 1997, Section 234(1)(a) and 234(2) sets out the process to be followed by a registered landowner/qualified person whose plan has been approved by the State Planning Authority. A subdivision plan has the same meaning as defined in Section 227 of the Land Code (Amendment) Ordinance 1997.

12.5 DEFINITION OF SUBDIVISION

"Sub-division" means:-

- (a) the application to a Superintendent for the issue of a document of title to any part of any land comprised in one document of title, or for the partition of any land into two or more parcels;
- (b) the consolidation or amalgamation in one document of title of the areas comprised in two or more subsisting documents of title;
- (c) the delineation on a plan, or the demarcation on the site, of any part or parts of any land with a view to the sale of such part or parts;
- (d) the disposal by the owner by way of sale of any specified part less than the whole of any land comprised in one document of title; or
- (e) the laying out or making of any road, footpath, drain or accessway, or the grant or reservation of any right of way over any land".

12.6 IMPLEMENTATION OF THE SUBDIVISION PLAN

The Division Superintendent of Lands and Surveys has an important role to play in ensuring that the details of the subdivision plan reflect the intent of "The Approved Plan" and the checklist. (See Appendix 9.4).

All applications for submission of sub-division plan must be made to The Superintendent of Lands and Surveys on Form R. (See Appendix 12.6(A)).

The preparation of the subdivision plan is to follow the same format as outlined in Appendix 12.6(B). The Superintendent of Lands and Surveys should acknowledge receipt of the subdivision plan within one week of submission of the plan. (See Appendix 12.6(C)).

12.7 THE PROCEDURE FOR SUBMISSION OF THE SUBDIVISION PLAN

Appendix 12.7(A) outlines in flow chart form the procedures which must be followed when submitting the subdivision plan to the Superintendent of Lands and Surveys.

- Step 6: Once "The Approved Plan" has been approved by the State Planning Authority, the Superintendent must convey the State Planning Authority decision to the applicant with a copy of the letter to the State Planning Authority and Director of Lands and Surveys and a copy of "The Approved Plan" to the Registrar under Section 235 of the Land Code (Amendment) Ordinance.
- Step 7: The applicant must submit 2 copies of the subdivision plan to the respective Superintendent for the area in which the land is affected for checking purposes before submitting the required 10 copies to the Superintendent. Form R should be used and the application must be by a qualified person. Fees for submission of subdivision plan in Form R shall be paid to the Superintendent Lands and Surveys in accordance with Part 4 of the manual and Rule 8 of Appendix A.
- Step 8: The planning officer of the relevant Divisional Department of Land and Survey Department will check the subdivision plan for compliance with "The Approved Plan" of the State Planning Authority, and also against the checklist for processing of subdivision plan [See Appendix 12.7(B)]. A check should also be carried out for compliance against the Development Control Standards, the standard format of subdivision plan as outlined in Appendix 12.6(B) and the State Planning Authority Rules. (See Part 4 of the manual).
- Step 9: Finally, once the planning officer accepts the subdivision plan, he/she shall serve a notice to the applicant to sign the subdivision plan and ensure the subdivision fee has been paid before conveying acceptance of the plan.

13.0 SUBMISSION AND APPROVAL OF ENGINEERING PLAN

13.1 INTRODUCTION

Once the State Planning Authority has considered "The Approved Plan" and gives its approval to "The Approved Plan" consultants are required to submit Engineering Plans on Form S to the Superintendent of Lands and Surveys.

13.2 OBJECTIVES OF THE ENGINEERING PLAN

Submission of the engineering plan does not require the approval of the State Planning Authority, but requires the approval of the Superintendent of Lands and Surveys. In practice this matter will be delegated to the respective Superintendents/Planning Officers by the Director of Lands and Surveys.

To most planners in Sarawak the submission of engineering plan is a tool by which the State Planning Authority can achieve its development control objectives particularly those relating to the provision of infrastructure works. In Sarawak the objectives of submitting the engineering plan are:

- (i) To set aside land required for road reserves and other reserves Viz. Trunk road, Drainage and Irrigation reserves.
- (ii) To set aside land for public utility lines.
- (iii) To show a traffic circulation plan.
- (iv) To show a streetlight plan and location of signs.
- (v) To make provision for landscape and recreational facilities and open spaces.
- (vi) To ensure that all detailed calculation and specifications for all design work comply with the procedures/ standards of relevant authorities, and particularly relevant design codes/codes of practice.

13.3 BACKGROUND ON THE LEGISLATIONS PERTAINING TO THE ENGINEERING PLAN

Submission of Engineering plan(s) and the procedure for submission of engineering plans are outlined in Section 234(2)(b) of the Land Code (Amendment) Ordinance 1997.

13.4 PLANNING LEGISLATION

Section 234(2)(b), 234(3), 234(4) and 234(5)(a) among others of the Land Code (Amendment) Ordinance 1997 sets out the procedures to be followed by a person whose plan has been approved by the State Planning Authority.

13.5 DEFINITION OF ENGINEERING PLAN

"Engineering Plan" means the plan for works required by the State Planning Authority under Section 232(2), to be undertaken for the provision of roads, drains, footpaths, bridges, car parking spaces, public utilities and other facilities, and reserves, and the term "engineering works" refers to such works;

13.6 IMPLEMENTATION OF THE ENGINEERING PLAN

The Division Superintendent of Lands and Surveys, Local Authority and/or Director of Public Works have an important role to play in ensuring that the details of the engineering plan reflect the intent of "The Approved Plan" and comply with explanatory notes to submission of Engineering Plans and the checklist for processing of Engineering Plans. [See Appendix 13.6(A)].

All applications for submission of engineering plan must be made to the Superintendent of Lands and Surveys on Form S [See Appendix 13.6(B)].

The Superintendent/Planning Officer of Lands and Surveys should acknowledge receipt of the engineering plan within one week of submission of the plan [See Appendix 13.6(C)].

13.7 THE PROCEDURE FOR SUBMISSION OF THE ENGINEERING PLANS

Appendix 12.7(A) outlines in flow chart form the procedures which must be followed when submitting the Engineering plan to the Superintendent of Lands and Surveys.

Step 10: The applicant must submit 5 sets of Engineering plans to the respective Superintendent in Form S [See Appendix 13.6(B)] for the area in which the land is situated. The application must be made by a qualified person, together with fees payable for the submission of engineering plan in Form S, and also in accordance with Part 4 of the manual and Rule 9 of Appendix A.

Engineering plans should show or include the following:-

- (1) Locality plan, spot level (of site and existing and proposed roads) site plan of proposed works, cross-section drawings and longitudinal sections of roads, drains etc.
- (2) Plans of public utility lines;
- (3) Traffic circulation plan;
- (4) Streetlight plan and location of signs.
- (5) Landscape and recreational facilities plan for open space(s) contribution.
- (6) Detail calculations and specifications for all design work must comply with the procedures/standards of relevant authorities.
- (7) Specific infrastructure needs to cater for open spaces (i.e. gradients, drainage, power supply etc.).
- (8) Scaled catchment plan and hydraulic calculations.
- (9) Calculations, design details and specifications of all proposed works.

Step 11: The planning officer of the relevant Division of the Land and Survey Department will check the engineering plans against the checklist for processing of engineering plans outlined in Appendix 13.6(A). Additionally, the officer must ensure the spot level is certified by a registered Surveyor. If this is not the case the plans should be referred to the staff surveyor for checking.

Step 12: If the planning officer is satisfied, then he should refer the engineering plans to the city engineer or municipal engineer or the Divisional engineer of the Public Works Department for checking. 1 copy of the subdivision plan and 4 sets of the Engineering plans are to be sent to the City engineer, or Municipal engineer or the Divisional engineer of the Public Works Department.

Step 13: The Divisional Superintendent receives a report from the relevant Engineer and if satisfied with the report approves the Engineering plan.

At this stage the Superintendent should check that the fee for the checking of engineering plans has been collected before conveying the approval of the engineering plans.

**14.0 STAGE 3 OF THE SUBDIVISION/DEVELOPMENT PROCESS
RELATES TO THE SURVEY AND CONSTRUCTION OF
ENGINEERING WORKS BEFORE DEPOSITING OF PLANS.
(SEE APPENDIX 14.1)**

14.0 SURVEY AND CONSTRUCTION OF ENGINEERING WORKS BEFORE DEPOSITING OF PLANS

14.1 INTRODUCTION

Once the accepted subdivision plan and the approved engineering plan have been conveyed to the applicant under Section 234(4), the applicant can then engage a registered surveyor to carry out the survey of the subdivided lots. The registered surveyor will apply for an authority to survey to the Superintendent of Lands and Surveys and upon the issue of survey job, the surveyor can then commence the carrying out of the field surveys.

Before commencing the carrying out of the engineering works, the applicant must give the City/Municipal Engineer or the Divisional Engineer at least 7 days written notice of his intention to undertake such works.

14.2 OBJECTIVES FOR THE SURVEY AND CONSTRUCTION OF ENGINEERING WORKS

The main objective of carrying out the survey is to prepare a survey plan for the approval of the staff surveyor and the construction of the engineering works for the city or Municipal Engineer or Divisional Engineer of Public Works Department to issue a completion certificate. The certificate demonstrates that the engineering works have been satisfactorily completed and conform to recognised professional practices.

14.3 BACKGROUND ON THE LEGISLATIONS PERTAINING TO THE SURVEY AND CONSTRUCTION OF ENGINEERING WORKS

- Step 14: Once the subdivision plan has been accepted and Engineering plan have been approved, the land owner by virtue of Section 234(4) of the Land Code (Amendment) Ordinance 1997 shall engage a registered surveyor to carry out a survey of the subdivided lots and proceed to construct the engineering works.
- Step 15: The registered surveyors must apply to the Superintendent of Land and Survey Department for a survey job and authority to survey. The authority to survey is an application for authority to enter land under S. 104 and S. 109 of the Land Code. The registered surveyor carries out a field survey in accordance with the approved subdivision plan. The field survey computations and survey plan prepared for the subdivided lots must follow the approved subdivision plan.
- Step 16: The licenced surveyor carries out a field survey and completes the survey of individual land lots. The field survey computations and the field survey plan of individual land lots are submitted to the Land and Survey Department for approval.

14.4 DEFINITION OF SURVEY PLAN

For the purposes of this manual the survey plan, means the survey plan approved by the land and survey staff surveyor which is based on the accepted subdivision plan.

14.5 IMPLEMENTATION OF ENGINEERING SURVEY WORKS AND ENGINEERING CONSTRUCTION WORKS

Only if the field survey plan i.e. (the survey of the individual lots) is completed and the cadastral boundaries have been verified by a licensed surveyor in Sarawak then the engineering works can begin.

Upon completion of the Engineering works the consultant shall submit a Certificate of Completion for the Engineering works to the relevant Engineer and the owner/developer is to submit an application for Road Certificate.

- Step 17: If the engineering works has been satisfactory completed, a certificate of satisfactory completion
(A + B) of engineering works shall be issued to the Superintendent of Lands and Surveys. Upon receipt of the certification of satisfactory completion of engineering works the planning officer of Land and Survey Department shall submit the approved Survey Plan and Certificate of Satisfactory

Completion of Engineering works to the Director of Lands and Surveys under Section 234(5) (a). An assessment by the valuer will also need to be carried out. At this stage terms and conditions will need to be submitted to the Director of Lands and Surveys, if a variation of title condition is required.

14.6 IMPLEMENTATION OF THE SURVEY PLAN

The Superintendent of Lands and Surveys has an important role to play in ensuring that the survey plan carried out by a registered surveyor reflects the intent of the State Planning Authority's approved plan.

If during the survey of the subdivided lots, discrepancies are found in the lot sizes, then the discrepancies should be referred to the planning officer. Staff surveyors shall be responsible for approving the survey plan where the adjustments to lot size are not in contravention of the SPA approved plan or minimum Development Control Standards or standards outlined in the SPA rules.

The Planning officer of the Divisional Land and Survey Department may approve any variation to the lot size, not in accordance with the accepted subdivision plan provided the approval does not materially detract from what the SPA considers expedient and in the interest of proper planning and overall development of the area to which the application relates.

As a matter of policy provided the minimum building setbacks and maximum lot coverage is maintained and does not prejudice road reserves needs, the planning officer shall have the authority for approving minor discrepancies in lot sizes.

Notwithstanding the above, all development and subdivision requiring adjustment to lot size may be referred to the Director of Lands and Surveys if it abuts any reserve or road greater than or equal to 25.0 metres.

14.7 THE PROCEDURE FOR SURVEY, ENGINEERING WORKS AND DEPOSITING

Appendix 14.1 outlines in flow chart form the procedures which must be followed for survey, construction of engineering works, before depositing of plans.

Step 17: Upon completion of the field survey works of individual land lots based on the approved subdivision plan, the licensed surveyor shall sign the field survey plan as being an accurate representation of the subdivision plan and submit the field survey plan and field computation to Department of Land and Survey staff surveyor for checking. Once the field survey plan has been approved by the Department of Land and Survey staff surveyor, the planning officers of the Department shall submit the approved survey plan (as accepted by the Department's staff surveyor) and the certificate of satisfactory completion of engineering works to the Director of Lands and Surveys.

Step 18: The Director of Lands and Surveys will then direct the Superintendent to deposit the Survey plan, if he is satisfied that the survey and the engineering plan has been satisfactorily completed.

All charting should then only be carried out once the survey plan has been approved by the Land and Survey Department staff surveyor.

Step 19: The Superintendent will then deposit the survey plan upon acceptance, surrender and alienation of land to the state (S. 241 and S. 244) after allocating lot numbers and entering lot particulars in the lot register. A copy of the Deposited plan is to be extended to the State Planning Authority.

All survey plan requiring engineering works require depositing, except those survey plans which do not require engineering plans, i.e. agricultural subdivision and miscellaneous plans (those relating to road reserve and drainage bunds).

15.0 SURRENDER AND ISSUE OF LAND TITLES

15.1 INTRODUCTION

The survey plan signed by the Superintendent of Lands and Surveys becomes a legal plan, and provides the basis for the creation of legal titles.

Once the Superintendent of Lands and Surveys has deposited the survey plan, he shall extend a copy of the deposited plan to the State Planning Authority, and forward the deposited plan to the land branch for further actions.

15.2 OBJECTIVES FOR THE SURRENDER AND ISSUE OF LEGAL TITLES

The main objectives for registration of title land are:

- To greatly facilitate and cheapen the investigation of title;
 - To facilitate dealings in land which is subject to trusts and other equities;
 - To provide simple methods of effecting transfers, charges and other dealings; and
 - To provide some degree as to warranty of title to the person registered as proprietor and as a bar to adverse claims.
- To provide a mechanism for the early issue of land title so that developers and the public can provide lending financial institutions with security of title when making applications for finance.

15.3 BACKGROUND ON THE LEGISLATIONS PERTAINING TO THE SURRENDER AND ISSUE OF LAND TITLES

The surrender and issue of land titles in Sarawak is governed by various provisions of the Land Code (Sarawak Cap. 81).

An inhouse manual dealing with specific matters related to the surrender and issue of land titles is currently being prepared by the Director of Lands and Surveys.

This manual outlines the processes among other things pertaining to the surrender and issue of land titles and should be referred to in cases of doubt. The main activities relating to subdivision of land and variation of title condition are outlined in the Land and Survey Department manual and cover the following sub-activities among others.

- Issue of titles upon application for subdivision of land and variation of title condition (with Engineering works);
- Issue of subdivisional titles on application for subdivision of land without AVTC but involving engineering works;
- Issue of subdivisional titles on simple subdivision of land where no infrastructure work is required; and
- Application for variation of title condition.

In this manual only the sub-activity relating to the issue of titles upon application for subdivision of land and variation of title condition (with engineering works) will be considered.

The main legislative provision dealing with the matter of issue of titles upon application for subdivision of land and variation of title condition (with engineering works) are:

- Part X Land Code (Cap. 81).
- Sections 25 and 129 Land Code (Cap. 81).
- Section 13 and 45 Land Code (Cap. 81).
- Section 45(3) Land Code (Cap. 81).
- Section 122 Land Code (Cap. 81).

In situations where engineering works are required the application for subdivision of land followed by variation of title condition, is processed by the Planning Branch in the Land and Survey Department (Division and Headquarters).

The Land Branch of the Land and Survey Department is responsible for processing applications for subdivision of land where a variation of title condition (with engineering works) is required. Sections 25 and 129 Land Code (Cap. 81). The various activities which require the involvement of the Land Branch are outlined in this manual in so far as it relates to the issue of land of title. (See Appendix 15.1 for the work flow chart).

15.4 DEFINITION OF DOCUMENT OF TITLES

Section 2 of the land code defines "Document of title" as follows "means a grant, lease of state land, occupation ticket or other document evidencing title to land whenever issued, but does not include a licence, permit or caveat".

The system of land title registration follows the torrens system. This system has simplified the registration of land dealings and provides a mechanism where the state guarantees the title of a land-owner.

15.5 PROCEDURES FOR ISSUING LAND TITLES UPON APPLICATION FOR SUBDIVISION OF LAND AND VARIATION OF TITLE CONDITION (WITH ENGINEERING WORKS)

The Land Branch section of the Department of Land and Survey plays an important role in the processing and issue of document of titles Sections 25 and 129 Land Code (Cap. 81). The branch is responsible for carrying out the following main activities.

First, processing the terms and conditions for the issue of subdivision titles. [Section 13 and 45 Land Code (Cap. 81)].

Second, the Divisional office is responsible for preparation and issue of the subdivision titles to the proprietor of the land connected with the subdivision of the land and the variation of the title conditions. Action on the above activity commences in the Land Branch when the land has been subdivided in accordance with an approved plan for subdivision/development and where the engineering works on the land have been constructed to the satisfaction of the Local Authorities, Engineer or the Divisional Engineer of Jabatan Kerja Raya (JKR) and the Director of Lands and Surveys.

Third, submit terms and conditions for the issue of subdivisional titles for consideration of Director of Lands and Surveys for action when subdivision plan has been accepted by the staff surveyor of the Department of Land and Survey and upon satisfactory completion of the Engineering works. The Superintendent of Lands and Surveys (acting under delegated power) must ensure that the State Planning Authority's terms and conditions of approval provide "a mirror image" of the State Planning Authority's approval.

The Superintendent of Lands and Surveys may add other special conditions to applications for subdivision of land applying for variation of title condition (with engineering works).

15.6 IMPLEMENTING THE PROCESS OF ISSUING LAND TITLES UPON APPLICATION FOR SUBDIVISION OF LAND AND VARIATION OF TITLE CONDITION (WITH ENGINEERING WORKS)

15.6.1 When the land has been subdivided and the areas of the subdivided lot computed and certified by the Staff Surveyor, the Survey Branch is to supply to the Land Branch the following:

- Two (2) copies of a plan showing the subdivided lots;
- A copy of the Land and Survey Form 3 showing the area of the subdivided lots.

15.6.2 Land Branch on receiving the above is to prepare a Valuation Request and send it to the Valuation Branch to assess the amount of annual rent and premium for the variation of the title conditions of the subdivided lots or extension of the term of the titles (if applicable).

15.6.3 Upon receiving advice from the Planning Officer that the engineering works on the land has been satisfactorily completed to the satisfaction of the Local Council or Jabatan Kerja Raya (JKR), Land Branch is to take action as follows:

- To work out the terms and conditions for the subdivisional titles based on Land Administration Circular No. 1/1994; and
- To submit the following to Director of Lands and Surveys for consideration to issue subdivisional titles. [Section 234 (5) (a)].
 - ** A copy of a plan showing the subdivided lots with proper legend and locality plan;
 - ** Detailed terms and conditions for the issue of the subdivisional titles;
 - ** A copy of Valuation Request showing the details on assessment of premium and annual rent;
 - ** Accepted subdivision plan/survey plan.

15.6.4 Upon receiving the submission from Superintendent of Lands and Surveys under Section 234(5) (a) of the Land Code, the Director if he is satisfied that the engineering works and the survey plan conform to the Approved Plan, he will convey to the Superintendent the following:-

- direct that the survey plan be deposited.
- convey the approval of the terms and conditions for the issue of subdivisional titles.

15.6.5 Superintendent of Lands and Surveys upon receiving the approval of the terms and conditions for the issue of subdivisional titles will take the following actions:-

- Direct Staff Surveyor to arrange for the depositing of the Survey Plan and pass the completed Survey Job together with Lease or Grant Diagrams, Land Register Folio (Parts I and II) and Land and Survey Form 3 to Land Branch for action.
- Land Branch to convey to the proprietors of the land the following:-
 - ** Terms and conditions for the issue of subdivisional titles within 7 days from the date of receipt of memorandum from Lands and Surveys Headquarters. Extend a copy of the letter to Lands and Surveys Headquarters for information.
 - ** Title Section to prepare the Memorandum of Surrender and Alienation of Land and the necessary bills for payment of the land charges (in deposit) prior to issue of subdivisional titles.
 - ** To request the proprietor of the land or chargee, caveator (if any) to sign the Memorandum of Surrender and Alienation of Land and to pay the necessary land charges prior to issue of subdivisional titles.
 - ** When the document in 15.6.5 above has been signed by the applicant and the necessary and charges paid, to minute to Superintendent of Lands and Surveys to sign the document and to seek his approval to prepare and issue subdivisional titles and Land Register Folio.
 - ** To arrange with the Registration Branch for the allocation of an Instrument Number to the Memorandum of Surrender and Alienation of Land and thereafter to prepare the subdivisional titles, Land Register Folio, rent ledger cards and rent books.
 - ** To check the subdivisional titles, Land Register Folio, rent ledger cards and rent books. Make appropriate cross-references and cancellation on the present title(s) and rent ledger cards. Arrange for Superintendent of Lands and Surveys to sign the subdivisional titles and Land Register Folio.

** When the subdivisional titles and Land Register Folio have been signed by Superintendent of Lands and Surveys to minute them to the Registrar/Assistant Registrar for registration together with the relevant Memorandum of Surrender and Alienation of Land, Survey Job, rent ledger cards and rent books.

** Registrar/Assistant Registrar to register the subdivisional titles and Land Register Folio. File up the Land Register Folio in the relevant Land Register and return the subdivisional titles, rent ledger cards, rent books, a copy of the Memorandum of Surrender and Alienation of Land and Survey Job to Title Section for action.

** Title Section records the subdivisional titles in the Title Delivery Record Book. File up the relevant documents and Survey Job. Pass the rent ledger cards and rent books to Revenue Section to journalise the deposit to the relevant revenue head/subhead.

15.6.6 Revenue Section to journalise the deposit and print the payment on the rent ledger cards and rent books. File up the rent ledger cards in the cabinet and return the rent books to Title Section for delivery.

15.6.7 Title Section to issue notice to registered proprietor to take delivery of titles and rent books.

15.6.8 Proprietor of land to acknowledge receipt of the subdivisional titles by signing the Title Delivery Record Book.

16.0 PROCEDURES FOR SUBMISSION OF BUILDING PLANS

16.1 INTRODUCTION

Once the survey plan has been approved by the Land and Survey Department staff surveyor, the registered proprietor of the Lot(s) may submit building plans to the local authority for approval.

The building plan(s) must accord with "The Approved Plan" of the State Planning Authority if applicable, the subdivision plan and the survey plan.

16.2 OBJECTIVES FOR SUBMISSION OF BUILDING PLANS

The State Planning Authority is interested in receiving building plans of an indicative nature when it considers applications for sub-division and/or Development of land. The planning approval granted by the State Planning Authority will be subject to the Authority's approved plan which will include reference to floor plans, sections and elevations of the proposed building.

The main objective of requiring developers to submit indicative building plans to the Authority is to ensure the establishment of a clear relationship between all new development and its surroundings. Additionally, the visual impact of the building needs to be assessed by the Authority, so that it is satisfied that the building(s) elements are expressed positively, so as to contribute both to the building's character and the character of its subdivision plan and the survey plan.

In essence, other objectives relating to the submission of building plans to the Superintendent are to:-

- Generally, ensure compliance with the State Planning Authority's Development Control Standards.
- Specifically ensure compliance with the building setbacks outlined in the Authority's Development Control Standards, and the building line approved for development by the State Planning Authority.
- Specifically ensure compliance with the Authority's "Approved Plan" and the subdivision plan.
- Ensure compliance with building use and building height among others; and
- Ensure that the building plan does not constitute a **material change** of use.

16.3 BACKGROUND ON THE LEGISLATIONS PERTAINING TO THE PROCEDURES FOR SUBMISSION OF BUILDING PLANS

Normally, the building plan can only be submitted for approval after the survey plan has been carried out based on the approved subdivision plan. This is necessary so as to safeguard against encroachment onto subdivided lots and reserves. Consequently, building plans can only be checked/processed by the Land and Survey Department Planning Officer(s) after the survey plan has been endorsed by the staff surveyor of Department of Land and Survey.

The submission of building plans are governed by the Building Ordinance 1994 (Sarawak) which states that no person shall erect any building without the prior written permission of the Local Authority. However, under the provisions of Section 3(1), 3(2) and Section 8(3) of the Buildings Ordinance 1994, the competent Planning Authority being the State Planning Authority has overall control for planning, development and subdivision of land.

The State Planning Authority, whilst being the competent Planning Authority no longer needs to approve building plans, as it would already have granted planning approval to the development previously as part of "the approved plan".

Building plan approval is a matter to be carried out by the local authority and the Land and Survey Divisional office unless it is apparent that the State Planning Authority's approved plan has been contravened. For example, these matters might relate to building setbacks, provision of car park spaces, building heights, facade treatment, open space and traffic circulation among others.

The role of the Planning Officer of Lands and Surveys Divisional Office is to ensure that "The Approved Plan" of the State Planning Authority, as well as the terms and conditions of the Authority's approval are carried out when building plans are submitted to the Superintendent of Lands and Surveys.

16.4 PLANNING LEGISLATION

Whilst the Superintendent Lands and Surveys is responsible for ensuring that building plans comply with the State Planning Authority's terms and conditions of approval, certain matters will have to be referred back to the Authority if it falls under the definition of development as outlined in Section 227 of the Land Code (Amendment) Ordinance, 1997. These matters are outlined in Section 227 of the Land Code (Amendment) Ordinance. In any event the State Planning Authority as the competent Planning Authority will need to be consulted in the following circumstances among others, if development constitutes **material change** of use or development. In order to avoid doubt Section 227 of the Land Code (Amendment) Ordinance 1997 outlines the circumstances which constitute development or material change of use.

The State Planning Authority will prepare rules and policies to guide Government departments, local authorities and developers among others in regard to planning and Development Control matters.

The Superintendent of Lands and Surveys when approving building plans shall ensure that these plans comply with the Authority's Rules and policies particularly those relating to the Development Control Standards. In particular the following matters among others should be considered.

- Building plan conformity with State Planning Authority "Approved Plan" and the terms and conditions of approval issued by the State Planning Authority.
- Building setback to comply with the Authority's Development Control Standards.
- Buildings must not infringe or breach the "building line".

16.5 DEFINITION OF BUILDING PLAN

The Building Ordinance 1994 defines "building" to include any house, hut, shed or roofed enclosure, whether used for the purpose of human habitation or otherwise and also any wall, fence, platform, septic tank, underground tank, staging, gate, post, pillar, paling, frame, hoarding, slip, dock, wharf, pier, jetty, landing stage, swimming pool, bridge, railway lines, transmission lines, cables, rediffusion lines, overhead or under

ground pipelines, or any other structure, support or foundation.

Building plan must bear upon them a statement showing for what purpose the building is to be erected and used.

"Building line" means the line prescribed by the competent planning authority beyond which no part of a building may project, except as otherwise permitted by this Ordinance.

16.6 IMPLEMENTATION OF THE BUILDING PLAN

The Divisional Superintendent of Lands and Surveys, and the Authorised officer of the Bintulu Development Authority have important roles to play in ensuring that "The Approved Plan" of the State Planning Authority and its terms and conditions of planning approval are complied with:-

The relevant Local Authority is responsible for ensuring all submitted building plans comply with the Building Ordinance 1994 and also for the issue of occupation permit.

Building plans referred to the Superintendent of Lands and Surveys, for comments/recommendations in accordance with Section 8(3) of the Sarawak Building Ordinance 1994 shall comply with a checklist for processing of Building Plans (See Appendix 16.6).

16.7 THE PROCEDURE FOR SUBMISSION OF THE BUILDING PLANS TO THE SUPERINTENDENT LANDS AND SURVEYS

Appendix 16.7 outlines generally in flow chart form the procedures which must be followed when submitting the Building Plan to the Superintendent of Lands and Surveys.

Step B1 - the applicant submits the required number of building plans to the relevant Local Authority for processing. The building plan must bear the certification of the Qualified Persons and clients name on each and every plan. The specific requirements of what is required when submitting building plans, will be determined by the relevant Local Authority.

Normally, four (4) sets of building plans are required for residential development, and six (6) sets for commercial, Industrial and institutional development. However, the applicant should check with the relevant Local Authority, or Bintulu Development Authority as to their specific requirements.

- Building plans to be referred to the Superintendent of Lands and Surveys should comply with the subdivision plan and checklist outlined in Appendix 16.6.

Step B2 - The Local Authority will send one set of the building plan to the Superintendent of Lands and Surveys for comments. The Planning Officer of Lands and Surveys will then check the building plan, and determine if the plan is subject to strata title procedures. If so the Superintendent will follow the Department of Land and Survey "in house" strata title procedures (See Appendix 16.8). Otherwise, follow the normal procedure for processing of building plans as outlined in the flow chart. (See Appendix 16.7).

* Note: Normally, the Bintulu Development Authority is responsible for processing and checking its own building plans.

Step B3 - Once the Building Plan has been received by the Superintendent of Lands and Surveys, the Building Plans will be referred to the planning officer of the division for checking and processing. The planning officer will then process the building plan against the checklist outlined in Appendix 16.6, and also check for conformity with the State Planning Authority "Approved Plan", terms and conditions of approval of the Authority, the approved subdivision plan, survey plan and specific matters outlined in the Development Control Standards such as building setbacks, building height and the approved building line among others.

Step B4, B5 & B6 - If the building plan is in order the planning officer of the relevant Land and Survey Division will refer the plan to the Superintendent of Lands and Surveys for signature. The Superintendent of Lands and Surveys on receipt of the building plans may or may not seek additional comments. If the building plan is not in order, it will be referred back to the Local Authority with his comments.

If the Superintendent of Lands and Surveys is satisfied that the building plan complies with all relevant laws, rules and State Planning Authority terms and conditions of approval, he shall sign the building plan and refer it back to the Local Authority.

Appendix 16.9 outlines a flow chart of the procedures to be followed by the Local Authority on receiving a set of building plans from the Qualified Person.

16.8 Early Commencement of Building Works

Building plans may be submitted simultaneously with Engineering Plans, however building plans will not be approved by council before the engineering plan has been approved by the Superintendent of Lands and Surveys. In practice, however, early commencement of building works can be considered by the Local Authority or the Bintulu Development Authority if certain criteria are satisfied. Developers should consult the relevant Authority on this matter.

16.9 VESTING AND EARLY RELEASE OF TITLES

Once the Director of Lands and Surveys has approved the terms and conditions of titles and conveyed the terms and conditions to the Superintendent, the vesting process of land to council can begin once the formal offer of terms and conditions is made to the applicant by the Superintendent and the certificate of completion has been issued by the council.

The Superintendent Lands and Surveys before agreeing to vesting the land to council or to the early issue of land titles must be satisfied that the engineering works are satisfactory and that the road certificate has been issued by the Council Engineer and copied to the Director of Lands and Surveys. Additionally, the land required for road reserves etc. must have been vested to the state.

The Superintendent of Lands and Surveys by virtue of Section 244 of the Land Code (Amendment) Ordinance has the right to withhold the issue of land titles, if he/she is of the opinion there exists or is likely to exist non compliance on the part of the developer, in regard to works relating to carparking spaces and road making. See Section 241 of the Land Code (Amendment) Ordinance.

APPENDICES

**APPENDIX 4.1 MAIN RESPONSIBILITIES/FUNCTIONS OF THE
STATE PLANNING AUTHORITY**

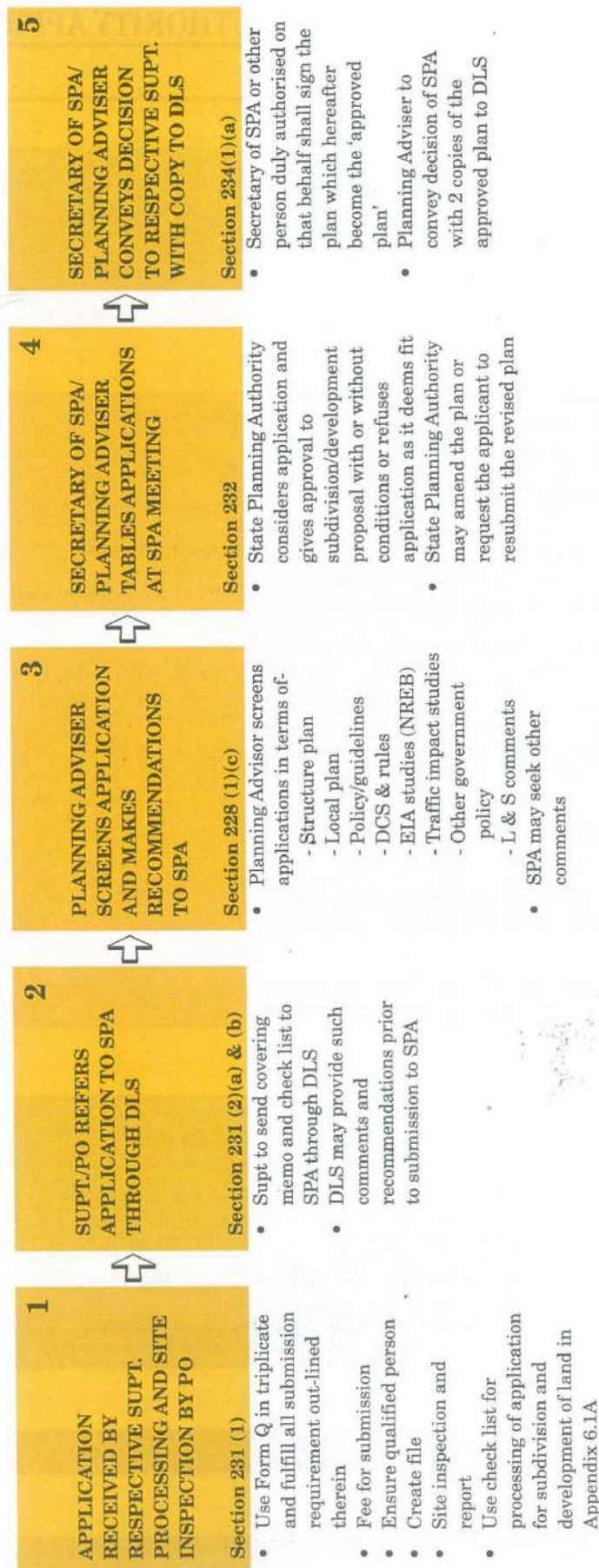
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18	PA POLI

WHAT REQUIRES STATE PLANNING AUTHORITY APPROVAL

NO	ITEMS	YES	NO
PART 1			
1	Local Plan	X	
2	Structure Plan	X	
3	Planning Studies	X	
4	Variation of title condition	X	
5	Location and siting of government buildings	X	
6	Location and siting of public utilities excluding way-leave and 11KV electrical substation	X	
PART 2			
7	Applications that constitute material change of use or development such as: <ul style="list-style-type: none"> * Division of a single house as 2 or more separate houses. * Building/or other operations in, on, over or under any land. * Change in building use/or land. * Material alteration to the features, colour scheme, or external appearance of a commercial building or a row of shophouses. * Use of a dwelling house not originally constructed for human habitation. * Demolition/reconstruction/addition to a building. * Display of advertisements on any external part of a building which is not normally used for that purpose. * Erection of any structure for telecommunication transmission system on land or building not intended for that purpose. * Land used for the deposit of refuse or waste materials, if the superficial area or the height of the deposit is extended. * Removal of rock materials (including earth, soils) that results in significant alteration to land topography. * Visual appearance of a building, viz. advertisements, colour, canopies, building-height, roof finishes, screening treatment of rear lanes. 	X	
8	Plan of subdivision or development	X	
9	Subdivision plan		X
10	Engineering plan		X
11	Survey plan		X
12	Building plan		X
13	Terms and conditions of title in connection with subdivision		X
14	Application for alienation and development of State land	X	
15	Appeal (Reconsideration of SPA decision)	X	
PART 3			
16	Licence <ul style="list-style-type: none"> * Application of licence for certain land-uses, outlined in the Land Use (Control of Prescribed Trading Activities) Ordinance 1997 Viz. <ul style="list-style-type: none"> (a) for the operation of any premises which manufactures or stores fertilizers, pesticides or insecticides, next to any food shop; (b) for the operation of a garage or a foundry or smithy in a building for residential purpose; (c) for the operation of a garage or timber yard in any shophouses built on land not permitted for industrial use; and (d) for the operation of a foundry, smithy or garage in area adjoining a school, hospital, mosque, church or any other place of religious worship. 	X	
PART 4			
17	STATE PLANNING AUTHORITY RULES	X	
PART 5			
18	POLICIES OF THE STATE PLANNING AUTHORITY	X	

APPENDIX 9.1: WORK FLOW CHART FOR SUBDIVISION/DEVELOPMENT

STAGE 1: SUBMISSION OF PLAN FOR SUBDIVISION/DEVELOPMENT (LAYOUT PLAN)



Suggested time frame (6 months)

Note: (1)* MPRM- Ministry of Planning and Resource

Management

* DLS- Director of Land and Surveys

* Supt.- Superintendent

(2) SPA may grant an approval in principle only, if the development is subject to EIA/EIS/TIA studies

* PO- Planning Officer

* DE, PWD- Divisional Engineer, Public Works Department

* SS- Staff Surveyor

* LO- Land Officer

* EIA- Environmental Impact Assessment

* SPA- State Planning Authority

* Secretary- of SPA

* S- Section of the Act

* DCS- Development Control Standards

* L & S- Lands and Surveys

* TIA- Traffic Impact Assessment

* EIS- Environment Impact Study

* DCS- Development Control Standards

* EIS- Environment Impact Study
* DCS- Development Control Standards

* LO- Land Officer
* EIA- Environmental Impact Assessment
* SPA- State Planning Authority

* Supt.- Superintendent
SPA may grant an approval in principle only, if
the development is subject to EIA/EIS/TIA

APENDIX 9.2 **WORK FLOW CHART FOR SUBDIVISION AND/
OR DEVELOPMENT OF LAND. FORM Q**

LAND CODE (AMENDMENT), 1997

"FORM Q"

(Section 231)

APPLICATION FOR SUB-DIVISION AND/OR DEVELOPMENT OF LAND

To: The Superintendent of Lands and Surveys,
..... Division

1. I (We) on behalf of the registered proprietor(s)/
registered power of attorney of the land described as
..... do hereby apply for the sub-division and/or
development of the above land for the following purpose (s):

Type of Proposed Use	Brief Description of Proposal

(if space is insufficient, use separate paper).

2. I (We) hereby submit the following documents for you to process the above application.
- (a) Six copies of plans for the sub-division and/or development of the land including accurate perimeter boundary.
 - (b) Two copies of letter of authorization.
 - (c) Two copies of extract of document of titles of the land.
 - (d) Three copies of planning brief: addressing town and country planning issues, Environment impact issues, traffic circulation, and traffic management issues.
 - (e) Three copies of floor plans, sections and elevation drawings of the proposed building.

Signature & IC No.

Name of person signing:

Name of firm:

Date:

For Official Use Only

- (a) Amount of submission fees
- (b) Paid vide receipt No. Date
- (c) Registered under File No.

(d) Registered by
(Name) (Signature)

Notes to Form Q

- (a) Form Q is to be submitted in triplicate and one copy must be original.
- (b) All plans for the subdivision or development of land (preferred scale 1:1000) must be signed by the Registered Proprietor(s) or the Power of Attorney(s) and the Qualified Person(s).
- (c) One copy of the Letter of Authorisation to be submitted must be original.
- (d) One copy of the extract of document of titles to be submitted must be original.
- (e) All copies of Planning Brief must be signed by the qualified person(s). Planning Brief should be submitted for all applications for subdivision or development except for:-
 - (i) any agricultural subdivision; and
 - (ii) residential development for houses of not more than 2 storeys and not exceeding 40 units.

Only qualified person(s) who have the requisite professional qualification in Town Planning or the qualified person(s) who have at least 7 years of relevant working experience in the field of Town Planning can prepare and submit Planning Brief.

- (f) Floor plans, Sections and Elevation drawings are required to be submitted for all proposed buildings except for residential buildings of not more than 2 storeys in height. All copies of plans must be signed by the qualified person(s). Only qualified person(s) who have the requisite professional qualification in Architecture or Civil Engineering or the qualified person(s) who have at least 7 years of relevant working experience in the field of Architecture or Civil Engineering can prepare and submit Floor Plans, Sections and Elevation drawings.
- (g) A copy of accurate cadastral plan (preferred scale 1:1000) showing the subject land and the surrounding land must be submitted.
- (h) Form Q is priced at RM5.00 per copy.
- (i) Fees for the submission of application for development or subdivision of land to accompany Form Q for different types of uses are as follows:-

(i) Agriculture	-	RM20.00
(ii) Residential not exceeding 4047 sq. metres in area	-	RM20.00
(iii) Any other uses and residential exceeding 4047 sq. metres in area	-	RM100.00

- (j) Fees payable upon approval granted by the State Planning Authority for different uses are as follows:-

(i) Agricultural	-	RM10.00 per lot
(ii) Residential	-	RM20.00 per unit
(iii) Commercial i.e. (shops and complexes)	-	RM40.00 per unit or 50 sq. metres of gross floor area whichever is higher.
(iv) Other Commercial	-	RM30.00 per unit or 50 sq. metres of gross floor area whichever is higher.
(v) Office	-	RM30.00 per unit or 50 sq. metres of gross floor area whichever is higher.
(vi) Industrial	-	RM30.00 per unit or 50 sq. metres of gross floor area whichever is higher.
(vii) Mixed-usage	-	RM30.00 per unit or 50 sq. metres of gross floor area whichever is higher.
(viii) Any other uses	-	RM30.00 per unit or 50 sq. metres of gross floor area whichever is higher.

- (k) All fees to be charged commencing from 1.1.1999.

LAND CODE (AMENDMENT), 1997

“FORM Q” (RESUBMISSION)

(Section 231)

APPLICATION FOR SUB-DIVISION AND/OR DEVELOPMENT OF LAND

To: The Superintendent of Lands and Surveys,
..... Division

I (We) on behalf of the registered proprietor(s)
 registered power of attorney of the land described as
 do hereby apply for the sub-division
 and/or development of the above land for the following purpose (s):

Type of Proposed Use	Brief Description of Proposal

(if space is insufficient, use separate paper).

I (We) hereby submit the following documents for you to process the above application.

- (a) Six copies of plans for the sub-division and/or development of the land including accurate perimeter boundary.
- (b) Two copies of letter of authorization.
- (c) Two copies of extract of document of titles of the land.
- (d) Three copies of planning brief: addressing town and country planning issues, Environment impact issues, traffic circulation, and traffic management issues.
- (e) Three copies of floor plans, sections and elevation drawings of the proposed building.

as follows:- Signature & IC No.

Time of person signing:

Line of firm:

of gross floate:

of gross floor

For Official Use Only

Amount of submission from

Paid vide receipt No. Date

es of gross flo

Registered by

(Name)

(Signature)

Notes to Form Q (Resubmission)

- (a) Form Q (Resubmission) is to be submitted in triplicate and one copy must be original.
- (b) All plans for the subdivision or development of land (preferred scale 1:1000) must be signed by the Registered Proprietor(s) or the Power of Attorney(s) and the Qualified Person(s).
- (c) One copy of the Letter of Authorisation to be submitted must be original.
- (d) One copy of the extract of document of titles to be submitted must be original.
- (e) All copies of Planning Brief must be signed by the qualified person(s) registered with the SP A. Planning Brief should be submitted for all applications for subdivision or development except for:-
 - (i) any agricultural subdivision; and
 - (ii) residential development for houses of not more than 2 storeys and not exceeding 40 units.

Only qualified person(s) who have the requisite professional qualification in Town Planning or the qualified person(s) who have at least 7 years of relevant working experience in the field of Town Planning can prepare and submit Planning Brief.

- (f) Floor plans, Sections and Elevation drawings are required to be submitted for all proposed buildings except for residential buildings of not more than 2 storeys in height. All copies of plans must be signed by the qualified person(s) registered with SPA. Only qualified person(s) who have the requisite professional qualification in Architecture or Civil Engineering or the qualified person(s) who have at least 7 years of relevant working experience in the field of Architecture or Civil Engineering can prepare and submit Floor Plans, Sections and Elevation drawings.
- (g) A copy of accurate cadastral plan (preferred scale 1:1000) showing the subject land and the surrounding land must be submitted.
- (h) Form Q (Resubmission) is priced at RM5.00.
- (i) Resubmission fees to accompany Form Q (Resubmission) per application for different type of uses are as follows:-

(i) Agricultural	-	RM20.00
(ii) Residential not exceeding 4047m ²	-	RM20.00
(iii) Residential exceeding 4047m ²	-	RM100.00
(iv) Commercial i.e. (shops and complexes)	-	RM200.00
(v) Other Commercial	-	RM150.00
(vi) Office	-	RM150.00
(vii) Industrial	-	RM150.00
(viii) Mixed-usage	-	RM150.00
(ix) Any other uses (per 50m ² of gross floor area)	-	RM150.00
- (j) All fees to be charged commencing from 1.1.1999.

tered

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APPENDIX 9.3 EXPLANATORY NOTES ON FORM Q

Explanatory notes on Form Q (Submission of Layout)

(i) Letter of authorisation

Where the person submitting the application is not the registered proprietor or the registered power of attorney, 2 copies of the letter of authorisation, one of which should be the original, have to be submitted.

(ii) Extract of document of titles of the land

The extract of title must be obtained from the Registry Section of the Divisional Land and Survey Department. Two copies of up-to-date extract of title, one of which must be the original have to be submitted.

(iii) Type of proposed use/brief description of proposal on Form Q

If space in Form Q is not sufficient, use separate sheet.

(iv) Plan for the subdivision and/or development of the land

Six copies of the subdivision plan are to be submitted. The plan should contain the following:-

(a) Locality Plan in scale preferably 1:10,000 showing:

- Name of road.
- Name of river.
- Identifiable landmark.
- The site under application clearly high-lighted.
- The orientation of the locality plan should be the same as in the layout.

(b) Layout in scale preferably 1:1,000

(Agricultural subdivision preferably may be in scale 1:5,000) showing:









- North point.
- Accurate cadastral boundary of the subject land as well as adjoining lands with the boundary of the subject land in bold line.
- All existing road and drain reserves and accessways e.g. carriageways, etc, and land affected by any existing easement.
- The proposed reserves for roads, drains and location of drainage outlet and their alignment and dimensions.
- The proposed subdivided plot and their dimensions.
- The proposed use, siting and the dimensions of any proposed building or buildings on the plots.
- Existing buildings or other structures on the land to be retained and to be off-setted by a registered surveyor.
- Such other details as may be required Viz. existing site contours, proposed car parks, motor-cycle, lorry and coach parks, proposed traffic circulation, "kaki-lima", location of proposed SESCO substation site, pedestrian area, etc.
- Legend of the proposed uses.
- Title to the plan.
- Name, address and telephone number of Consultant responsible for the preparation of the plan.
- Plan to be coloured based on the Land and Survey Department standard colour scheme attached.
- Date of preparation of plan.
- State land applied for.

(c) Planning Brief

showing and shall contain:

- Objective or purpose of the brief.
- Background information regarding the land i.e. Lot description, area, locality, terms and conditions of title, encumbrances, classification and ownership.
- Site condition e.g. topography, existing drainage, existing access, etc.
- Description of proposal.
- Evaluation and justification: addressing Town and Country Planning issues, Environment impact issues, traffic circulation and traffic management/impact issues, urban design issues, population economic, industrial, and land-use trends among others.

STANDARD COLOUR CODE FOR APPLICATIONS FOR SUBDIVISION AND/OR DEVELOPMENT OF LAND

Colour	Uses
RED 	Commercial, Office and Business. The type of use may be denoted by alphabet e.g. Petrol Filling Station (P.F.S.), Market (M), Restaurant (R).
PINK 	Residential. The type of building may be denoted by alphabet.
VIOLET 	Industrial. The type of building and class of use may be denoted by alphabet.
GREEN 	Open Space, Parks and Greens agriculture land.
LIGHT GREEN 	Institutional and Government Reserves. (Includes Schools, Hospital, Cultural Buildings, welfare institution and Local Government buildings.) The type of use may be denoted by alphabet.
GREY 	Religious building. The type of building and religion may be denoted by alphabet.
YELLOW 	Land to be surrendered for road reserve.
BLUE 	Water bodies including drainage reserve.

- (d) Sketch building plan in scale not less than 1:200 showing:

(i) A FLOOR PLAN

A floor plan of each floor except where other floors are repetitive or are identical floors, containing the following information:-

- Figures dimensions of the lengths and breadths of the building and rooms and thickness of walls thereof.
- Dimensions of all door and window openings and open spaces of the building.
- The names and uses of rooms, and the floor to ceiling height.
- The floor area and useable floor area.
- Site plan showing all building lines at ground level and above ground level. (i.e. tower block).

(ii) SECTION DRAWING

- The existing ground level and proposed new ground level if the level of the site is to be raised or lowered, and the levels of existing and proposed roads.
- The height of storeys, staircases, doors, and windows.

(iii) ELEVATIONS

Front, rear and side elevations showing:-

- The levels of adjoining footways and verandah-ways.
- Part elevations of existing adjoining buildings showing their roof levels, roof pitch main copings, parapets and verandah heights.
- The materials and colour scheme proposed for the walls, window and roof.
- The location set-aside for advertising signs on buildings and proposals for the concealment of services air-conditioning plants.

(e) Other details as may be required by the State Planning Authority for the consideration of the application

- Perspective drawings of buildings and models of planning proposals.

(f) Payment of fees

To refer to scale of fees as may be agreed to by the State Planning Authority.

(g) Discretionary Matters

The planning officer processing applications for subdivision or development has the discretion to require that an accurate perimeter boundary be carried out if the subject site cannot be accessed or located or is of unusual site features i.e. undulating topography, existence of streams etc. In these cases a registered surveyor will have to carry out a first class survey and topographical survey at 1:1000 or as appropriate to establish the accuracy of lot boundaries and site features.

The applicant in their submission for an application for subdivision shall state that the perimeter boundary has been derived from the survey plan and survey data V iz. (bearing/distances) located in the Land and Survey Department, Survey section and also whether the perimeter boundary is based on 1st class and/or 3rd class Survey boundary data.

APPENDIX 9.4

**CHECKLIST FOR PROCESSING OF APPLICATION
FOR SUBDIVISION AND DEVELOPMENT OF
LAND/BUILDING**

CHECKLIST FOR PROCESSING OF APPLICATION FOR SUBDIVISION AND DEVELOPMENT OF LAND/BUILDING

6.2

(For Use By Planning Staff At Divisional Office)

FILE REFERENCE _____

DATE RECEIVED _____

APPLICANT _____

ADDRESS _____

6.1 GENERAL CONSIDERATIONS

The examination of applications is likely to follow a check-list consisting of a series of questions. Generally these will fall into six main groups:

(a) Activity

Is the activity proposed consistent with other policies and guidelines issued by the State Planning Authority?

Is the type of activity proposed consistent with the land use as shown in the Structure Plan/Local Plan?

Is the size of activity proposed consistent with the intentions of Structure Plan/Local Plan? (e.g. number of persons accommodated and number of jobs generated).

(b) Space

Is the land provided adequate to accommodate the land use proposed? i.e. building floor area, car parks, roads, services.

Is the proposed use in conformity with the existing/planned use for the area?

Is the intensity of development proposed consistent with the Structure Plan/Local Plan? (e.g. density, plot coverage, plot ratio, set-backs etc.)

(c) Transportations

Is the road hierarchy proposed consistent with the Structure Plan/Local Plan?

Are the type of roads and parking spaces proposed adequate for the proposed use? (e.g. Car parks, lorry parks, coach parks etc).

Is the proposed land use likely to cause peak hour traffic congestion? (e.g. peak hour and off-peak traffic volume).

(d) Aesthetics

Is the design of the building consistent with the character of the area? (e.g. facade, height, massing and general arrangement of the buildings).

Is the development proposal likely to cause adverse environmental impact? (e.g. Noise levels, pollution of land, water and air, landscape degradation).

Is the location of the SESCO substation appropriate e.g. if the 33KV substation is located next to road (25m and above), suggest a more suitable location.

(e) Utilities and Service Lines

Is the utility line routing proposed consistent with the Structure Plan/Local Plan? (e.g. electricity line, pylons, water supply pipes, telecommunication cables etc).

Is the location of the electrical substation consistent with the Local Plan? (e.g. set-backs and location along roads).

(f) Sustainability/Energy efficiency

Is the development energy efficient and in compliance with sustainable principles?

Obviously this listing is illustrative only, in practice only some of these questions may be asked and others would be raised in addition. But essentially they would relate to these six broad groups.

6.2 BACKGROUND INFORMATION

1. Land Information (Inclusive of State Land and Alienated Land)

Land Description	Area	Expiry Date	Title Condition	Registered Proprietor/ Power of Attorney	Remarks

2. Locality description

.....

.....

3. Cadastral Sheet Reference

.....

.....

4. Classification of land(s)

.....

.....

6.3 SITE INSPECTION INFORMATION

1. Date of inspection

2. **Road Access**

(a) Legal access ☐ Yes ☐ No

If yes, state width of Road Reserve

(b) Physical access ☐ Yes ☐ No
If Yes, state

(i) Type of road surface

(ii) Width of carriageway

(iii) Condition of carriageway

(iv) Status of road access ☐ State land ☐ Alienated land

(v) Vesting of road reserve ☐ Yes ☐ No

3. **Existing drainage**

(i) Type of drain

(ii) Size of drain

(iii) Direction of flow

(iv) Impact of development on existing drainage flow

.....
.....
.....

4. **Footpath**

Any footpath ☐ Yes ☐ No
If Yes, state

(i) Type of footpath

(ii) Width of footpath

(iii) Condition of footpath

5. Right-of-way

Any right-of-way
If Yes, state

☐ Yes

☐ No

(i) Whether registered

☐ Yes

☐ No

(ii) If registered, for whose benefit

(iii) Purpose of right-of-way

6. Existing Utilities

(i) Water supply

☐ Yes

☐ No

If Yes, how far is the nearest supply

(ii) Electricity supply

☐ Yes

☐ No

If Yes, how far is the nearest supply

How far is the nearest electrical substation

(iii) Telephone lines

☐ Yes

☐ No

(iv) Gas supply

☐ Yes

☐ No

7. Site Condition

(i) Topography

(ii) Any cutting of land

☐ Yes

☐ No

If Yes, how much cutting

(iii) Any filling of land

☐ Yes

☐ No

If Yes, how much filling

8. **Present Usage**

- (i) Subject land
- (ii) Neighbouring land
- (iii) Building(s) to be retained ☐ Yes ☐ No
If Yes, state
- (a) Any off-set ☐ Yes ☐ No
- (b) Use
- (c) Type
- (d) Condition

9. **Existing Facilities**

- (i) **Open space** ☐ Yes ☐ No
If Yes, state
- (a) Where and how far from subject land
- (b) Size
- (c) Facilities available
- (ii) **Shopping** ☐ Yes ☐ No
If Yes, state
- (a) Where and how far from subject land
- (b) No. of shop(s)
- (c) No. of storey
- (iii) **School** ☐ Yes ☐ No
If Yes, state
- (a) Name of school
- (b) Where and how far from subject land
- (c) Type
- (iv) **Public Transport** ☐ Yes ☐ No
If Yes, state
- How far is the nearest bus stop

10. Any other special features

[illegible]

11. A sketch plan of subject land and adjoining land to be submitted showing among others:-

- (i) Existing building(s)
- (ii) Existing access alignment
- (iii) Existing topography
- (iv) Existing utility line
- (v) Existing drainage alignment
- (vi) Existing footpath
- (vii) Existing right-of-way
- (viii) Locality Plan
- (ix) Existing Land-Use (Including Adjacent Lots)
- (x) Approved, committed, proposed subdivision/Development/Siting and File reference concerned (if Applicable).

6.4 PROPOSED DEVELOPMENT BY APPLICANT

1. Description of application
2. Description of proposal (e.g. No. of units, type of use, type of building etc.)
3. No. of storey and floor usage

6.5 COMMENTS ON APPLICANT'S PROPOSAL

(a) Access leading to site

(i) Legal

☐ Yes

☐ No

If Yes, state whether

☐ Adequate

☐ Not Adequate

(ii) Physical

☐ Yes

☐ No

If Yes, state whether

☐ Adequate

☐ Not Adequate

(b) Density

☐ Acceptable

(u/ha) (u/ac.)

☐ Not Acceptable

(u/ha) (u/ac.)

(c) Plot Ratio (complex development)%

(d) Roothing Plan

☐ In accordance with Overall Roothing

☐ Not in accordance with Overall Roothing

(e) Traffic Circulation
(e.g. for shops, complexes,
etc.)

☐ Acceptable

☐ Not acceptable because

(f) Building Set-backs
(Detailed checking to be
shown on site plan)

☐ Adequate

☐ Inadequate

If inadequate state:

Minimum shortage (m) (%)

Maximum shortage (m) (%)

(g) Parking (Attach
Carpark Calculation)

Proposed:

Required:

☐ Adequate (Excess)

☐ Not Adequate (Shortage)

(h) SESCO Substation provision

☐ Yes

☐ No

If Yes, state whether

☐ Acceptable

☐ Not acceptable

(i) Open space provision

☐ Yes

☐ No

If Yes, state whether

☐ Acceptable

☐ Not acceptable

(i) Building Dimension

☐ Acceptable

☐ Not acceptable

If not acceptable, state reasons

ii) Building Design ☐ Acceptable ☐ Not acceptable

If not acceptable, state reasons (for shophouses and commercial development only)

.....
.....

(iii) Building Colour Scheme ☐ Acceptable ☐ Not acceptable

If not acceptable, state reasons
.....
.....

Any Drainage Discharge ☐ Yes ☐ No
problem

If Yes, state ☐ Acceptable ☐ Not acceptable
whether drainage provision

Traffic Impact Report ☐ Required ☐ Not required

If required, state whether ☐ Acceptable ☐ Not acceptable

If report not acceptable, state reasons
.....
.....

Environmental Impact ☐ Required ☐ Not required
Assessment Report

If required, state whether ☐ Acceptable ☐ Not acceptable

If this report not acceptable, state reasons
.....
.....

(m) Landscape Plan ☐ Required ☐ Not required
Maybe required depending
on scale of development.

(n) Centralised Sewage ☐ Provided ☐ Not provided
Disposal

(o) Rubbish Disposal ☐ Provided ☐ Not provided

If provided, state whether ☐ Acceptable ☐ Not acceptable

(p) Pollution ☐ Yes ☐ No

If Yes, state details
.....
.....

6.6 COMMENTS FROM RELEVANT AUTHORITIES

1. Section 47/48

☐ Yes

☐ No

If Yes, state the gazette, date, purpose and comment from the relevant authority

.....

.....

.....

.....

.....

.....

.....

.....

2. Is the proposal affected by any regulation/
requirement of the relevant authority e.g.
Civil Aviation Department, Natural Resources
Environment Board, Local Authorities,
Sarawak River Board, Education Department,
Industrial Co-ordination Department and
Public Authority Agencies, etc.

☐ Yes

☐ No

If Yes, state the comments from the relevant authority

.....

.....

.....

.....

.....

.....

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.....

3. "Designated Area"

☐ Yes

☐ No

If Yes, state whether the application needs State Planning Authority approval and the comment from
the Land and Survey Department

.....

.....

.....

.....

.....

.....

.....

.....

COMPARISON TABLE

NO.	ITEMS	APPLICANT'S PROPOSAL	STANDARD REQUIREMENT	VARIANCE OF PROPOSAL
1.	Number of units			
2.	Density			
3.	Car parking: Attach Calculations			
4.	Setback (State actual and percentage of relaxation where inadequate)			
5.	Building height storey			
6.	Land Use			
7.	Floor use/ Floor space (Area in m ²)			
8.	Plot Ratio			
9.	Plot Coverage			

10. OTHER COMMENTS:

.....

.....

.....

.....

6.7 RECOMMENDATION

- (i) Recommendation by Planning Staff to Planning Officer

Recommended ☐

Conditions (if any): _____

Not Recommended ☐

Reasons: _____

Signature of staff checking: _____

Date: _____

- (ii) Decision by Planning Officer

Signature of Planning Officer: _____

Date: _____

APPENDIX 9.5 STATE PLANNING AUTHORITY PROCESSING
FORMS

**LAND CODE (AMENDMENT) ORDINANCE, 1997
(PART X, SEC. 232)**

**APPLICATION FOR SUBDIVISION AND DEVELOPMENT OF LAND FOR THE CONSIDERATION OF
STATE PLANNING AUTHORITY**

- 1) Name of Applicant/Consultant

- 2) Particulars of Land (Detailed description of Land -see reverse)

- 3) Nature of Application (*if involving applications for State land / Land Reclassification - see attached SPA Form 2A or 2B*)

- 4) Comments on the Application (as submitted)
 - Layout :
 - Density :
 - Car Parks :
 - Building Set back :
 - Open Space :

- 5) Recommendation by
 - DLS :
 - Div. PO. :

- 6) Recommendation by the Secretariat

Decision by the State Planning Authority

Approved ☐

Not Approved ☐

Other Decision ☐

Date of Meeting : _____

File No. : _____

CHAIRMAN
(State Planning Authority)

BACKGROUND INFORMATION ON THE LAND

1. Name of Registered Proprietor(s):
2. Lot No.
3. Total Area
4. Locality
5. Term of Title to the Land
6. Special Condition of Title
7. Land Classification
8. Whether Sec. 47/48?
 - (i) Gazette No. :
 - (ii) Purpose :
9. Previous Application/Approval/and other remarks on the applications

LAND CODE (AMENDMENT) ORDINANCE, 1997
(PART X, SEC. 232)

APPLICATION FOR THE SUBDIVISION AND DEVELOPMENT OF LAND
For residential use (dwelling houses) only not exceeding 40 units or 5 acres

- 1) Name of Applicant/Consultant
- 2) Particulars of Land (Detailed Description of land - see reverse)
- 3) Nature of Application
- 4) Comments on the Application (as submitted)
 - Layout :
 - Density :
 - Building Set back :
 - Open Space :
- 5) Recommendation by
 - DLS :
 - Div. PO. :
- 6) Recommendation by the Secretariat
- 7) Recommendation by Planning Advisor

File No. : _____

BACKGROUND INFORMATION ON THE LAND

1. Name of Registered Proprietor(s):
2. Lot No.
3. Total Area
4. Locality
5. Term of Title to the Land
6. Special Condition of Title
7. Land Classification
8. Whether Sec. 47/48?
 - (i) Gazette No. :
 - (ii) Purpose :
9. Previous Application/Approval/and other remarks on the applications

**LAND CODE (AMENDMENT) ORDINANCE, 1997
(PART X, SEC. 232)**

Processing Form for Agricultural Subdivision

- 1) Name of Applicant/Consultant

- 2) Particulars of Land (Detailed description of land - see reverse)

- 3) Nature of Application

- 4) Comments on the Application (as submitted)

☐ Size of agriculture plots
☐ General Roothing
☐ No. of agricultural plots
☐ Other Comments

- 5) Recommendation by

DLS

Superintendent

- 6) Recommendation by Planning Division, Ministry of Planning and Resource Management

☐ Recommended for approval
☐ Not Recommended for approval

- 7) Decision of Director of Lands and Surveys, or (A Public Officer) acting on behalf of the State Planning Authority under delegated power.

Approved

Not Approved

File No. : _____

Date of Meeting : _____

Director,

(Land and Survey Department)

Note: Background information is similar to previous page.

Agricultural Subdivision has been delegated to Director of Lands & Surveys, check with DLS regarding processing form details.

LAND CODE
(Section 13)

**APPLICATION FOR ALIENATION OF STATE LAND IN CONJUNCTION WITH APPLICATION FOR
DEVELOPMENT/SUBDIVISION OF LAND**

- 1) Name of Applicant:
- 2) Particulars of Land:
- 3) Area of State land:
- 4) Comments from Land and Survey Department:
- 5) Comments from the Secretariat:
- 6) Recommendation by the Secretariat

*Decision by the Minister of Planning and Resource Management /
Chairman State Planning Authority*

Approved

Not Approved

Other Decision

(Minister of Planning and Resource Management)

Date of Meeting : _____

File No. : _____

LAND CODE
(Section 4)

APPLICATION FOR RECLASSIFICATION OF LAND IN CONJUNCTION WITH APPLICATION FOR DEVELOPMENT/SUBDIVISION OF LAND

- 1) Name of Applicant:
- 2) Application for Reclassification from to
- 3) Area of land:
- 4) Comments from Land and Survey Department:
- 5) Comments from the Secretariat:

*Decision by the Minister of Planning and Resource Management /
Chairman State Planning Authority*

Approved

Not Approved

Other Decision

(Minister of Planning and Resource Management)

Date of Meeting : _____

Relevant File ref. : _____

APPENDIX 9.6 DRAFT LETTER TO ACCOMPANY FORM Q APPROVAL

Examples of the draft letter to convey decision of the State Planning Authority by the Secretary. Please see attachments.

The State Planning Authority's decision may be in any of the following forms:-

- (i) Approved according to applicant's submission.
- (ii) Approved according to the State Planning Authority's proposal. (includes proposal by Director and Superintendents of Land and Survey Department).
- (iii) Not approved.
- (iv) To request the applicant to submit revised proposal.
- (v) To request the applicant to resubmit at a later date.

MEMORANDUM RASMI

DARIPADA	Setiausaha Majlis Perancangan Negeri	KEPADA	Penguasa Tanah dan Survei Bahagian
PERKARA		SALINAN KEPADA	
RUJ. KAMI	TARIKH	RUJ. TUAN	TARIKH

The above quoted application has been considered during the meeting of the State Planning Authority. I am pleased to inform that the Authority has approved the plan/proposal as submitted by the applicant subject to the following conditions:-

- (i) the subdivision and development of land should be in accordance with the applicant's plan duly endorsed as the "Approved Plan" plan No , two copies of which are attached herewith;
 - (ii) the accuracy of the perimeter boundary of the land submitted by the applicant;
 - (iii) the surrender to the State free of all costs the portion of the land as washed yellow in the plan;
 - (iv) the engineering plans for the construction of the engineering works should be submitted for approval. No earthworks on the site should be carried out until the engineering plans have been approved;
 - (v) the applicant should ensure that there is satisfactory drainage and outlet for the scheme;
 - (vi) the applicant is to confirm with SESCO as to the siting and requirement of substation site for the scheme;
 - (vii)
 - (viii)
2. This approval is valid for a period of 24 months from the date as shown in the "Approved Plan". If, within that time, the works covered by the engineering plans have not been commenced, the survey of the land is not completed satisfactory, then the approval granted shall lapse.
3. You are to convey the approval to the applicant within a period of 7 working days from the date of the receipt of this memorandum. A copy of your reply to the applicant should be extended to me and to your Director for record purposes.

"BERSATU BERUSAHA BERBAKTI"

(HAJI ZAIDI K. ZAINIE)
Setiausaha, Majlis Perancangan Negeri/
Setiausaha Tetap, Kementerian Perancangan dan Pengurusan Sumber

s.k. Pengarah Tanah dan Survei, SARAWAK.
(Attached herewith is copy of "The Approved Plan" plan No _____ for your information.)

MEMORANDUM RASMI

DARIPADA	Setiausaha Majlis Perancangan Negeri	KEPADA	Penguasa Tanah dan Survei Bahagian
PERKARA		SALINAN KPD.	
RUJ. KAMI	TARIKH	RUJ. TUAN	TARIKH

The above quoted application has been considered during the meeting of the State Planning Authority. The Authority found the plan/proposal as submitted by the applicant unacceptable.

2. However, I am pleased to inform that the Authority has agreed to approve the application subject to the following:-
 - (i) the subdivision and development of land should be in accordance with the amended plan duly endorsed as the "Approved Plan" plan No. _____, two copies of which are attached herewith;
 - (ii) the accuracy of the perimeter boundary of the land submitted by the applicant;
 - (iii) the surrender to the State free of all costs the portion of the land as washed yellow in the plan;
 - (iv) the engineering plans for the construction of the engineering works should be submitted for approval. No earthworks on the site should be carried out until the engineering plans have been approved;
 - (v) the applicant should ensure that there is satisfactory drainage and outlet for the scheme;
 - (vi) the applicant is to confirm with SESCO as to the siting and requirement of substation site for the scheme;
2. This approval is valid for a period of 24 months from the date as shown in the "Approved Plan". If, within that time, the works covered by the engineering plans have not been commenced, the survey of the land is not completed satisfactory, then the approval granted shall lapse.
3. You are to convey the approval to the applicant within a period of 7 working days from the date of the receipt of this memorandum. A copy of your reply to the applicant should be extended to me and to your Director for record purposes.

"BERSATU BERUSAHA BERBAKTI"

(HAJI ZAIDI K. ZAINIE)
Setiausaha, Majlis Perancangan Negeri/
Setiausaha Tetap, Kementerian Perancangan dan Pengurusan Sumber

s.k. Pengarah Tanah dan Survei, SARAWAK.
(Attached herewith is copy of "The Approved Plan" plan No _____ for your information.)

MEMORANDUM RASMI

DARIPADA	Setiausaha Majlis Perancangan Negeri	KEPADA	Penguasa Tanah dan Survei Bahagian
PERKARA		SALINAN KPD.	
RUJ. KAMI	TARIKH	RUJ. TUAN	TARIKH

Permohonan tersebut di atas telah dikemukakan kepada mesyuarat Majlis Perancangan Negeri. Dukacita dimaklumkan bahawa permohonan ini tidak diluluskan oleh pihak Majlis.

2. Pihak tuan adalah dikehendaki memberi jawapan kepada pemohon dalam tempoh 7 hari bekerja, mulai dari tarikh memorandum ini diterima. Sesalinan surat jawapan tersebut hendaklah dihantar kepada Pengarah Tanah dan Survei dan Majlis Perancangan Negeri untuk maklumat dan simpanan.

"BERSATU BERUSAHA BERBAKTI"

(ABANG KASSIM ABANG ZAWAWI)
b.p. Setiausaha, Majlis Perancangan Negeri/
Setiausaha Tetap, Kementerian Perancangan dan Pengurusan Sumber

s.k. Pengarah Tanah dan Survei, SARAWAK
(Memorandum tuan rujukan _____ bertarikh _____ adalah dirujuk).

MEMORANDUM RASMI

DARIPADA	Setiausaha Majlis Perancangan Negeri	KEPADA	Penguasa Tanah dan Survei Bahagian
PERKARA		SALINAN KPD.	
RUJ. KAMI	TARIKH	RUJ. TUAN	TARIKH

The above quoted application has been considered by the State Planning Authority. The Authority has decided that you require the applicant to submit new plan for consideration based on the following:-

- (i)
- (ii)
- (iii)
- (iv)
- (v)
- (vi)

2. You are to convey the Authority's decision to the applicant within a period of 7 working days from the date of the receipt of this memorandum. A copy of your reply to the applicant should be extended to me and to your Director for record purposes.

"BERSATU BERUSAHA BERBAKTI"

(HAJI ZAIDI K. ZAINIE)
Secretary,
State Planning Authority/
Permanent Secretary,
Ministry of Planning and Resource Management

c.c. Director,
Land and Survey Department.

APPENDIX 9.7

**A SAMPLE OF THE 'CONDITIONS THAT THE
STATE PLANNING AUTHORITY MAY IMPOSE IN
GRANTING APPROVAL TO APPLICATION(S) TO
SUBDIVISION AND DEVELOPMENT'**

CONDITIONS THAT THE STATE PLANNING AUTHORITY MAY IMPOSE IN GRANTING APPROVAL TO APPLICATION FOR SUBDIVISION AND DEVELOPMENT

- (i) The subdivision of the land/development of the land should be in accordance with the approved plan ref., 2 copies of which are attached herewith.
- (ii) The accuracy of the perimeter boundary of the land submitted by the applicant.
- (iii) The surrender to the State free of all costs the portion of the land as washed yellow in the attached plan for the purposes of road reserve, open space and other reserves.
- (iv) The engineering plans for the construction of the engineering works should be submitted for approval. No earthworks on the site should be carried out until the engineering plans have been approved.
- (v) The proposed building on plots should be restricted to storeys and the permitted floor usage is:-
 - (a) 3rd
 - (b) 2nd
 - (c) 1st
 - (d) Ground floor
- (vi) The facade of the building should be as per the attached drawing. Please ensure that this facade is incorporated in the building plan submission for approval. In this connection you are to extend a copy of the approved facade of the building for the information and record of the Council.
- (vii) The roof of the shophouse/commercial building should be of pitch roof type.
- (viii) The design of the building for shophouse/ commercial/office must make provision for space for air conditioners so that they will not be exposed in an unsightly manner.
- (ix) The low-cost houses or flats must be sold at a price not exceeding Rm40,000 either to the Housing and Development Commission or to a person of low-income group as approved by the Housing and Development Commission. In this connection, you are to inform the Housing and Development Commission concerning this condition of approval.
- (x) The low-cost-plus houses or flats must be sold at a price not exceeding RM80,000. In this connection, you are to monitor the price of these houses or flats at the time of the issue and transaction pertaining to these new titles. You are also to inform the developer/registered proprietor to erect a billboard advertising the price of the houses on the subject land upon commencement of the development and to maintain the billboard in satisfactory condition until the completion of the project, i.e. until the issue of the new titles. The billboard is to measure 5.25m² (1.5m x 3.5m), erected about 1.35m above ground and clearly visible from the nearest public road.
- (xi) This approval is valid for a period of 24 months from the date of "the approved plan". If within that time,
 - (a) the works covered by the engineering plans have not been commenced or where such works are not required, the survey of the land is not satisfactorily completed;
 - or
 - (b) the development as a whole is not completed within; the approval granted shall lapse.
- (xii) The land for open space should be earthfilled, levelled, turfed, and planted with appropriate trees. The landscaped plan should be submitted for approval.
- (xiii) The applicant should ensure that there is satisfactory drainage and outlet for the scheme.
- (xiv) The payment of normal premium for the alienation of the State land.

- (xv) This approval is subject to the condition that there is no industrial activities in the premises which will cause pollution/hazard/nuisance to the environment.
- (xvi) Based on the title condition of the land as reported vide your memorandum ref this application will involve the variation of the title condition. In view of this, premium is to be levied and appropriate special condition based on the new usages are to be imposed on the title.
- (xvii) The ingress and egress from is temporary and should be closed when alternative permanent access is available.
- (xviii) You can only recommend the depositing of the survey plan under Section 234(5)(a) to your Director when continuous legal access has been made available.
- (xix) The submission of the Environmental Impact Assessment (EIA) study report or (EIS) to the Controller of Natural Resources and Environment Board.
- (xx) The existing building or part of the building on plot. may be retained. However, if the building is to be rebuilt, normal building setbacks must be complied with.
- (xxi) The issue of strata titles upon the completion of the building is subject to the compliance of the requirements of the Strata Titles Ordinance.
- (xxii) The building proposed on plots must front the road reserve ofm and obtain its access from them road reserve. The building setback at the front and rear should bem andm respectively.
- (xxiii) The payment of RM to the Land and Survey Department in lieu of the actual provision of car parking/lorry parks on the site.
- (xxiv) There should be no window or other openings along the boundary walls of plot
- (xxv) The facade of the proposed shophouse should be in keeping with the existing facade of the building on adjoining lots.
- (xxvi) The detailed building plans for the proposed complexes are to be submitted for consideration of the State Planning Authority.
- (xxvii) The petrol filling station should comply with all the by-laws and regulations governing the storage and sale of petroleum.
- (xxviii) Confirmation from the relevant public utility agencies e.g. SESCO, JKR, LAKU that arrangement will be made so that connection to adequate public service(s) will be available to all lots proposed by this application before the issue of titles.
- (xxix) The variation of the title condition of the land/change of the floor use of the building from to is approved subject to the payment of enhanced premium and payment in lieu of actual provision of car parks on site amounting to RM Acceptance of the above and payment must be made within 30 days from the date of this letter. (Land and Survey Department's Land Administration Circular No. 4/1997 dated 23rd April, 1997 is relevant).
- (xxx) To confirm with SESCO as to the siting and requirement of substation site for the scheme.

APPENDIX 9.8 CONTENTS OF STATE PLANNING AUTHORITY'S "APPROVED PLAN"

THE STATE PLANNING AUTHORITY'S APPROVED PLAN MAY CONSIST OF THE FOLLOWING:-

- PLANS (LAYOUT PLAN AND SITE PLAN).
- SKETCH BUILDING PLANS SHOWING FLOOR PLANS, SECTIONS AND ELEVATIONS DRAWINGS.
- BUILDING HEIGHT.
- ROOF DESIGN (WHERE APPLICABLE).
- PERSPECTIVE OF THE PROPOSAL (DEPENDING ON THE SCALE AND NATURE OF THE PROJECT).
- APPROVED TERMS AND CONDITIONS OF APPROVAL.

APPENDIX 9.9 **SUPERINTENDENT'S MEMORANDUM TO
PERMANENT SECRETARY, MINISTRY OF
PLANNING AND RESOURCE MANAGEMENT/
SECRETARY STATE PLANNING AUTHORITY**

MEMORANDUM RASMI

DARIPADA	Penguasa Tanah dan Survei	KEPADA	Setiausaha Majlis Perancangan Negeri
PERKARA		MENERUSI	Pengarah Tanah dan Survei
RUJ. KAMI	TARIKH	RUJ. TUAN	TARIKH

I forward herewith the above quoted application for your consideration please. The following documents are enclosed for your perusal:-

- | | | |
|-----|---|--------------------------|
| (a) | Three copies of the applicant's proposal | <input type="checkbox"/> |
| (b) | Three copies of the Divisional recommended proposal | <input type="checkbox"/> |
| (c) | A copy of the site inspection report | <input type="checkbox"/> |
| (d) | A copy of letter of authorisation | <input type="checkbox"/> |
| (e) | A copy of the Extract of title of the land | <input type="checkbox"/> |
| (f) | Two sets of sketch building plans showing the floor, plan sections and elevations of the proposed building (where applicable) | <input type="checkbox"/> |
| (g) | Two copies of planning brief (where applicable) | <input type="checkbox"/> |
| (h) | A copy of roading proposal on a scale of 1:5,000 | <input type="checkbox"/> |
| (i) | A copy of comments from the relevant authority (where applicable) | <input type="checkbox"/> |

2. My comments and recommendations on the application are detailed hereunder:

PART I BACKGROUND INFORMATION

1. Land Information
(Inclusive of State Land and Alienated Land)

Land Description	Area	Expiry Date	Title Condition	Registered Proprietor/ Power of Attorney	Remarks

2. Locality description
-
3. Cadastral Sheet Reference
-
4. Classification of land(s)
-

PART II**SITE INSPECTION INFORMATION**

1. Date of inspection

2. **Road Access**

(a) Legal access ☐ Yes ☐ No

If yes, state width of
Road Reserve

(b) Physical access ☐ Yes ☐ No
If Yes, state

(i) Type of road surface

(ii) Width of carriageway

(iii) Condition of
carriageway

(iv) Status of road access ☐ State land ☐ Alienated land

v) Vesting of road reserve ☐ Yes ☐ No

3. **Existing drainage**

(i) Type of drain

(ii) Size of drain

(iii) Direction of flow

(iv) Impact of development on existing drainage flow

4. **Footpath**

Any footpath ☐ Yes ☐ No
If Yes, state

(i) Type of footpath

(ii) Width of footpath

(iii) Condition of footpath

5. Right-of-way

Any right-of-way
If Yes, state

☐

Yes

☐

No

(i) Whether registered

☐

Yes

☐

No

(ii) If registered, for whose benefit

(iii) Purpose of right-of-way

6. Existing Utilities

(i) Water supply

☐

Yes

☐

No

If Yes, how far is the nearest supply

(ii) Electricity supply

☐

Yes

☐

No

If Yes, how far is the nearest supply

How far is the nearest electrical substation

(iii) Telephone lines

☐

Yes

☐

No

(iv) Gas supply

☐

Yes

☐

No

7. Site Condition

(i) Topography

(ii) Any cutting of land

☐

Yes

☐

No

If Yes, how much cutting

(iii) Any filling of land

☐

Yes

☐

No

If Yes, how much filling

8. Present Usage

(i) Subject land

(ii) Neighbouring land

(iii) Building(s) to be retained

☐

Yes

☐

No

If Yes, state

(a) Any off-set

☐

Yes

☐

No

(b) Use

(c) Type

(d) Condition

9. **Existing Facilities**

(i) **Open space**

☐ Yes

☐ No

If Yes, state

(a) Where and how far from subject land

(b) Size

(c) Facilities available

(ii) **Shopping**

☐ Yes

☐ No

If Yes, state

(a) Where and how far from subject land

(b) No. of shop(s)

(c) No. of storey

(iii) **School**

☐ Yes

☐ No

If Yes, state

(a) Name of school

(b) Where and how far from subject land

(c) Type

(iv) **Public Transport**

☐ Yes

☐ No

If Yes, state

How far is the nearest bus stop

10. **Any other special features**

11. **A sketch plan of subject land and adjoining land to be submitted showing among others:-**

- (i) Existing building(s)
- (ii) Existing access alignment
- (iii) Existing topography
- (iv) Existing utility line
- (v) Existing drainage alignment
- (vi) Existing footpath
- (vii) Existing right-of-way
- (viii) Locality Plan
- (ix) Existing Land Use (Including Adjacent Lots)
- (x) Approved, committed, proposed Subdivision/Development/ Siting and file reference concerned (if applicable).

PART III PROPOSED DEVELOPMENT BY APPLICANT

1. Description of application
.....
.....
2. Description of proposal (e.g. No. of units, type of use, type of building etc.)
.....
.....
3. No. of storey and floor usage
.....
.....

PART IV COMMENTS ON APPLICANT'S PROPOSAL

- (1) Access leading to site
 - (i) Legal ☐ Yes ☐ No
 ☐ Adequate ☐ Not Adequate
 If Yes, state whether
 - (ii) Physical ☐ Yes ☐ No
 ☐ Adequate ☐ Not Adequate
 If Yes, state whether
- (2) Density ☐ Acceptable (u/ha) (u/ac.)
 ☐ Not Acceptable (u/ha) (u/ac.)
- (3) Plot Ratio (complex development)%
- (4) Roading Plan In accordance with Overall Roading
 Not in accordance with Overall Roading
- (5) Traffic Circulation Acceptable
 (e.g. for shops, complexes,
 etc.) Not acceptable because

(11)

(12)

- (6) Building Set-backs
(Detailed checking to be
shown on site plan)

☐ Adequate

☐ Inadequate

If inadequate state:

Minimum shortage (m) (%)

Maximum shortage (m) (%)

- (7) Parking (attach car park
calculation)

Proposed:

Required:

☐ Adequate (Excess)

☐ Not Adequate (Shortage)

- (8) SESCO Substation provision

☐ Yes

☐ No

If Yes, state whether

☐ Acceptable

☐ Not acceptable

- (9) Open space provision

☐ Yes

☐ No

If Yes, state whether

☐ Acceptable

☐ Not acceptable

- (10) (i) Building Dimension

☐ Acceptable

☐ Not acceptable

If not acceptable, state reasons

.....
.....

- (ii) Building Design

☐ Acceptable

☐ Not acceptable

If not acceptable, state reasons

.....
.....

- (iii) Building Colour Scheme

☐ Acceptable

☐ Not acceptable

If not acceptable, state reasons (for shophouses and commercial development only)

.....
.....

- (11) Any Drainage Discharge
problem

☐ Yes

☐ No

If Yes, state

☐ Acceptable

☐ Not acceptable

whether drainage provision

- (12) Traffic Impact Report

☐ Required

☐ Not required

If required, state whether

☐ Acceptable

☐ Not acceptable

If report not acceptable, state reasons

.....

- (13) Environmental Impact Assessment Report ☐ Required ☐ Not required
If required, state whether ☐ Acceptable ☐ Not acceptable

If this report not acceptable, state reasons

.....

.....

- (14) Landscape Plan ☐ Required ☐ Not required

Maybe required depending on scale of development.

- (15) Centralised Sewage Disposal ☐ Provided ☐ Not provided

- (16) Rubbish Disposal ☐ Provided ☐ Not provided

If provided, state whether ☐ Acceptable ☐ Not acceptable

- (17) Pollution ☐ Yes ☐ No

If Yes, state details

.....

.....

.....

.....

.....

PART V

COMMENTS FROM RELEVANT AUTHORITIES

1. Section 47/48

☐ Yes

☐ No

If Yes, state the gazette, date, purpose and comment from the relevant authority.

.....

.....

.....

.....

.....

.....

.....

2. Is the proposal affected by any regulation/requirement of the relevant authority e.g. Civil Aviation Department, Natural Resources Environment Board, Local Authorities, Sarawak River Board, Education Department, Industrial Co-ordination Department and Public Authority Agencies, etc.

☐ Yes

☐ No

If Yes, state the comments from the relevant authority

.....

.....

.....

.....

.....

.....

.....

3. "Designated Area"

☐ Yes

☐ No

If Yes, state whether the application needs State Planning Authority approval and the comment from the Land and Survey Department.

.....

.....

.....

.....

.....

.....

.....

PART VI RECOMMENDATIONS BY SUPERINTENDENT

1. Is applicant's proposal ☐ Acceptable ☐ Not acceptable
2. Divisional's recommended proposal, if any. ☐ Yes ☐ No

If Yes, attached revised layout with comparison table incorporated showing applicant's proposal, Department's proposal against standard requirements.

3. Divisional's recommended conditions, if any
-
-
-
-
4. Suggest an alternative proposal.
-
-
-
-

"BERSATU BERUSAHA BERBAKTI"

.....
(NAME OF PLANNING OFFICER)

b.p. Penguasa Tanah dan Survei
Bahagian

PART VII COMMENTS AND RECOMMENDATION BY DIRECTOR OF LAND AND SURVEY

Pengarah Tanah dan Survei

Date:

APPENDIX 10.1 **EXAMPLE OF ACKNOWLEDGEMENT LETTER**
BY DIVISIONAL SUPERINTENDENT

ACKNOWLEDGEMENT LETTER

To:
.....
.....
.....
.....
.....
.....

1. I acknowledge the receipt of your application ref dated for the
sub-division and/or development of land described as.....
.....
.....
.....
2. Your application has been filed under

Please quote the above file reference when enquiring about your application.
- 3*. To facilitate the processing of your application, please furnish me with the following:

.....
Superintendent of Lands and Surveys,
..... *Division*

** Delete if not applicable*

APPENDIX 12.6(A)

**FORM R. SUBMISSION OF SUBDIVISION
PLAN**

LAND CODE (AMENDMENT) 1997

**FORM R
(Section 234)**

To: The Superintendent of Lands and Surveys,
.....Division

SUBMISSION OF SUB-DIVISION PLAN

(TP.....)

I, (We) do hereby submit on behalf of the registered
proprietor(s)/registered power of attorney 10 copies of sub-division plan for the land described as
.....
.....
.....
.....
.....
..... for your consideration.

Signature:
Name of applicant:
Address:
.....

(For Official Use Only)

1. Amount of fees RM
2. Receipt No. Date
3. Name of officer receiving application

Notes to Form R

1. Form R is priced RM5.00.
2. One original copy of Form R is required to be submitted.
3. Only qualified person(s) who have the requisite professional qualification in Town Planning or Land Surveying or those who have at least 7 years of relevant working experience in Town Planning or Land Surveying may prepare and submit subdivision plan.
4. The qualified person(s) must affix his original signatures on all copies of subdivision plan.
5. All fees to be charged commencing from 1.1.1999.

PART V

(Rule 8)

Fees for submission of sub-division plan in Form R.

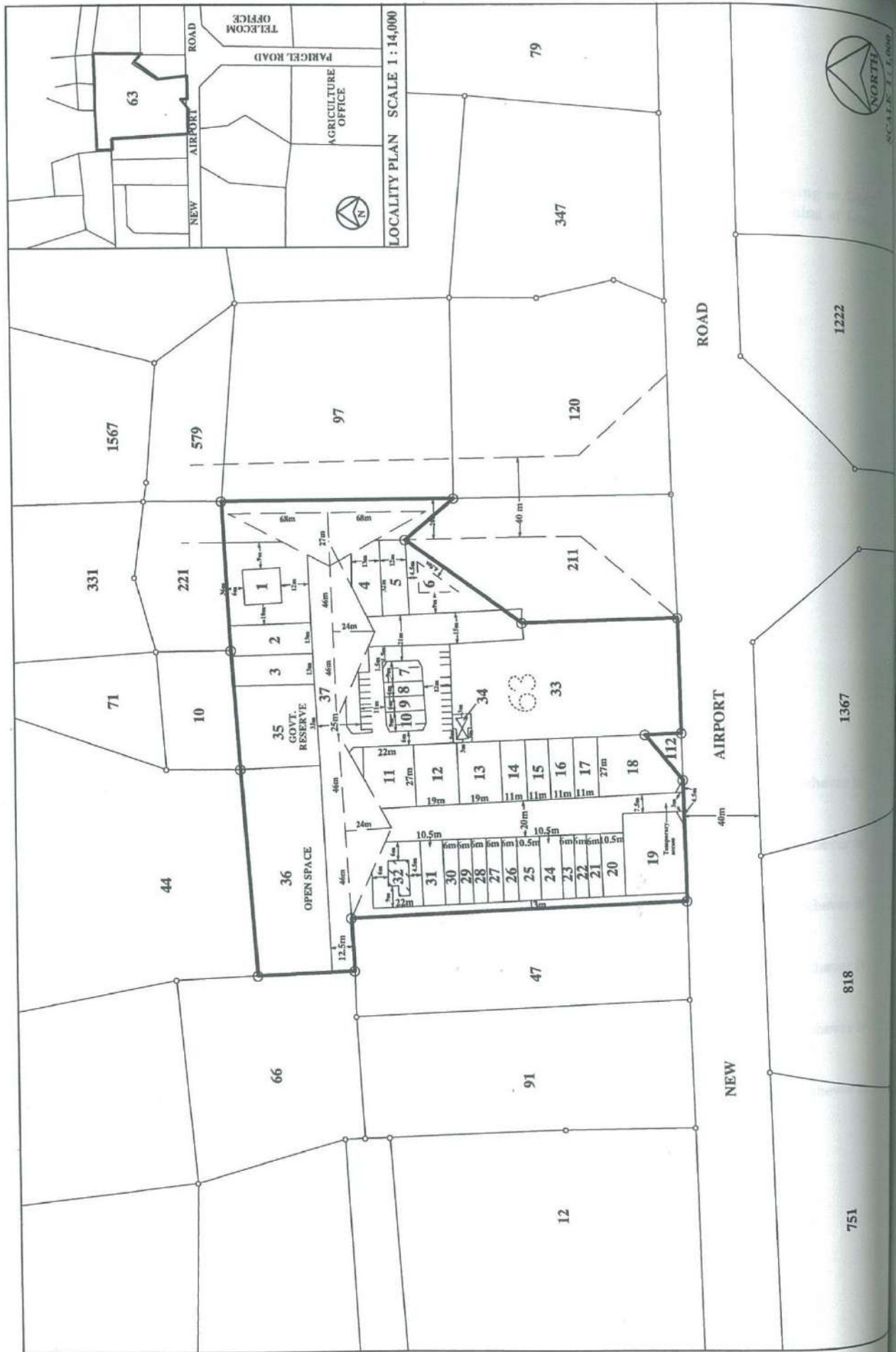
(1)

(2)

Category of Land

Agriculture	RM1.00 per lot
Residential	RM2.00 per unit
Commercial, i.e. shop and complexes	RM4.00 per unit or 50 sq. metres of gross floor area whichever is the higher.
Other Commercial	RM3.00 per unit or 50 sq. metres of gross floor area whichever is the higher.
Office	RM3.00 per unit or 50 sq. metres of gross floor area whichever is the higher.
Industrial	RM3.00 per unit or 50 sq. metres of gross floor area whichever is the higher.
Mixed Usage	RM3.00 per unit or 50 sq. metres of gross floor area whichever is the higher.
Any other uses	RM3.00 per unit or 50 sq. metres of gross floor area whichever is the higher.

APPENDIX 12.6(B) SAMPLE OF SUBDIVISION PLAN



SCHEDULE

PLOT NO.	PERMITTED USE	MAXIMUM NO. OF	MINIMUM PLOT	MINIMUM BUILDING SETBACKS (METERS)
TYPE				



SCALE 1:14,000

SCHEDULE

PLOT NO.	PERMITTED USE		NO. OF DWELLINGS	MAXIMUM NO. OF STOREYS	MINIMUM PLOT FRONTAGE (METRES)	MINIMUM BUILDING SETBACKS (METRES)			MINIMUM PLOT COVERAGE	AREA (MORE OR LESS)
	TYPE	USE				FRONT	SIDES LEAST ONE	TOTAL		
1	Detached	ground floor - industrial	-	2	24	9(E)	6(N)	18	60%	1332m ²
2 & 3	Semi-detached	first floor - office, store & Jaga's quarters	-	2	13.5	12	0	6	40%	418m ² (each)
4	Semi-detached	ground floor - industrial	-	2	12	9(E)	0	6	35% plus 9m ² permitted out - building	138m ²
5	Semi-detached	residential	1 one-family dwelling	2	10.5	9(E)	0	4.5	35% plus 9m ² permitted out - building	351m ²
6	Detached	residential	1 one-family dwelling	2	-	Building setbacks as shown on the plan	-	-	25% plus 9m ² permitted out - building	672m ²
7	Terrace	ground floor - commercial	-	4	9	0	0	0	100% (with kaki lima as shown)	160m ²
8 & 9	Terrace	first floor - commercial	-	4	6	0	0	0	100%	108m ² (each)
		second floor - residential	1 one-family dwelling	4	6	0	0	0	100% (with kaki lima as shown)	
		ground floor - commercial	-						100%	
		second floor - residential	-						100%	
10	Terrace	ground floor - commercial	1 one-family dwelling (each)	4	9	0	0	0	16.8m maximum depth	160m ²
		second floor - commercial	-						100% (with kaki lima as shown)	
		third floor - residential	-						100%	
11	Detached	residential	1 one-family dwelling	2	16.5	6(W)	4.5	10.5	25% plus 9m ² permitted out - building	629m ²
12 & 13	Detached	residential	1 one-family dwelling (each)	2	15	6	4.5	9	25% plus 9m ² permitted out - building	648m ² (each)
14-17	Semi-detached	residential	1 one-family dwelling (each)	2	10.5	6	0	4.5	35% plus 9m ² permitted out - building	297m ² (each)
18	Detached	residential	1 one-family dwelling	2	-	9(S)	4.5(E)	10.5	25% plus 9m ² permitted out - building	756m ²
19	Detached	residential	1 one-family dwelling	2	-	9(S)	4.5(W)	10.5	25% plus 9m ² permitted out - building	972m ²
20	Terrace	residential	1 one-family dwelling	2	10.5	6	0	4.5	35% plus 9m ² permitted out - building	283m ²
21-23	Terrace	residential	1 one-family dwelling (each)	2	6	6	0	0	14m maximum depth plus 9m ² permitted out - building	152m ² (each)
24 & 25	Terrace	residential	1 one-family dwelling (each)	2	10.5	6	0	4.5	35% plus 9m ² permitted out - building	233m ² (each)
26-30	Terrace	residential	1 one-family dwelling (each)	2	6	6	0	0	14m maximum depth plus 9m ² permitted out - building	162m ² (each)
31	Terrace	residential	1 one-family dwelling	2	10.5	6	0	4.5	35% plus 9m ² permitted out - building	283m ²
32	Detached	residential	1 one-family dwelling	2	22	6(E)	4.5	10.5	25% plus 9m ² permitted out - building	440m ²
33	-	Agricultural	-	-	-	-	-	-	-	4700m ²
34	-	Sewer substation - to be surrendered to the State free of all costs	-	-	13.3	1.35	3	6	-	177m ²
35	-	Government Reserve - to be surrendered to the State free of all costs	-	-	-	-	-	-	-	1201m ²
36	-	Open Space - to be surrendered to the State free of all costs, to be earth filled/cut, urfed and landscaped	-	-	-	-	-	-	-	2922m ²
37	-	Road reserve - to be surrendered to the State free of all costs	-	-	-	-	-	-	-	8106m ²

I/We request for the subdivision of Lot 63 Section 889 Kuching North Land District in the manner as shown on this plan and schedule. I/We understand that the areas of the subdivision plots shown therein are subject to survey confirmation.

REMARKS

- Engineering plans to be submitted for approval by Land and Survey Department.
 - The development or redevelopment of the subdivided plots shall be in accordance with plans, sections and elevation approved by the Superintendent/Director of Lands and Surveys as the case may be.
- Existing building as shown may be retained. If rebuilt, new building should comply with building setbacks as shown.
- State land to be allocated to form part of plot 18 subject to payment of premium.

SUBMITTED/DRAWN BY:

NAME: DATE:

SFA REGISTRATION NO.:

CHECKED BY:

NAME: DATE:

CONFIRMED IN ORDER BY
PLANNING OFFICER:

NAME: DATE:

APPENDIX 12.6(B): SAMPLE OF SUBDIVISION PLAN

APPENDIX 12.6(C)

EXAMPLE OF ACKNOWLEDGEMENT
LETTER BY DIVISIONAL
SUPERINTENDENT FOR SUBDIVISION
PLAN

ACKNOWLEDGEMENT LETTER

To:

.....

.....

.....

.....

.....

.....

1. I acknowledge the receipt of your application ref dated for the
sub-division plan of land described as
.....
.....

2. Your application has been filed under

Please quote the above file reference when enquiring about your application.

3* To facilitate the processing of your application, please furnish me with the following:

.....
Superintendent of Lands and Surveys,
..... *Division*

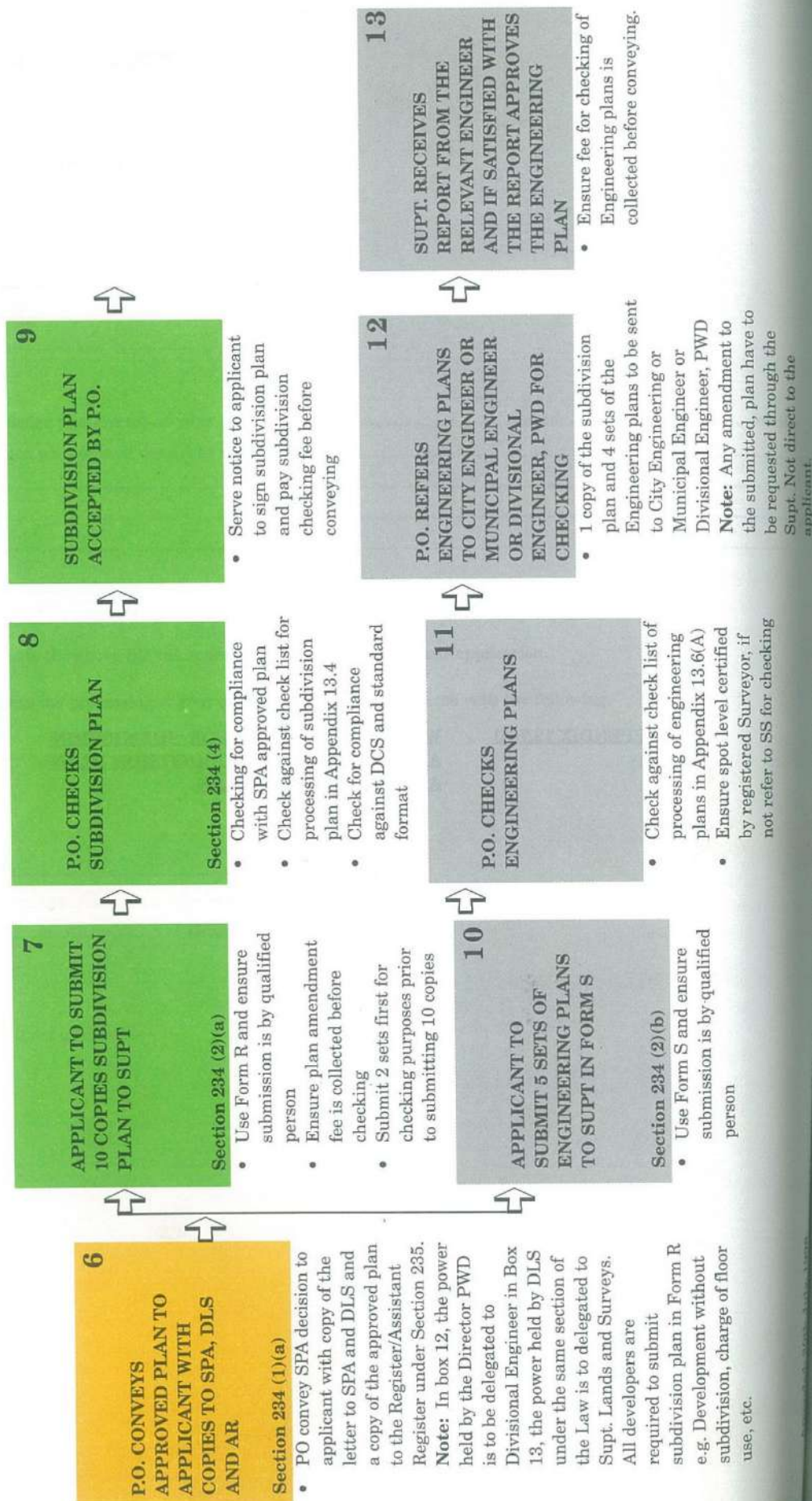
* *Delete if not applicable*

APPENDIX 12.7(A)

WORK FLOW CHART FOR SUBMISSION
AND APPROVAL OF SUBDIVISION PLAN
AND ENGINEERING PLAN

APPENDIX 12.7(A): WORK FLOW CHART FOR SUBDIVISION/DEVELOPMENT (ENGINEERING WORKS INVOLVED)

STAGE 2: SUBMISSION AND APPROVAL OF SUBDIVISION PLAN AND ENGINEERING PLAN



APPENDIX 12.7(B)

CHECKLIST FOR PROCESSING OF
SUBDIVISION PLAN

APPENDIX 12.7(B)**CHECKLIST FOR PROCESSING OF SUBDIVISION PLAN
(For Use By Planning Staff In The Divisional Office)**

FILE REFERENCE _____

DATE RECEIVED _____

APPLICANT _____

ADDRESS _____

1. General Checking

- | | | | |
|-------|--|------------------------------|-----------------------------|
| (i) | Is the planning approval valid | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (ii) | Is the perimeter boundary accurate | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (iii) | Is the number of plots shown the same as in the approved plan | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (iv) | Is the format/presentation in order (e.g. Locality diagram, North point, schedule, scale etc.) | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

2. Detailed Checking**(a) Layout Plan**

- | | | | |
|--------|--|------------------------------|-----------------------------|
| (i) | Is the plan accurately drawn according to the scale shown | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (ii) | Is the reserve(s) alignment correct | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (iii) | Is the reserve width correct | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (iv) | Are the truncation cuttings correct | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (v) | Are the number and dimensions of the car parks correct | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (vi) | Is the numbering of plots in order | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (vii) | Are the dimensions of plots correct | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (viii) | Are the information for survey in order | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (ix) | Has the land to be surrendered to the state been coloured | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (x) | Is the "kaki-lima" of the shophouse/ complex correct | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (xi) | Where pedestrianized area has been approved, is it correctly indicated | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

- | | | | |
|--------|---|------------------------------|-----------------------------|
| (xii) | Where corner cuts for shops/ complexes have been approved, are they correctly indicated | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (xiii) | Where temporary access has been approved, is it correctly indicated | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (xiv) | Has any building to be retained correctly indicated | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

(b) **Schedule**

- | | | | |
|--------|--|------------------------------|-----------------------------|
| (i) | Is the general format of the schedule in order | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (ii) | Is the plot numbering correct and in sequence | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (iii) | Is the description of the type, use and number of dwellings of each plot within the "permitted use" column correct | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (iv) | Are the details in the "Maximum No. of storey" column correct | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (v) | Are the details in the "Minimum Plot Frontage" column correct | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (vi) | Are the details in the "Minimum Building Set-backs" columns correct | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (vii) | Are the details in the "Minimum Plot Coverage" column correct | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (viii) | Are the details in the "Area" column correct | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (ix) | Are the notations in the "Remarks" column adequate and correct | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

2. **Recommendation by Planning Staff to Planning Officer**

Recommended

Subject to (if any): _____

Not Recommended

Reasons: _____

Signature of Staff Checking : _____

Name of Staff Checking : _____

Date : _____

4. **Decision of Planning Officer**

Accepted

☐

Not Accepted

☐

Reasons:

Signature of Planning Officer

:

Name of Planning Officer

:

Date

:

APPENDIX 13.6(A)

EXPLANATORY NOTES FOR PROCESSING
OF ENGINEERING PLAN AND CHECKLIST
FOR PROCESSING OF ENGINEERING
PLANS

Five sets of the engineering plans are to be submitted, containing the following:-

(i) **Locality Plan preferably in scale 1:10,000**

showing:

- Name of road
- Name of river
- Identifiable landmark
- The site under application clearly high-lighted
- The orientation of the locality plan should be the same as in the layout

(ii) **Spot level plan preferably in scale 1:1,000**

showing:

- Spot levels or contour lines of the land and adjoining lands.
- Existing drainage, alignment, invert levels and type of drain.
- Any existing road serving the land, its levels, width and road surface.

(iii) **Site layout plan preferably in scale 1:1,000**

showing:

- Proposed carriageway, drain, footpath, grass verge, hard shoulder, culverts, crossing, motor cycle/cycle tracks and their alignments and positions within the reserve.
- Proposed building platform levels, invert levels of drains and direction of flow .
- Chainage along centre line of road and labelling of road.

(iv) **Cross-Section Drawings in suitable scale**

Showing the road reserves, drains, culverts, crossing, retaining walls, etc.

Road cross-sections to follow the agreed Land and Survey Department Standard road cross-sections vide reference 4/5-5/69 dated 27.6.1996.

(v) **Longitudinal Sections in suitable scale of Roads and Drains**

Showing the proposed crown level, road formation level, existing ground level, fill, cut, road and drain gradients and drainage in meters.

(vi) Detailed calculations and specifications for all construction works to be attached to the plans e.g. relating to Road, drain, retaining wall, foot-path, etc.

FILE REFERENCE _____

DATE RECEIVED _____

APPLICANT _____

ADDRESS _____

DRAWING REFERENCE AND DATE _____

1. General Checking

- | | | | |
|-------|--|------------------------------|-----------------------------|
| (i) | Is the planning approval valid | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (ii) | Has the existing spot levels been certified by a registered surveyor (If not, refer plan to staff surveyor for checking). | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (iii) | Is the perimeter boundary accurate | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (iv) | Is the pattern of subdivision same as in the approved plan | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (v) | Is the linkage between the proposed and existing road and drainage match satisfactory | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (vi) | Is the drainage flow within the project (e.g. down stream channel satisfactory should be of the same or more capacity than up stream channel). | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

2. Detailed Checking**(a) Site Plan**

- | | | | |
|-------|---|------------------------------|-----------------------------|
| (i) | Is the colouring of the carriageway, drain, foot-path, grass verge, culvert, crossing etc. correctly indicated | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (ii) | Is the alignment and position of the carriageway, drain, foot-path, grass verge, culvert, hard shoulder, etc. correct | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (iii) | Is the proposed drainage outlet satisfactory (e.g. any drainage improvement, consent from affected land owner etc.) | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

- | | | | |
|--------|--|------------------------------|-----------------------------|
| (iv) | Has an existing up-stream drainage been satisfactorily catered for (e.g. any re-alignment, consent from affected land owner etc.) | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (v) | Where there are differences between the existing level of the adjoining land and the proposed finished level is there any engineering treatment provided | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (vi) | Has the levelling, turfing or planting on any open space been indicated | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (vii) | Has the levelling of any site for community use been indicated (e.g. market, religious etc.) | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (viii) | Where the construction of a road leading to the project is required, has it been correctly indicated | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

(b) **Typical Reserve Cross-Sections**

- | | | | |
|-------|---|------------------------------|-----------------------------|
| (i) | Is the dimension and position of the carriageway, drain, foot-path, grass verge, hard shoulder etc. correct | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (ii) | For 1/2 width road or dead-end road, where there are substantial differences in level, has any temporary safety traffic barrier been provided | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (iii) | Where there are existing developments on the adjoining land, whether the typical cross-sections adopted is following the cross-sections used in the above existing development | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (iv) | In case of half width cross-section where more than half of the reserve is available, full specifications apply plus minimum of 4.3m wide carriageway. Whether the centre-line of the carriageway follows the middle of the reserve | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (v) | Do the dimensions of the culverts match with the drain dimensions | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (vi) | Is the culvert position correctly situated at the neck of the junction (where the culvert serves a major drain, its position should be adjusted) | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (vii) | Have crossings being provided to link foot-paths and/or the carriageway | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

(c) **Longitudinal Sections of Roads and Drains**

- (i) Is the direction of flow the same as that in the site plan ☐ Yes ☐ No
- (ii) Is the drain and road gradients acceptable i.e. road gradient not steeper than 1:10 and drain gradient not gentler than 1:500 ☐ Yes ☐ No

(d) **D.I.D. Drains**

- (i) Has the detailed design of the drain been agreed by the D.I.D. ☐ Yes ☐ No
- (ii) Is railing along any stretch of the drain necessary ☐ Yes ☐ No
- If necessary, is it provided ☐ Yes ☐ No
- (iii) Has adequate reserve for servicing been provided along the side(s) of the drain ☐ Yes ☐ No

3. **Recommendation of Planning Staff to Planning Officer**

Recommended

Conditions (if any) : _____

Not Recommended

Reasons : _____

Signature of Staff Checking : _____

Name of Staff Checking : _____

Date : _____

4. **Decision of Planning Officer**

Signature of Planning Officer : _____

Date : _____

APPENDIX 13.6(B)

**FORM S. SUBMISSION OF ENGINEERING
PLAN**

To:

I, (We
propr

Signature
Name of
Address:

1. Amc
2. Rece
3. Nam

Notes to Fo

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engine
4. The qu
5. All fees

FORM S
(Section 234)

To: The Superintendent of Lands and Surveys,
..... Division

SUBMISSION OF ENGINEERING PLAN

(TP)

I, (We) do hereby submit on behalf of the registered proprietor(s)/registered power of attorney 5 sets of engineering plan for the land described as
.....
.....
.....
..... for your consideration.

Signature:

Name of applicant:

Address:

(For Official Use Only)

1. Amount of fees RM
2. Receipt No. Date
3. Name of officer receiving application

Notes to Form S

1. Form S is priced RM5.00 per copy.
2. One original copy of Form S is to be submitted.
3. Only qualified person(s) who have the requisite professional qualification in Civil Engineering or those who have at least 7 years of relevant working experience in Civil Engineering may prepare and submit civil engineering plans.
4. The qualified person(s) must affix his original signatures on all copies of the engineering plans.
5. All fees to be charged commencing from 1.1.1999

PART VI

(Rule 9)

Fees for submission of engineering plan in Form S.

(1)	(2)
<u>Category of Land</u>	<u>Fee</u>
Residential	RM2.00 per unit
Commercial, i.e. shops and complexes	RM4.00 per unit or 50 sq. metres of gross floor area whichever is the higher.
Other Commercial	RM3.00 per unit or 50 sq. metres of gross floor area whichever is the higher.
Office	RM3.00 per unit or 50 sq. metres of gross floor area whichever is the higher.
Industrial	RM3.00 per unit or 50 sq. metres of gross floor area whichever is the higher.
Mixed Usage	RM3.00 per unit or 50 sq. metres of gross floor area whichever is the higher.
Any other uses	RM3.00 per unit or 50 sq. metres of gross floor area whichever is the higher.

APPENDIX 13.6(C)

EXAMPLE OF ACKNOWLEDGEMENT
LETTER BY DIVISIONAL
SUPERINTENDENT FOR ENGINEERING
PLAN

ACKNOWLEDGEMENT LETTER

To:

.....

.....

.....

.....

.....

.....

1. I acknowledge the receipt of your application ref dated of
Engineering plan for the sub-division and/or development of the land described as.....
.....
.....
.....
2. Your application has been filed under
Please quote the above file reference when enquiring about your application.
- 3* To facilitate the processing of your application, please furnish me with the following:

.....
Superintendent of Lands and Surveys,
..... *Division*

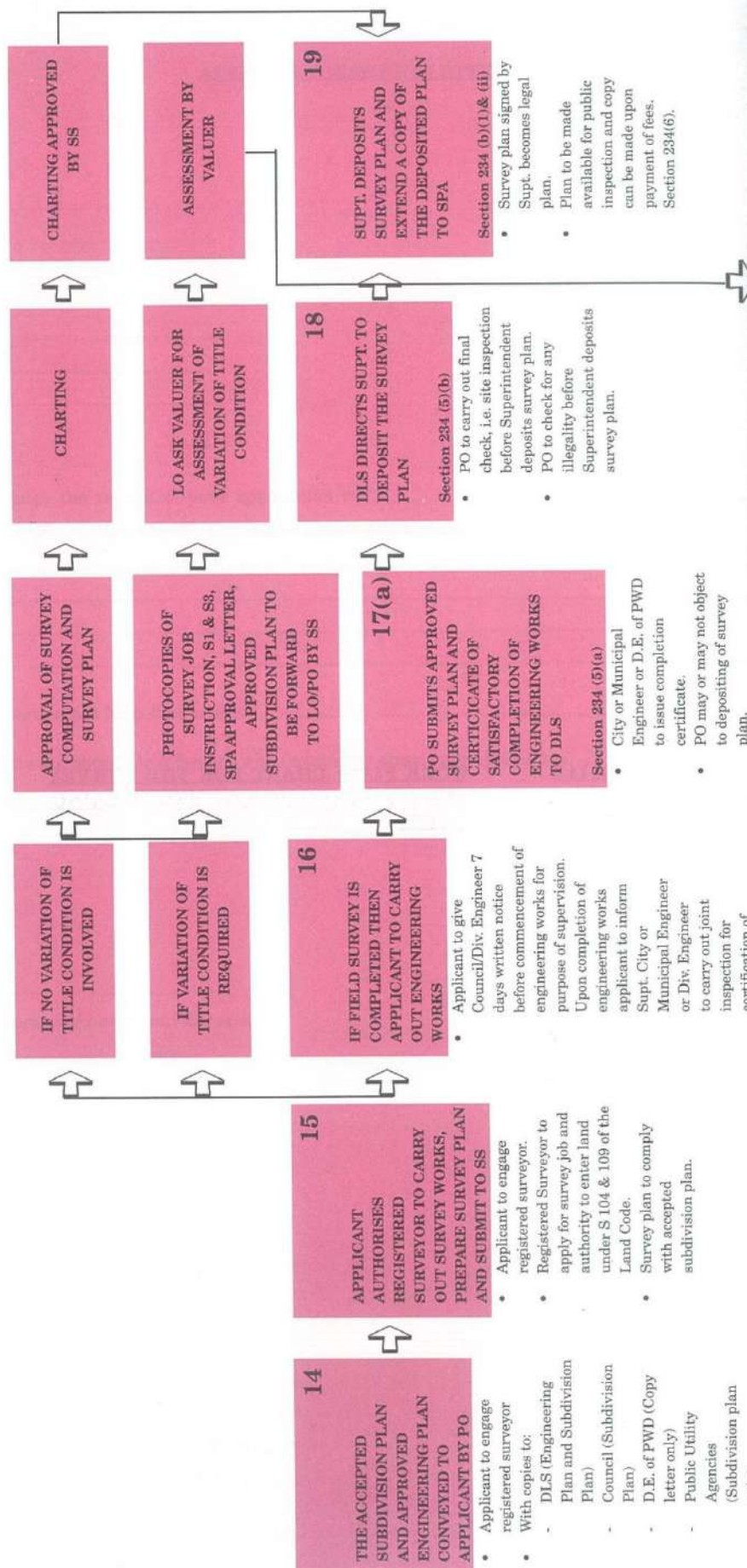
** Delete if not applicable*

APPENDIX 14.1

**WORK FLOW CHART FOR THE SURVEY
AND CONSTRUCTION OF ENGINEERING
WORKS**

APPENDIX 14.1: WORK FLOW CHART FOR SUBDIVISION/DEVELOPMENT

STAGE 3: SURVEY, CONSTRUCTION OF ENGINEERING WORKS BEFORE DEPOSITING OF PLANS



SUBMIT - If the title condition is required, if no condition is required, proceed to relevant box above.

• Survey job issued for preparation of survey plan.

APPENDIX 15.1

**WORK FLOW CHART FOR ISSUE OF
TITLES ON SUBDIVIDED LOTS UPON
SUBDIVISION OF LAND AND VARIATION
OF TITLE CONDITIONS**

WORK FLOW CHART

Activity: Issue of Titles on Subdivided Lots upon Subdivision of Land and Variation of Title Condition

Start

1

When land has been subdivided and the area of the subdivided lots computed and certified by Staff Surveyor, Survey Branch is to supply the following to the Land Branch for action



1.1

2 copies of a plan showing the subdivided lots.



1.2

A copy of Land and Survey Form 3 showing the area of the subdivided lots.



2

Upon receiving the above, Land Branch to prepare a Valuation Request. Send it to the Valuer to assess the premium and annual rent for the variation of the title condition or extension of the terms of titles (if any).



3

Upon receiving advice from Planning Officer that infrastructure works on the land have been completed and certified by the Local Council, Engineer or the Divisional Engineer of Jabatan Kerja Raya (JKR). Land Branch to take the following actions.



3.1

To work out the terms and conditions for the issue of titles for the subdivided lots based on Land Administration Circular No. 1/1994.



3.2

To submit the following to Director of Lands and Surveys for consideration to issue titles on the subdivided lots, unless delegated to Superintendent of Lands and Surveys.



3.2.1

A copy of a deposited plan showing the subdivided lots with proper legend and locality plan.



3.2.2

Detailed terms and conditions for the issue of the titles for the subdivided lots.



3.2.3

A copy of Valuation Request showing the detailed assessment of the premium and annual rent.

B

B

4

Director of Lands and Surveys receives the information outlined in Section 15.6.4 of the manual



5

Under Section 234(5)a of the land code, the Director if he is satisfied that the engineering work and the survey plan conform to the approved plan, he will convey to the Superintendent the following:



5.1

Direct that survey plan be deposited.



5.2

Convey the approval of the terms and conditions for the issue of the titles on the subdivided lots.



6

Superintendent of Land and Survey to take the following actions.



6.1

Direct Staff Surveyor to arrange for the depositing of the survey plan and pass the completed Survey Job together with Lease or Grant Diagrams. Land Register Folio (Parts I, II or IV) and Land and Survey 3 to Land Branch for action.



6.2

Land Branch to convey to the proprietor of the land the following.



6.2.1

Terms and conditions for the issue of titles for the subdivided lots within 7 days from the date of receipt of memo. from Headquarters. Extend a copy of the letter to Headquarters.



6.2.2

Title Section to prepare the Memorandum of Surrender and Alienation of Land and bills for payment of the land charges (in deposit) prior to issue of titles for the subdivided lots.



6.2.3

To request the proprietor of the land, chargee or caveator (if any) to sign the Memorandum of Surrender and Alienation of land and pay the land charges prior to issue of titles for the subdivided lots.



6.2.4

When the document in 6.2 above has been signed and necessary land charges paid to minute to Superintendent of Land and Survey to sign the document and to seek his approval to prepare the titles and Land Register Folio for the subdivided lots.



6.2.5

To arrange with Registration Branch for the allocation of an Instrument Number to the Memorandum of Surrender and Alienation of Land and thereafter to prepare the Land Register Folio, rent ledger cards and rent books for the subdivided lots.

C



6.2.6

Check the title, Land Register Folio, rent ledger cards and rent books. Make appropriate cross-references and cancellation on the parent title and rent ledger cards of the subdivided lots. Arrange for Superintendent of Land and Survey to sign the titles and Land Register Folio of the subdivided lots.



6.2.7

When titles and Land Register Folio for the subdivided lots have been signed by Superintendent of Lands and Surveys to pass them to Registrar/Assistant Registrar for registration together with the relevant Memorandum of Surrender and Alienation of Land, Survey Job, rent ledger cards and rent books.



6.2.8

Registrar/Assistant Registrar to register the titles and Land Register Folio for the subdivided lots. File up the Land Register Folio in the relevant Land Register and return the titles, rent ledger cards, rent books, a copy of a Memorandum of Surrender and Alienation of Land and Survey Job to Title Section for action.



6.2.9

Title Section records the titles in the Title Delivery Record Book. File up the relevant documents and Survey Job. Pass the rent ledger cards and rent books to Revenue Section to journalise the deposit to the relevant revenue head/subhead.



7

Revenue Section to journalise the deposit and print the payment on the rent ledger cards and rent books. File up the rent ledger cards in the cabinet and return the rent books to the Title Section for delivery.



8

Title Section to issue notice to proprietor to take delivery of titles and rent books.



9

Proprietor of land to acknowledge the receipt of the titles and rent books by signing the Title Delivery Record Book.



END

appropriate
bdivided lots
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Registrar for
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the relevant
nue Section 1

edger cards and
oks to the Title

3.

signing the Title

APPENDIX 16.6 BUILDING PLAN CHECKLIST

PA

- (iii)

(v)

(vi)

(g)

PART III

(i) Evidence of partitioning without subdivision i.e. (mirror Image Planning)

 YES/NO

(ii) Building type

(iii) Roof Design

(iv) Height of each floor
 Consistency with adjoining houses/shophouses YES/NO
 Comment

(v) Balcony:-

	Size	Comment
(a) Front
(b) Side
(c) Rear

(vi) Patio/Terrace:-

	Size	Distance from boundary	Comment
(a) Front
(b) Side
(c) Rear

(vii) Permitted outbuilding:- size m²
 Comment

(viii) Position of entrance crossing:- Satisfactory/Not Satisfactory

(ix) Car Porch:-

	Size	Distance from boundary	Comments
(a) Front
(b) Side

(x) Intermediate Shophouse:- YES/NO
 Building depth for residential floors:-

(xi) Office/Commercial floors (Refer to Building Ordinance 1994 and Bomba's requirements)
Fire escape staircase provided? YES/NO

(xii) Industrial building
No industrial use on first floor-permitted uses are only for office, store and jaga quarters.
IN ORDER/NOT INORDER

Comments:

(xiii) General Remarks on building plan submissions:-

PART IV: COMMENTS AND RECOMMENDATIONS

(i) Recommendation by Planning Staff to Planning Officer

Recommended ☐

Conditions (if any)

Not Recommended ☐

Reasons

Signature of Staff Checking :

Name of Staff Checking :

Date :

(ii) Recommendation by Planning Officer to Superintendent

Recommended ☐

Conditions (if any)

Not Recommended ☐

Reasons

Signature of Planning Officer :

Date :

(iii) Decision by Superintendent

☐

Approved

☐

Not Approved

Signature : _____

Date : _____

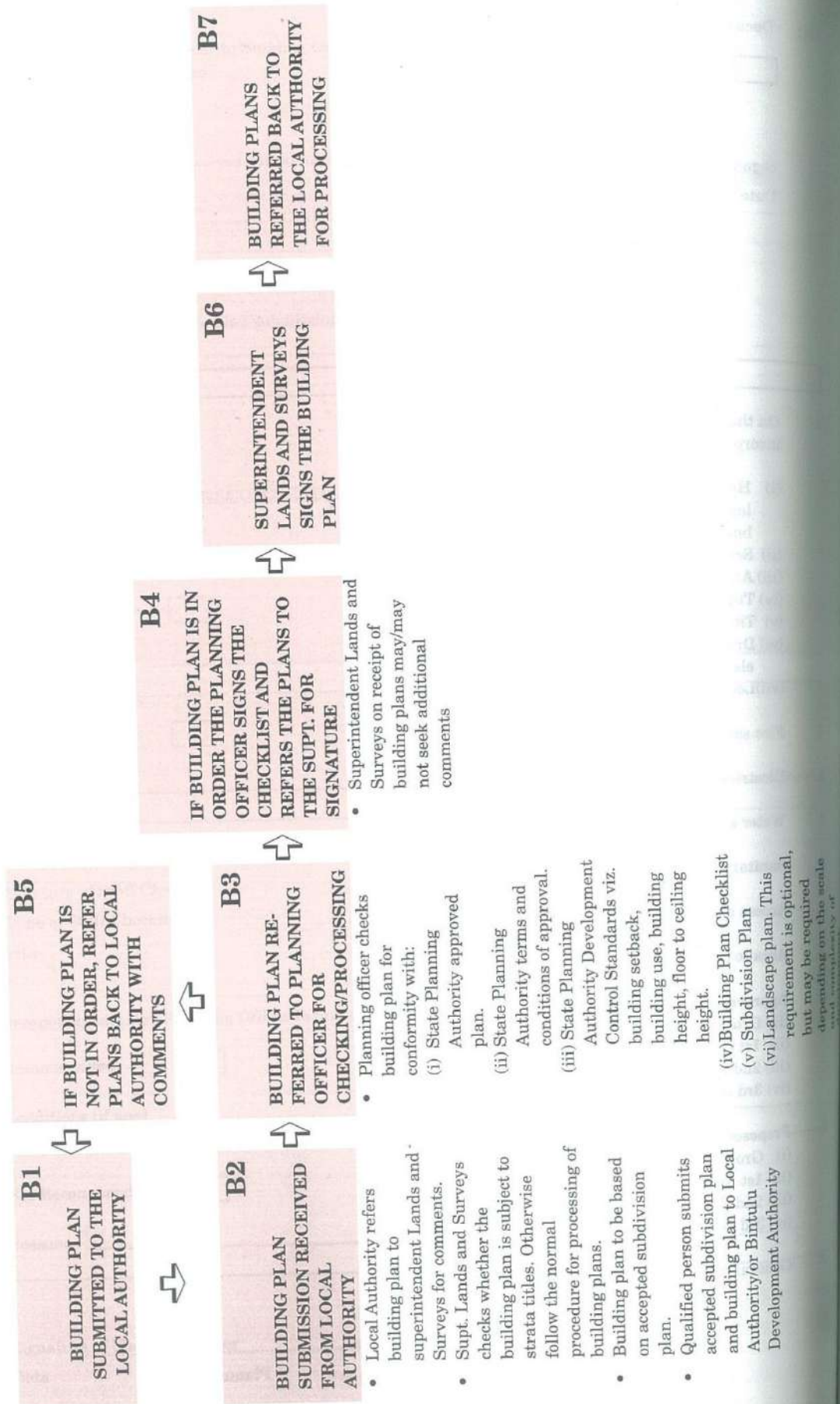
SUBLEASE

CHECKLIST	COMMENTS
<p>1. On the submitted drawings the following to be incorporated:</p> <p>(i) Heading showing the legal description of the land, title reference and the name of the building.</p> <p>(ii) Scale of drawing.</p> <p>(iii) Area and distances.</p> <p>(iv) The north point.</p> <p>(v) Title boundaries.</p> <p>(vi) Drawing showing plan, side, front and rear elevations.</p> <p>(vii) Locality Diagram.</p> <p>2. Fire safety.</p> <p>3. Electricity.</p> <p>4. Water services.</p> <p>5. Sanitary provision.</p> <p>6. Access and car parks.</p> <p>7. Area to be subleased.</p> <p>8. Approved use of premises:-</p> <p>(i) Ground floor.</p> <p>(ii) 1st floor.</p> <p>(iii) 2nd floor.</p> <p>(iv) 3rd floor.</p> <p>9. Proposed use of premises:-</p> <p>(i) Ground floor.</p> <p>(ii) 1st floor.</p> <p>(iii) 2nd floor.</p> <p>(iv) 3rd floor.</p> <p>10. General comments/approval/disapproval</p>	

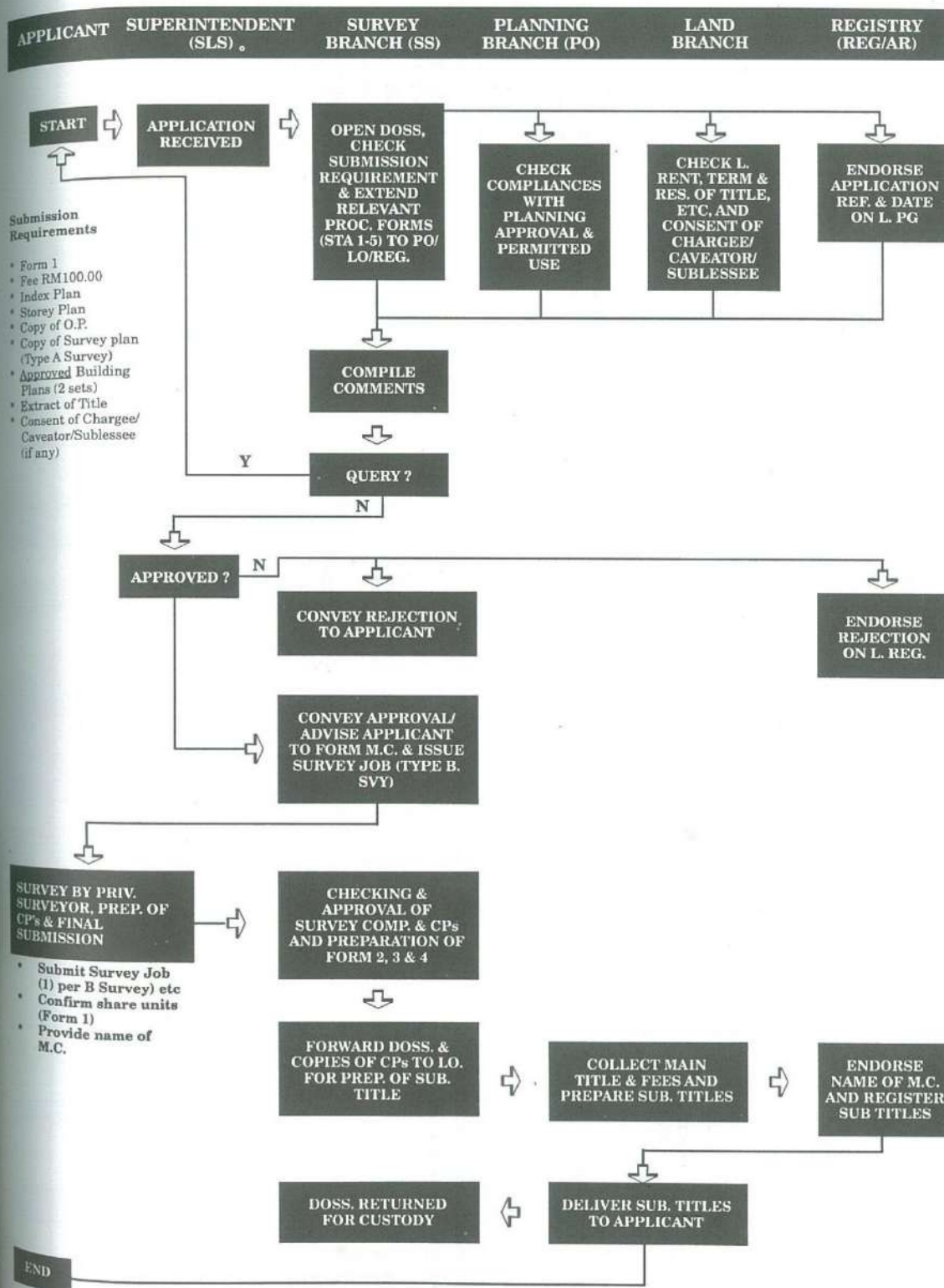
Inspection to the site has been carried out by

Planning Officer

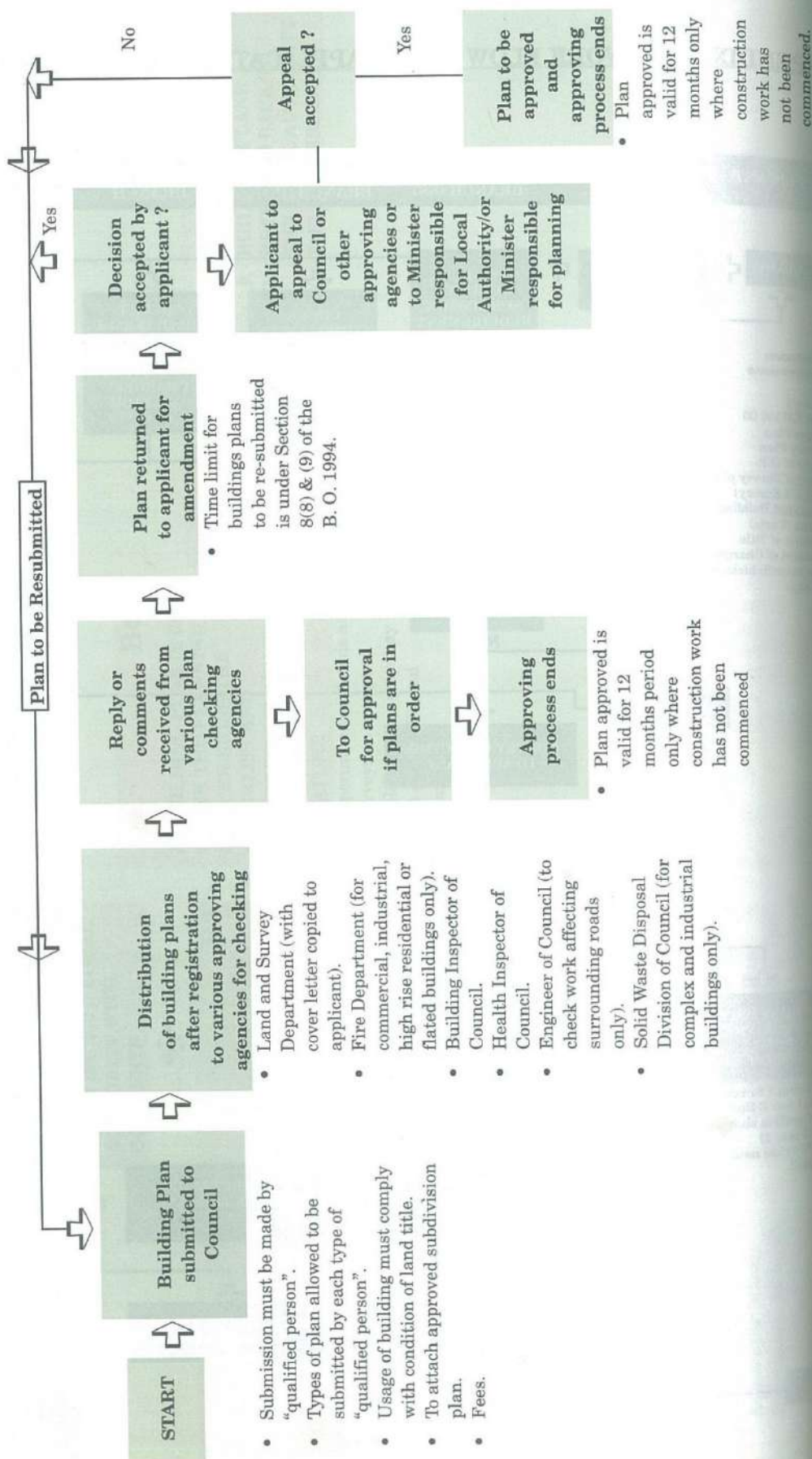
APPENDIX 16.7: FLOW CHART FOR BUILDING PLANS REFERRED TO THE SUPERINTENDENT LANDS AND SURVEYS



APPENDIX 16.8: WORK FLOW CHART APPLICATION FOR STRATA TITLE



APPENDIX 16.9: FLOW CHART FOR SUBMISSION OF BUILDING PLANS (BY LOCAL AUTHORITY)



PART 3

**LAND USE (CONTROL OF
PRESCRIBED TRADING
ACTIVITIES) ORDINANCE, 1997**

WHAT REQUIRES STATE PLANNING AUTHORITY APPROVAL

NO	ITEMS	YES	NO
PART 1			
1	Local Plan	X	
2	Structure Plan	X	
3	Planning Studies	X	
4	Variation of title condition	X	
5	Location and siting of government buildings	X	
6	Location and siting of public utilities excluding way-leave and 11KV electrical substation	X	
PART 2			
7	Applications that constitute material change of use or development such as:	X	
	<ul style="list-style-type: none"> * Division of a single house as 2 or more separate houses. * Building/or other operations in, on, over or under any land. * Change in building use/or land. * Material alteration to the features, colour scheme, or external appearance of a commercial building or a row of shophouses. * Use of a dwelling house not originally constructed for human habitation. * Demolition/reconstruction/addition to a building. * Display of advertisements on any external part of a building which is not normally used for that purpose. * Erection of any structure for telecommunication transmission system on land or building not intended for that purpose. * Land used for the deposit of refuse or waste materials, if the superficial area or the height of the deposit is extended. * Removal of rock materials (including earth, soils) that results in significant alteration to land topography. * Visual appearance of a building, viz. advertisements, colour, canopies, building-height, roof finishes, screening treatment of rear lanes. 		
8	Plan of subdivision or development	X	
9	Subdivision plan		X
10	Engineering plan		X
11	Survey plan		X
12	Building plan		X
13	Terms and conditions of title in connection with subdivision		X
14	Application for alienation and development of State land	X	
15	Appeal (Reconsideration of SPA decision)	X	
PART 3			
16	Licence		
	* Application of licence for certain land-uses, outlined in the Land Use (Control of Prescribed Trading Activities) Ordinance 1997 Viz.		
	(a) for the operation of any premises which manufactures or stores fertilizers, pesticides or insecticides, next to any food shop;	X	
	(b) for the operation of a garage or a foundry or smithy in a building for residential purpose;	X	
	(c) for the operation of a garage or timber yard in any shophouses built on land not permitted for industrial use; and	X	
	(d) for the operation of a foundry, smithy or garage in area adjoining a school, hospital, mosque, church or any other place of religious worship.	X	
PART 4			
17	STATE PLANNING AUTHORITY RULES	X	
PART 5			
18	POLICIES OF THE STATE PLANNING AUTHORITY	X	

CONTENTS

- 1.0 **PURPOSE**
- 2.0 **EXISTING PROCEDURE**
- 3.0 **CONCLUSION**

APPENDICES

- PT1 **WORK FLOW CHART ON RECOMMENDATION OF DESIGNATED AREAS**
- PT2 **WORK FLOW CHART ON APPLICATION FOR LICENCE UNDER THE LAND USE (CONTROL OF PRESCRIBED TRADING ACTIVITIES ORDINANCE) 1997**
- PT3 **WORK FLOW CHART ON ENFORCEMENT OF LAND USE (CONTROL AND PRESCRIBED TRADING ACTIVITIES ORDINANCE 1997)**

LAND USE (CONTROL OF PRESCRIBED TRADING ACTIVITIES) ORDINANCE 1997

1. PURPOSE

- 1.1 The purpose of this Ordinance is to regulate the use of land and premises for certain trading or business activities and for the location thereof, and for other matters connected therewith or incidental thereto.
- 1.2 When this law was passed it was not enacted to penalise those who are carrying out trade prescribed in the schedule to the Ordinance, but intended to promote improvements in the quality of life of the population.

The Schedule are as follows:-

- (i) Carpenter Shop
 - (ii) Poultry
 - (iii) Smithy
 - (iv) Garage/Workshop
 - (v) Timber Yard
 - (vi) Sawmill
 - (vii) Printing Press
 - (viii) Fertilizer and Chemical Manufacturing Premises
 - (ix) Rubber or Scrap Rubber Processing Factory
 - (x) Tyre Processing Factory
 - (xi) Godown
 - (xii) Brick/Pottery Factory
 - (xiii) Making of Advertisement, Sign Boards and Sign crafts
 - (xiv) Any other Trades or Business which can be a source of nuisance or annoyance to the public or a class of the public.
- 1.3 Today even those who undertake such trade have to concede that the activities being carried out on the land has the potential to have an adverse effect on their neighbours property and right to a healthy and pleasant environment.
- 1.4 When the law was passed the government attempted to balance the interest of the operators or undertakers of these trades which are obnoxious, with the interest of their neighbours.
- 1.5 Whatever the intention is, the ultimate goal of the government is to relocate such trades to areas where their activities would not affect their neighbours especially away from the residential or school environment and to upgrade existing laws for collection and disposal of refuse or waste generated by such trades. This includes scrap metal, saw dust, disused tyres, unserviceable batteries, oil drums, abandoned vehicles, heavy machinery parts and the like.

2. EXISTING PROCEDURE

- 2.1 Currently the control of obnoxious trade is vested with the local authorities which licensed such trade under their prospective licensing of miscellaneous occupation by-laws.
- 2.2 Unfortunately these by-laws do not set out clear criteria for the licensing of such trade and as a matter of practice local authorities issue licences for such trade on production of a licence issued by the Registrar of Business who is either the Director of Inland Revenue or a District Officer in Sarawak under the Business professions and Trade Licensing Ordinance (Cap. 33).
- 2.3 As a result of the above, garages, motor workshops, smithies, timber yard, printing press, poultry, feed mills, and fertilizer as well as chemical manufacturing premises are set up in localities which are either not suitable for such type of business or which are generally residential in character.
- 2.4 The end result of such uncontrolled trade activities will not only cause environmental problems but also become a source of annoyance or nuisance to the public or could create an unhealthy situation to those residing in the vicinity of these trades.

3. CONCLUSION

It is therefore concluded that the intention of the government is not to cause hardship to those who carry out trades or activities which are generally described as obnoxious in nature but as a responsible government, it has put in place appropriate guidelines to regulate such trades so as to minimise the nuisance that they generated. For reasons herein before mentioned the law was passed so as to control nuisance and to improve the quality of our life and environment.

Note: Attached are the workflow charts marked as PT1, PT2 and PT3 in respect of the above.

APPENDIX: PT1

WORKFLOW CHART ON RECOMMENDATION OF DESIGNATED AREAS

START



1

Receive Recommendation on Designated Areas from Local Authorities (City Halls & Councils)

2

Check & listing of Areas Recommended & Accord Priority

3

Refer to Planning & Relevant Authorities in relation to nature of business (DOC, Police, Education, Health, etc.)

4

Refer to DLS

5

Refer to SPA for approval

6

Gazettal of Designated Areas

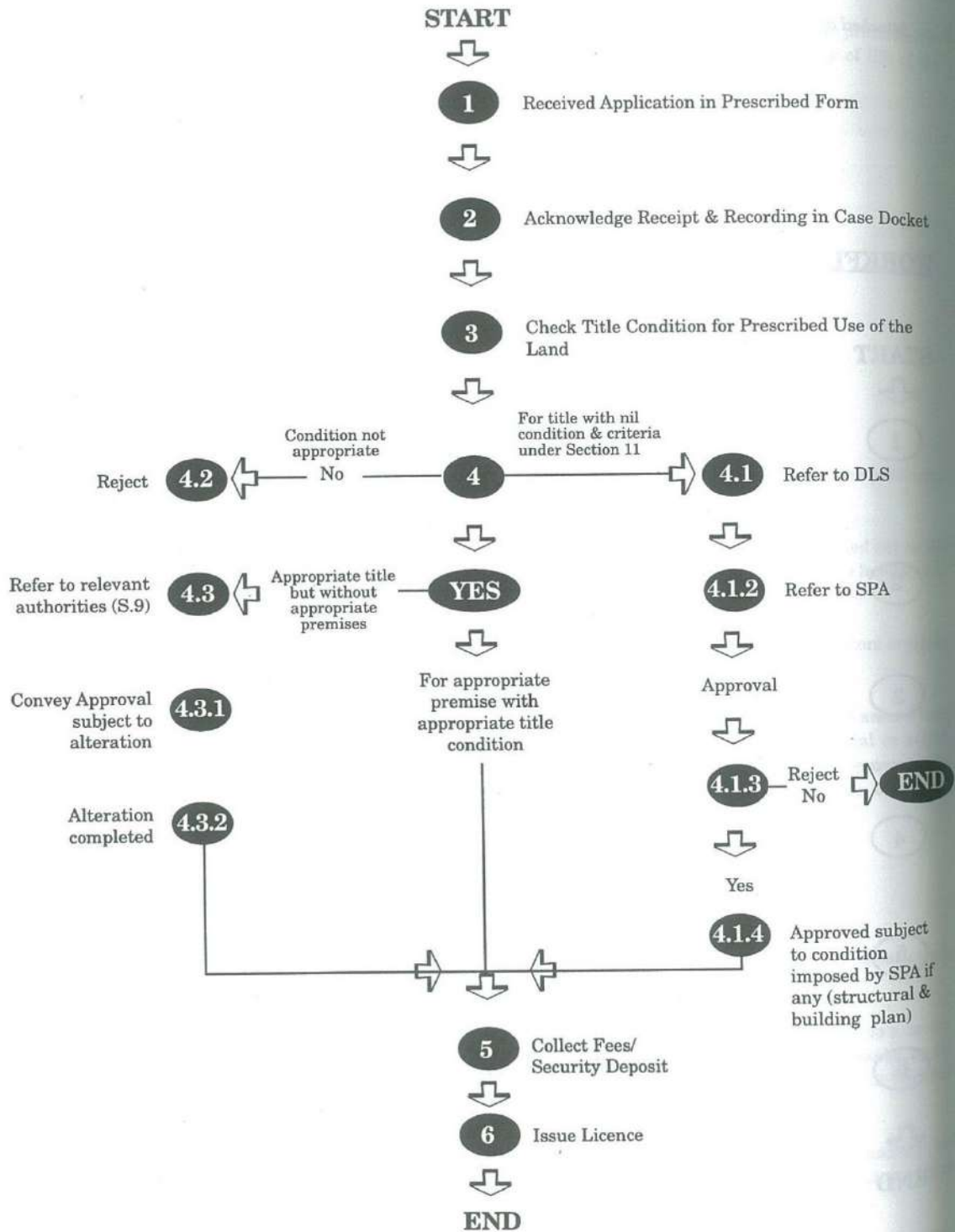


END

APPENDIX : PT2

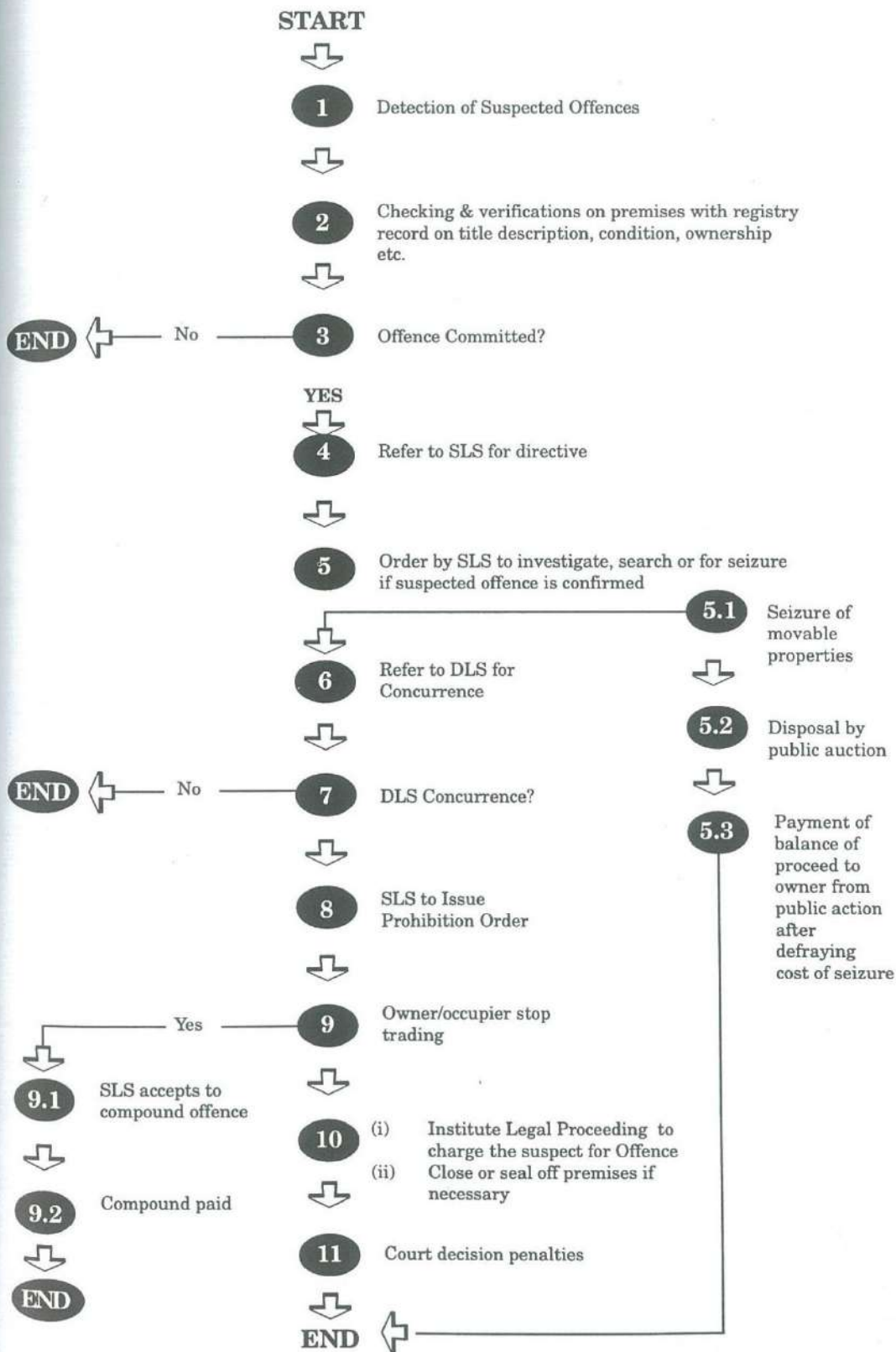
WORKFLOW CHART ON APPLICATION FOR LICENCE UNDER THE LAND USE (CONTROL OF PRESCRIBED TRADING ACTIVITIES ORDINANCE)

1997



APPENDIX : PT3

WORKFLOW CHART ON ENFORCEMENT OF LAND USE (CONTROL AND PRESCRIBED TRADING ACTIVITIES ORDINANCE) 1997



PART 4

**STATE PLANNING AUTHORITY
RULES**

WHAT REQUIRES STATE PLANNING AUTHORITY APPROVAL

NO	ITEMS	YES	NO
PART 1			
1	Local Plan	X	
2	Structure Plan	X	
3	Planning Studies	X	
4	Variation of title condition	X	
5	Location and siting of government buildings	X	
6	Location and siting of public utilities excluding way-leave and 11KV electrical substation	X	
PART 2			
7	Applications that constitute material change of use or development such as: <ul style="list-style-type: none"> * Division of a single house as 2 or more separate houses. * Building/or other operations in, on, over or under any land. * Change in building use/or land. * Material alteration to the features, colour scheme, or external appearance of a commercial building or a row of shophouses. * Use of a dwelling house not originally constructed for human habitation. * Demolition/reconstruction/addition to a building. * Display of advertisements on any external part of a building which is not normally used for that purpose. * Erection of any structure for telecommunication transmission system on land or building not intended for that purpose. * Land used for the deposit of refuse or waste materials, if the superficial area or the height of the deposit is extended. * Removal of rock materials (including earth, soils) that results in significant alteration to land topography. * Visual appearance of a building, viz. advertisements, colour, canopies, building-height, roof finishes, screening treatment of rear lanes. 	X	
8	Plan of subdivision or development	X	
9	Subdivision plan		X
10	Engineering plan		X
11	Survey plan		X
12	Building plan		X
13	Terms and conditions of title in connection with subdivision		X
14	Application for alienation and development of State land	X	
15	Appeal (Reconsideration of SPA decision)	X	
PART 3			
16	Licence <ul style="list-style-type: none"> * Application of licence for certain land-uses, outlined in the Land Use (Control of Prescribed Trading Activities) Ordinance 1997 Viz. <ul style="list-style-type: none"> (a) for the operation of any premises which manufactures or stores fertilizers, pesticides or insecticides, next to any food shop; (b) for the operation of a garage or a foundry or smithy in a building for residential purpose; (c) for the operation of a garage or timber yard in any shophouses built on land not permitted for industrial use; and (d) for the operation of a foundry, smithy or garage in area adjoining a school, hospital, mosque, church or any other place of religious worship. 	X	
PART 4			
17	STATE PLANNING AUTHORITY RULES	X	
PART 5			
18	POLICIES OF THE STATE PLANNING AUTHORITY	X	

CONTENTS

- 1.0 APPENDIX A: THE LAND CODE (DEVELOPMENT AND SUBDIVISION OF LAND)
(FEES) RULES, 1998
- 2.0 APPENDIX B: THE LAND CODE (DEVELOPMENT AND SUBDIVISION OF LAND)
(QUALIFIED PERSONS) RULES, 1998
- 3.0 APPENDIX C: THE LAND CODE (DEVELOPMENT AND SUBDIVISION OF LAND)
(PARKING SPACES) RULES, 1998

THE LAND CODE

THE LAND CODE (DEVELOPMENT AND SUBDIVISION OF LAND)
(FEES) RULES, 1998

[Section 248(1)]

In exercise of the powers conferred by Section 248(1) of the Land Code, the State Planning Authority, with the approval of Majlis Mesyuarat Kerajaan Negeri, has made the following Rules:

Citation and Commencement.	1.	These Rules may be cited as the Land Code (Development and Subdivision of Land) (Fees) Rules, 1998, and shall come into force on the 1st day of January, 1999.	Cap. 81 (1958 Ed)
Interpretation	2.	<p>In these Rules:-</p> <p>"approved plan" means the plan referred to as the approved plan in Section 234(1)(a) of the Land Code;</p> <p>"Authority" means the State Planning Authority established under Section 228(1), of the Code;</p> <p>"Code" means the Land Code of Sarawak;</p> <p>"Forms Q, R and S" means the Forms Q, R and S prescribed in the First Schedule to the Code;</p> <p>"Schedule" refers to the Schedule to these Rules;</p> <p>"Superintendent" means the Superintendent of Lands and Surveys for the Division where the land, relating to an application for development and sub-division, is situated.</p>	
Payment of fees	3.	All fees payable under these Rules shall be paid to the Superintendent and may be collected on his behalf by a public officer duly authorised by him.	
Fees chargeable for supply of Forms	4.	The fees prescribed in column (2) Part 1 of the Schedule shall be charged in respect of Forms for Q, R and S, supplied by the Land and Survey Department.	
Fees for application for sub-division of land, etc.	5.	The fees prescribed in column (2) of Part II of the Schedule shall be charged for application for sub-division and development of land as provided in column (1) thereof.	
Fees payable upon approval by State Planning Authority.	6.	Where the Authority approves an application for development or sub-division of land, the fees prescribed in column (2) of Part III of the Schedule for the category of land described in column (1) thereof, shall be paid by the applicant upon being notified by the Superintendent pursuant to Section 234(1)(a) of the Land Code, that his application for development or sub-division has been approved.	

Fees for
amendment of plans

Fees for
subdivision plan

Fees for
engineering plan

Fees for variation or
modification of
approved plans etc

Fees for extension
of validity period

Exemption

Waiver

7. Where the Authority approved the application for development and subdivision of land, subject to modifications or amendments thereto, pursuant to Section 232(1)(a), or the Authority requires a new plan to be prepared and submitted for its approval under section 232(1)(c) of the Code, the fees prescribed in column (2) of Part IV of the Schedule hereunder shall be charged for the category of land described in column (1) thereof.
8. The fees prescribed in column (2) of Part V of the Schedule shall be charged on the submission of a sub-division plan in Form R pursuant to Section 234(2)(a) of the Land Code, for the category of land described in column (1) thereof.
9. The fees prescribed in column (2) of Part VI of the Schedule shall be charged on the submission of an engineering plan in Form S pursuant to Section 234(2)(b) of the Land Code, for the category of land described in column (1) thereof.
10. The fees prescribed in column (2) of Part VII of the Schedule shall be charged for any application made under Section 234(1)(b) of the Land Code to vary modify any approved plan or any condition or requirement imposed by the Authority.
11. The fees prescribed in Part VIII of the Schedule shall be paid for any application made under the provision to Section 233 of the Code for extension of the period of validity of the approved plan under Section 233 (a) or the period for completing the whole development as shown in the approved plan.
12. No fee shall be payable for the supply of any Form, or for the submission or approval of any application or the submission of a Form, by either a State or Federal Government or a statutory body incorporated under any State or Federal laws.
13. The Authority may in any particular case waive the payment of any fees prescribed by these Rules.

SCHEDULE

PART I (Rule 4)

(1)
Forms Q, R, S

(2)
RM5.00 per copy

PART II (Rule 5)

Fees for the submission of application for development or sub-division of land:

(1)
Category of land

(2)

Agriculture

RM20.00

Residential not exceeding 4047 square metres in area

RM20.00

Any other uses and residential exceeding 4047 square metres in area

RM100.00

**PART III
(Rule 6)**

Fees payable upon approval granted by State Planning Authority.

(1)	(2)
<u>Category of land</u>	
Agricultural	RM10.00 per lot
Residential	RM20.00 per unit
Commercial i.e. shops and complexes	RM40.00 per unit or 50 square metres of gross floor area whichever is the higher.
Other Commercial	RM30.00 per unit or 50 square metres of gross floor area whichever is the higher.
Office	RM30.00 per unit or 50 square metres of gross floor area whichever is the higher.
Industrial	RM30.00 per unit or 50 square metres of gross floor area whichever is the higher.
Mixed Usage	RM30.00 per unit or 50 square metres of gross floor area whichever is the higher.
Any other uses	RM30.00 per unit or 50 square metres of gross floor area whichever is the higher.

**PART IV
(Rule 7)**

Fees payable for amendment or modification of plan under Section 232(1) (a) or submission of new plan under Section 232(1) (c) of the Code.

(1)	(2)
<u>Category of land</u>	
Agricultural	RM20.00
Residential not exceeding 4047 square metre in area	RM20.00
Residential exceeding 4047 square metres in area	RM100.00
Commercial i.e. shop and complexes	RM200.00
Other Commercial	RM150.00
Office	RM150.00
Industrial	RM150.00
Mixed Usage	RM150.00
Any other uses	RM150.00

**PART V
(Rule 8)**

Fees for submission of sub-division plan in Form R.

(1)	(2)
<u>Category of land</u>	
Agricultural	RM1.00 per lot
Residential	RM2.00 per unit
Commercial i.e. shop and complexes	RM4.00 per unit or 50 square metres of gross floor area whichever is the higher.
Other Commercial	RM3.00 per unit or 50 square metres of gross floor area whichever is the higher.
Office	RM3.00 per unit or 50 square metres of gross floor area whichever is the higher.
Industrial	RM3.00 per unit or 50 square metres of gross floor area whichever is the higher.
Mixed Usage	RM3.00 per unit or 50 sq. metre of gross floor area whichever is the higher.
Any other uses	RM3.00 per unit or 50 sq. metre of gross floor area whichever is the higher.

**PART VI
(Rule 9)**

Fees for submission of engineering plan in Form S.

(1)	(2)
<u>Category of land</u>	
Residential	RM2.00 per unit
Commercial i.e. shop and complexes	RM4.00 per unit or 50 square metres of gross floor area whichever is the higher.
Other Commercial	RM3.00 per unit or 50 square metres of gross floor area whichever is the higher.
Office	RM3.00 per unit or 50 square metres of gross floor area whichever is the higher.
Industrial	RM3.00 per unit or 50 square metres of gross floor area whichever is the higher.
Mixed Usage	RM3.00 per unit or 50 sq. metre of gross floor area whichever is the higher.
Any other usage	RM3.00 per unit or 50 sq. metre of gross floor area whichever is the higher.

**PART VII
(Rule 10)**

Fees for variation or modification of approved plan or conditions of approval.

(1)	(2)
<u>Category of land</u>	
Agricultural	RM10.00 per lot
Residential	RM20.00 per unit
Commercial i.e. shops and complexes	RM40.00 per unit or 50 square metres of gross floor area whichever is the higher.
Other Commercial	RM30.00 per unit or 50 square metres of gross floor area whichever is the higher.
Office	RM30.00 per unit or 50 square metres of gross floor area whichever is the higher.
Industrial	RM30.00 per unit or 50 square metres of gross floor area whichever is the higher.
Mixed Usage	RM30.00 per unit or 50 square metres of gross floor area whichever is the higher.
Any other uses	RM30.00 per unit or 50 square metres of gross floor area whichever is the higher.

**PART VIII
(Rule 11)**

Fees payable upon granting of extension of validity period of approval.

The fee payable in respect of the extension of validity of approved plan under Rule 11 shall be one-half (1/2) of the fees stipulated in Part III of this Schedule in respect of each of categories of land shown in that Part.

Dated this day of , 1998.

.....
(HAJI ZAIDI K. ZAINIE)
Secretary,
State Planning Authority

THE LAND CODE

The Land Code (Development and Sub-division of Land)
(Qualified Persons) Rules, 1998

In exercise of powers conferred by Section 248(1)(j) of the Land
Cap.81. Code, the State Planning Authority, with the approval
of the Majlis Mesyuarat Kerajaan Negeri, has made the
following rules:-

Cap. 81
(1958 Ed)

PART I
PRELIMINARIES

1. (1) These Rules may be cited as the Land Code
(Development and sub-division of Land)
(Qualified Persons) Rules, 1998 and shall come
into force on the 1st day of August, 1998.
- (2) These Rules shall apply to all applications for
development and sub-division made under Part
X of the Code on or after the 1st day of
January, 1999 except the following:-
- (a) application for sub-division of
agricultural land; and
- (b) application for development or sub-
division of land for residential use if:-
- (i) the land area does not exceed
4,047 square metres; and
- (ii) only detached houses not
exceeding two storeys in height
are erected on not more than four
sub-divided lots.
- (3) Applications excepted under sub-rule (2) and
any application submitted on or before 1st
January 1998 may be signed and submitted by
the registered proprietor of the land or any
person duly authorised by him in writing even
though that person is not a qualified person.

2. In these Rules:-

"architect" means a person registered as an architect
under the Architects Act, 1967 and includes a body
corporate issued with a permit by the Board of
Architects under Section 7A of the said Act, to practise
as Architect;

Act 117

"Authority" means the State Planning Authority established under Section 228(1) of the Code;

"body corporate" means any company incorporated under the Companies Act, 1965;

"Code" means the Land Code of Sarawak;

"engineer" means a person registered as an engineer under the Registration of Engineers Act, 1967 and includes a body corporate issued with a permit by the Board of Engineers under Section 7A of the said Act to practise as an Engineer;

"Forms" means Forms Q, R and S prescribed in the Schedule to the Code, and includes any drawing, plan, diagram, specifications, planning brief, report or other documents attached to or accompanying such Forms;

"land surveyor" means a person registered as a land Surveyor under the licensed land Surveyors Act 1958, and includes a body corporate holding a valid permit from the Board of Surveyors to practise as a land Surveyor.

"relevant laws" means the Architects Act, 1967, the Registration of Engineers Act, 1967, the Licenced Land Surveyors Act, 1958 and the Town Planners Act, 1996 and the Valuers, Appraisers and Estate Agents Act. 1981;

"register" means the register kept by the Authority under rule 6(1);

"qualified person" means any person:-

- (a)(i) who is a town planner;
- (ii) who is an architect, engineer, land surveyor or valuer and who satisfies the Authority that he has at least three years experience in the preparation of plans or documents for development or subdivision of land;
- (iii) any other person who satisfies the Authority that he possesses the relevant professional experience in the preparation of plans for development or subdivision of land of at least seven years experience preceding the date of commencement of these Rules; and

- b) who is registered with the Authority in accordance with the provisions of these Rules.

"Superintendent" means the Superintendent of Lands and Surveys for the Division where the land relating to an application for development or sub-division, is situated;

"Secretary" means the person appointed as Secretary of the Authority or any person who for the time discharges the duties of that office;

"town planner" means a person who is qualified to be registered to practise as a town planner under the Town Planner Act, 1996 and includes a body corporate practising as a town planner by virtue of a permit issued by the Board of Town Planners under Section 20 of the said Act or who is a member of the Malaysian Institute of Planners.

Act 538

"valuer" means a person who is a registered valuer as defined in the Valuers, Appraisers and Estate Agents Act, 1981.

Act 242

PART II PREPARATION AND SUBMISSION OF FORMS

Qualified persons
to submit forms
etc.

3. Subject to Rule 1(3), no person who is not a qualified person may prepare, draw up, sign or submit any Form pertaining to the development or sub-division of land, or act on behalf of a registered proprietor of any land in regard to the development or sub-division of his land in accordance with the provisions of Part X of the Land Code.

Rejection of Forms
from unqualified
persons

4. Subject to Rule 1(3), any Form, and any drawing, plan, specifications, report or study drawn up, signed or submitted by a person who is not a qualified person for the purposes of development or sub-division of land pursuant to Part X of the Code, shall be rejected by the Authority or the Superintendent.

Act 117

PART III
REGISTRATION

Register

5. (1) The Authority shall cause a register to be kept which shall contain the names, addresses and qualifications of all qualified persons and all such other matters as may be prescribed. In the event of the cancellation or suspension of the registration of any qualified person, the Authority shall cause an entry thereof to be made in the register.
- (2) The register shall be divided into the following Parts, namely:-

Part I - which shall comprise those qualified persons who are entitled to prepare, draw up, sign and submit Form Q (the application for sub-division) and Form R (the sub-division plan).

Part II - which shall comprise those qualified persons who are entitled to prepare, sign and submit Form S (the engineering plan).

- (3) The register shall be maintained and kept by the Secretary at the office of the Authority and shall be open to inspection by any person on payment of an inspection fee of five ringgit.
- (4) The Secretary shall, before the thirty-first day of March in each year, publish in the Gazette a list of the names of all qualified persons and shall within six weeks of the registration or the suspension or cancellation thereof or the restoration of any registration under sub-rule (8), publish a notice thereof in the Gazette.
- (5) A copy of any entry in the register purporting to be certified by the Secretary as a true copy, shall in all proceedings whatsoever be prima facie evidence that the person named therein is a qualified person who is registered pursuant to these Rules.
- (6) The Authority shall remove or amend any entry in the register which is proved to its satisfaction to have been fraudulently procured or made, or to be incorrect.

(7) The Secretary shall remove from the register the name of any person:-

- (a) whose registration as a qualified person to practise has not been renewed before the first day of February in any year; or
- (b) upon receipt of satisfactory proof that the person who is a qualified person by virtue of him being an architect, engineer, and surveyor, valuer or town planner, has ceased to be registered under the relevant laws as an architect, engineer, land surveyor, valuer or town planner.

(8) The Authority may, if it thinks fit, restore to the Register any name removed therefrom with or without the payment a reinstatement fee of fifty ringgit.

Registration.

6. (1) Subject to rule 8, any person may be entitled to be registered as a qualified person and have his name entered upon the register as such, upon making application to the Secretary in Form A prescribed in the Schedule hereunder, and proving to the satisfaction of the Authority that:-

- (a) he is a town planner;
- (b) he is registered under the relevant laws as an architect, engineer, land surveyor or valuer as the case may be and has at least three years experience in the preparation of plans or documents for development or sub-division of land; and
- (c) it is a body corporate issued with a valid permit under the relevant laws to practise as an architect, engineer, land surveyor, valuer or town planner and has at least three years experience in the preparation of land or documents for development or sub-division of land; or
- (d) he possesses the relevant professional experience in the preparation of plans for development or sub-division of land of at least seven years preceding the date of his application under these Rules;

and he has paid the registration fees of two hundred ringgit.

(2) Without prejudice to subrule (1) the Authority may require an applicant who is not a town planner to undertake such examination as the Authority may prescribe to prove his proficiency and knowledge of the laws and procedures relating to development or sub-division of land.

	(3)	The name of any architect, engineer, land surveyor, valuer or town planner in the service of either the State or Federal Government may be entered upon the register without payment of the fees prescribed in sub-rule (1).
Registration under various Parts of Register.	7.	<p>(1) An architect, land surveyor, valuer or town planner shall be registered under Part I of the register.</p> <p>(2) An engineer shall be registered under Part II of the register.</p> <p>(3) A body corporate or a person who satisfies the Authority that he possesses or has acquired the experience or has the relevant professional qualification in the preparation of plans for development or sub-division of land acquired during a period of seven years preceding the date of the application under these Rules may, in the discretion of the Authority, be registered under either Part I or Part II, or both, of the register.</p>
Restriction on registration of non citizen.	8.	No person who is not a citizen of the Federation may be registered as a qualified person under these Rules unless he has obtained from the Director of Immigration the requisite Pass to enable him to take up employment in the State.
Certificate of Registration.	9.	<p>(1) A certificate of registration in Form B prescribed in the Schedule shall be issued to a qualified person upon his registration.</p> <p>(2) Such a certificate shall remain the property of the Authority and shall be returned to the Authority upon:-</p> <p>(a) the cancellation of the registration of a qualified person; or</p> <p>(b) the suspension of the registration of a qualified person; or</p> <p>(c) the expiry of the period of registration of a qualified person; or</p> <p>(d) the Authority requesting the same for the purpose of making any endorsement or amendment to the certificate.</p>
Period of Registration.	10.	(1) Registration shall be valid for the calendar year in which a person's name is entered upon the register as a qualified person and such registration may be renewed annually on or before the thirty first day of January of each year upon payment of a renewal fee of one hundred ringgit.

- (2) Application for renewal of registration shall be submitted in Form C prescribed in the Schedule.
- (3) The Authority shall not renew the registration of any qualified person unless:-
 - (i) he furnishes proof that at the time of renewal he is still registered under the relevant laws as an architect, engineer, land surveyor, town planner or valuer; or
 - (ii) as a body corporate, its permit to practise as an architect, engineer, land surveyor or town planner has not been withdrawn or suspended by the appropriate authority under the relevant laws; or
 - (iii) if he is a non-citizen, he furnishes proof that he still holds a valid Pass issued by Director of Immigration, to take up employment or practise his profession in the State of Sarawak.

Cancellation and suspension.

- 11. The Authority may cancel or suspend the registration of any qualified person for such period of time as the Authority deems appropriate if it is satisfied that:-
 - (a) he has been suspended from practise, under the relevant laws, as an architect, engineer, land surveyor, valuer or town planner; or
 - (b) he has committed any act or guilty of any misconduct in the discharge of his duties as a qualified person which would render him liable to suspension under the relevant laws as an architect, engineer, land surveyor or town planner; or
 - (c) he has been adjudged a bankrupt; or
 - (d) he has been convicted of an offence under any law relating to corruption, dishonesty or professional misconduct; or
 - (e) as a body corporate, it has been wound up pursuant an Order of Court or resolution of its shareholders, or a receiver and manager has been appointed to manage its affairs and business.

SCHEDULE

Form A

[Rule 7(1)]

The Land Code (Development and Sub-division of Land) (Qualified Persons) Rules, 1998

Application for registration as qualified persons

To: The Secretary
State Planning Authority

SECTION A: PARTICULARS OF APPLICANT

- (1) Name of Applicant : _____
- *(2) Date and Place of Birth/Date of Registration : _____
- *(3) Identity Card/Passport No./Company Registry No. : _____
- (4) Citizenship Status : _____
- (5) Business Address : _____
- (6) Business Address in Sarawak
(if different from 5 above) : _____
- (7) Postal Address : _____
- *(8) Academic Qualifications
(Please indicate year obtained
and Name of Institution/
Experience in preparation
of plans) : _____
- (9) For body corporate
- (i) Date of permit issued under relevant
laws : _____
- (ii) Names of all Directors and Shareholders : _____
- (10) Membership of Professional Bodies
(Please provide evidence) : _____
- (11) Relevant Working Experience
(Use separate sheet of paper
if space not sufficient) : _____
- (12) State whether registration is for Part I
or II or both, of the register of qualified
persons : _____

PART B: DECLARATION

I, the undersigned hereby declare that the information given above are true and correct to the best of my belief and knowledge.

I understand that the State Planning Authority reserves the right to cancel my registration if the information given are found to be false.

Signature : _____
Name : _____
Position in body corporate (if applicable) : _____
Date : _____

Official Stamp/Seal of Firm

**Delete where inapplicable*

Official Stamp/Seal of Firm

**Delete where inapplicable*

FORM B

[Rule 10 (1)]

The Land Code (Development and Subdivision of Land)
(Qualified Persons) Rules, 1998

CERTIFICATE OF REGISTRATION AS QUALIFIED PERSON

This is to certify that _____
of _____

has been duly registered * under Part I/II of the register of qualified person, to prepare, draw up, sign and submit forms, plans, specifications, drawings and other documents required under Part X of the Land Code for the development or sub-division of land. His registration No. is _____.

The period of registration is valid for a period ending the 31 day of December , _____, unless extended as shown in the Schedule below.

Date:

Fees paid vide:

Secretary,
State Planning Authority,
Sarawak

SCHEDULE

The registration of the above as a qualified person under the Land Code (Development and Sub-division of Land) (Qualified Persons) Rules, 1998 has been extended to:-

FORM C

[Rule 10(2)]

The Land Code (Development and Subdivision of Land) (Qualified Persons) Rules, 1998

Form for Application for renewal of Registration

To: The Secretary,
State Planning Authority,
Sarawak

1. Name of Applicant : _____
2. Date of first registration as qualified person : _____
3. Registration No. : _____
4. Particulars of change of address, if any : _____
5. For body corporate, details of any change
in shareholding or directorship
(To attach separate sheet, if required) : _____
6. For non-citizens - details of Pass issued
by Director of Immigration : _____

DECLARATION

I hereby apply to extend my registration up to 31st December _____. I declare that I have not been suspended from practice as an architect/engineer/land surveyor/town planner/valuer under the relevant laws or as a qualified person under the Land Code (Development and subdivision of land) (Qualified Persons) Rules, 1998 and I further declare that the particulars contained herein above are true.

.....
NAME AND SIGNATURE OF APPLICANT/
DIRECTOR OF APPLICANT
(IF BODY CORPORATE)

NOTE: APPLICANT MUST SUBMIT CERTIFICATE OF REGISTRATION FOR ENDORSEMENT OF RENEWAL
(IF RENEWAL IS APPROVED)

OFFICIAL USE

REGISTRATION RENEWED TO

FEES PAID VIDE

Dated this

day of

, 1998.

(HAJI ZAIDI K. ZAINIE)
Secretary
State Planning Authority

APPENDIX C
19.6.1998

THE LAND CODE

THE LAND CODE (DEVELOPMENT AND SUB-DIVISION OF LAND) (PARKING SPACES) RULES 1998

[Section 248 (1) (b)]

In exercise of the powers conferred by Section 248(1) (b) of the Land Code, the State Planning Authority with the approval of Majlis Mesyuarat Kerajaan Negeri, has made the following Rules:-

Cap. 81.
(1958 Ed.)

Citation and
Commencement.

1. These Rules may be cited as the Land Code (Development and Sub-division of Land) (Parking Spaces) Rules, 1998 and shall come into force on the 1st day of August, 1998.

Definition.

2. In these Rules:-

"alternative site" means any land or place or premises approved in writing by the Authority for the provision of parking spaces other than the land the development or sub-division thereof requires the provision of parking spaces under these Rules;

"Authority" means the State Planning Authority established under Section 228(1) of the Land Code;

"Code" means the Land Code of Sarawak;

"developer" means a person whose plan for development or sub-division of land has been approved by the Authority pursuant to Part X of the Code, and includes his successor in title, heirs, personal representative, executor administrator, receiver, manager and liquidator and any person deriving any estate or interest in the land or any part thereof from him;

"local authority" means a local authority constituted under Section 3(1) of the Local Authorities Ordinance, 1996 or named in the First Schedule to that Ordinance;

"parking spaces" means any place specially designated or the parking of vehicles and not for any other use;

"Superintendent" means a Superintendent of Lands and Surveys for the Division where the land relating to an application for development or sub-division is situated;

"vehicles" means cars, lorries, motor cycles, trailers and other mechanically propelled vehicles of whatever description.

Application

3. These Rules shall apply to the development or sub-division of land, other than agricultural land, except in the following cases:-
 - (a) where the development or sub-division involves only the building of detached, semi-detached or terrace houses for residential purposes;
 - (b) renovation or improvement to an existing building which does not involve additional floor area or change in the use thereof;
 - (c) alteration in the use of an existing building if the change in such usage affects less than five square metre gross floor area and which does not affect existing or approved parking provision or area;
 - (d) development of land undertaken by:-
 - (i) the State or Federal Government or a body established under any State or Federal law for a public purpose; or
 - (ii) a charitable or religious body established or constituted under any written law in force in Sarawak or incorporated as a foundation or company limited by guarantee under the Companies Act, 1965, for its own use.

Provision of
parking spaces

4. On approval of a plan for the development or sub-division of land, the Authority may, pursuant to Section 232(2)(b) of the Code, require the developer to provide the number of parking spaces on that land or on an alternative site, as stipulated in Part I of the Schedule hereunder having regard to the usage or category of the land concerned.

Dimension and size of
parking spaces.

5. (1) Subject to subrule (2), the minimum dimensions of every parking space, circulation aisle, access ramp and other details in design shall be in accordance with the requirements set out in Part II of the Schedule.
- (2) Where the minimum dimensions of the parking spaces, circulation aisle, access ramps and other details in design as set out in Part II of the Schedule are not appropriate for the type of vehicles which are to be parked or intended to be parked in such parking spaces, the Authority may permit in writing dimensions and specifications other than those set out in Part II of the Schedule.

Modification of
minimum parking
requirements

6. The Authority, if satisfied that compliance by any developer with any of the minimum parking requirements stipulated in the Schedules is impractical or unduly difficult or unfair having regard to the nature of his development or the subdivision of his land, may modify vary or alter the requirement and the developer shall comply with the requirement as modified varied or altered by the Authority. Such modification, variation or alteration shall be communicated in writing to the developer by the Authority, through the Superintendent;

Waiver and
conditions
thereof.

7. (1) Where the Authority is of the opinion that it would be unduly onerous or unreasonable for a developer to comply with the requirements of these Rules to provide the parking spaces needed on his land or alternative site, the Authority may waive such requirement wholly or in part on condition that person pays the sum stipulated below for each type of parking spaces, which he is unable to provide, viz:-

Type of parking spaces

Amount
RM

Each parking space for car	20,000
Each parking space for lorry and bus	40,000
Each parking space for motor cycle	5,000

Act 125.

- (2) The sums required to be paid under subrule (1) shall be paid to the Superintendent and credited to a special account in the State Consolidated Fund, for the State Government to make provision for parking spaces on any other alternative site that the Authority may approve for the area where the said land is situated generally.
- (3) Any sum paid under this rule shall not be refunded even if the developer is able, subsequent to the payment thereof, to provide the parking spaces required under these Rules.

Authority over parking spaces.

- 8. The parking spaces provided pursuant to these Rules may at the direction of the Authority be:-
 - (a) vested in the State and become State land; or
 - (b) vested in a local authority and subject to the control thereof; or
 - (c) the property of a management corporation established under the Strata Titles Ordinance, 1995;

and the use and control of such parking places shall be subject to any written law controlling or regulation parking of vehicles in Sarawak or to such rules and by-laws made by a local authority pursuant to powers conferred by the Local Authorities Ordinance, 1996.

Offence and penalty.

- 9. Any person who:-
 - (a) uses or causes to be used any parking space required to be provided by a developer under these Rules, for a purpose other than the parking of vehicles; or
 - (b) deletes or removes or causes to be deleted or removed any parking spaces;

shall be guilty of an offence: Penalty, a fine of twenty thousand ringgit and in the case of a continuing offence, a further fine of two hundred ringgit for each day the offence continues.

SCHEDULE

PART I [Rule 4]

MINIMUM PARKING REQUIREMENTS

In this Part, the following abbreviations are used

"C/P" -	car park
"B/P" -	bus/coach park
"L/P" -	lorry park
"M/P" -	motor cycle park

NO.	LAND USE	MINIMUM PARKING REQUIREMENTS	
1.	RESIDENTIAL:		
	(a) Detached, semi-detached and terraced houses, and dwelling units above shops	- 1 C/P per dwelling unit	
	(b) Flats / Apartments / Condominium type of housing	- 1 C/P per flat plus 10% additional spaces for visitors' parking and multiple car ownership	1 M/P per flat
2.	COMMERCIAL:		
	(a) Shops -		
	(i) Retail shops	- 1 C/P per 50 sq. metres of net floor area	1 M/P per 200 sq. metres
	(ii) Eating shops including hawker stalls and open-air markets	- 1 C/P per 10 sq. metres of net dining floor area OR - 2 C/P per stall (whichever is the higher)	1 M/P per 50 sq. metres OR 1 M/P for every 2 stalls
	(iii) Supermarkets and departmental stores	- 1 C/P per 50m ² of gross floor area	1 M/P per 200m ²
	(b) Fish, vegetable, and meat markets.	- 1 C/P per 50 sq. metres of gross floor area	1 M/P per 200 sq. metres
	(c) Restaurants, coffee houses, cafeterias, canteens, bars, pubs and night clubs.	- 1 C/P per 10 sq. metres of net floor area	1 M/P per 50 sq. metres
	(d) Conference rooms, function halls, and exhibition space.	- 1 C/P per 10 sq. metres of gross floor space	1 M/P per 50 sq. metres
	(e) Banks and financial institution	- 1 C/P per 50 sq. metres of gross floor area and	1 M/P per 200 sq. metres

(f) Any other commercial premises not elsewhere classified.	-	1 C/P per 50 sq. metres of gross floor area	1 M/P per 200 sq. metres
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3. HOTEL:

(including boarding houses, residential clubs and hostels)	-	1 C/P per 5 bedrooms or part thereof.	1 M/P per 5 bedrooms (including staff parking)
[Restaurants, cafe and other uses within the hotel to be calculated in accordance with their respective car parking requirement standard.]	-	1 B/P for first 50-100 rooms and 1 additional B/P for each additional 100 rooms or part thereof	

4. OFFICE:

Private or public offices.	-	1 C/P per 50 sq. metres of net floor area	1 M/P per 200 sq. metres
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5. INDUSTRIAL:

Godowns, warehouses and factories	-	1 C/P per 150 sq. metres of gross industrial floor area	1 M/P per 600 sq. metres
[detached, semi-detached, terraced]	-	1 L/P per 200 sq. metres of gross industrial floor area	
[Note: subject to a minimum of 1 C/P and 1 L/P per premises]	-	1 C/P per 50 sq. metres of net office floor area.	

6. EDUCATIONAL (Urban Area):

In all categories below except (a), a queuing space/lane of at least 10m length per classroom, leading to the school entrance, should be provided to enable smooth disembarking and embarking of students, without interfering or obstructing traffic on the public road.

(a) Tuition and learning centres	-	1 C/P per 25 sq. metres of gross floor area.	-
(b) Nurseries, play schools, child care centres and kindergartens.	-	2 C/P per classroom (including visitors' parking)	-
(c) Primary and secondary schools	-	2 C/P per classroom (including visitors' parking)	1 M/P per classroom
(d) Technical and vocational schools, other training centres	-	1 C/P per 2 members of teaching staff	1 M/P per 4 students
	-	1 C/P per 20 students	
(e) All other institutions of higher learning (non-residential)	-	1 C/P per member of staff	1 M/P per 4 students
	-	1 C/P per 10 students	

7. PLACE OF ENTERTAINMENT AND RECREATION:

(a)	Cinemas, theatres and concert halls.	-	1 C/P per 5 seats	1 M/P per 10 seats
(b)	Discotheques, dance halls night clubs and karaoke' lounges.	-	1 C/P per 10 sq. metres net floor area (including dance floor, seating areas, bar, bandstand and stage).	1 M/P per 50 sq. metres
(c)	Bowling alleys	-	2 C/P per bowling lane	1 M/P per 50 sq. metres
		-	1 C/P per 10 sq. metres of public floor area	
(d)	Gymnasium, health and and fitness centres	-	1 C/P per 10 sq. metres of net floor area.	1 M/P per 50 sq. metres

8. SPORTS:

(a)	Tennis, badminton and squash courts	2 C/P per court	4 M/P per court
(b)	Volleyball and sepak takraw courts	3 C/P per court	6 M/P per court
(c)	Basketball court	5 C/P per court	10 M/P per court
(d)	Football, hockey and rugby	10 C/P per field	20 M/P per field
(e)	Swimming Pool	1 C/P per 25m sq. metres of pool area	1 M/P per 50 sq. metres of pool area
(f)	Sports stadium	1 C/P per 5 seats 1 B/P per 1,000 seats	1 M/P per 5 seats

9. MEDICAL:

	Hospital, nursing and maternity homes	-	1 C/P per 50 sq. metres of gross floor area	1 M/P per 50 sq. metres
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10. PLACES OF ASSEMBLY:

(a)	Mosques	-	1 C/P per 5 sq. metres of net 'praying' floor area	1 M/P per 5 sq. metres
(b)	Suraus	-	1 C/P per 10 sq. metres of net 'praying' floor area	1 M/P per 10 sq. metres
(c)	Churches	-	1 C/P per 5 sq. metres of net 'praying' floor area	1 M/P per 5 sq. metres
(d)	Chapel	-	1 C/P per 10 sq. metres of net 'praying' floor area	1 M/P per 10 sq. metres
(e)	Temples	-	1 C/P per 5 sq. metres of net 'praying' floor area	1 M/P per 5 sq. metres
(f)	Community halls including civic centres, association buildings and assembly halls.	-	1 C/P per 10 sq. metres of public floor area	1 M/P per 50 sq. metres

PART II

Rule 3(3): Minimum dimensions of parking spaces, circulation lane and ramp

MINIMUM DIMENSIONS OF PARKING SPACES

VEHICLE TYPE	WIDTH	LENGTH (angle parking)	LENGTH (parallel parking)
Motor cycle	1.25m	2.5m	-
Car	2.5m	5.0m	6.0m
Lorry, bus, coach or commercial vehicle	3.0m	11m	13m

MINIMUM WIDTHS OF PARKING AISLES/CIRCULATION LANES

VEHICLE TYPE	MINIMUM WIDTH OF LANE
Motor-cycle	2.5m
Car	6.0m (one way) 7.0m (two ways)
Lorry, bus, coach or commercial vehicle	12.0m

(a) RAMP AND HEADROOM STANDARDS

(A) STRAIGHT RAMP

	Straight Section	At Bend	
		inner lane	outer lane
Minimum lane width (clearway)	3.0m	3.5m	3.3m
Minimum corner radius	-	5m	-
Minimum width of:			
(i) side kerb	0.3m	0.3m	0.5m
(ii) median divider	0.3m	— 0.5m —	
Maximum gradient:	1:10 * (10%)		

* [may be increased to 1:7 (14%) for short straight ramps e.g. linking two split-level car parking floors.]

(b) **CIRCULAR RAMP**

	Inner Lane	Outer Lane
Minimum lane width	3.5m	3.3m
Minimum inside kerb radius	7.0m	-
Minimum width of:		
(i) side kerb	0.3m	0.5m
(ii) median divider	— 0.5m —	
Maximum gradient:	1:12 (8%)	

NOTE: For all types of ramps: A minimum 5m transitional length of half-gradient or 'flat section' (of maximum gradient of 1:18 or 6%) should be provided at both ends of the ramp.

(c) **HEADROOM**

The floor height clearance or headroom not less than 2.4m
or
3.2m if lorry parking is expected.

Below this height, only the underside of beams, directional signs, sprinkler heads, electrical fittings and other similar items may be allowed to project if the undersides of such items are not less than 2.2m from the floor level.

Dated this day of 1998.

(HAJI ZAIDI K. ZAINIE)
Secretary,
State Planning Committee

PART 5

**POLICIES OF THE STATE
PLANNING AUTHORITY**

WHAT REQUIRES STATE PLANNING AUTHORITY APPROVAL

NO	ITEMS	YES	NO
PART 1			
1	Local Plan	X	
2	Structure Plan	X	
3	Planning Studies	X	
4	Variation of title condition	X	
5	Location and siting of government buildings	X	
6	Location and siting of public utilities excluding way-leave and 11KV electrical substation	X	
PART 2			
7	Applications that constitute material change of use or development such as: <ul style="list-style-type: none"> * Division of a single house as 2 or more separate houses. * Building/or other operations in, on, over or under any land. * Change in building use/or land. * Material alteration to the features, colour scheme, or external appearance of a commercial building or a row of shophouses. * Use of a dwelling house not originally constructed for human habitation. * Demolition/reconstruction/addition to a building. * Display of advertisements on any external part of a building which is not normally used for that purpose. * Erection of any structure for telecommunication transmission system on land or building not intended for that purpose. * Land used for the deposit of refuse or waste materials, if the superficial area or the height of the deposit is extended. * Removal of rock materials (including earth, soils) that results in significant alteration to land topography. * Visual appearance of a building, viz. advertisements, colour, canopies, building-height, roof finishes, screening treatment of rear lanes. 	X	
8	Plan of subdivision or development	X	
9	Subdivision plan		X
10	Engineering plan		X
11	Survey plan		X
12	Building plan		X
13	Terms and conditions of title in connection with subdivision		X
14	Application for alienation and development of State land	X	
15	Appeal (Reconsideration of SPA decision)	X	
PART 3			
16	Licence <ul style="list-style-type: none"> * Application of licence for certain land-uses, outlined in the Land Use (Control of Prescribed Trading Activities) Ordinance 1997 Viz. <ul style="list-style-type: none"> (a) for the operation of any premises which manufactures or stores fertilizers, pesticides or insecticides, next to any food shop; (b) for the operation of a garage or a foundry or smithy in a building for residential purpose; (c) for the operation of a garage or timber yard in any shophouses built on land not permitted for industrial use; and (d) for the operation of a foundry, smithy or garage in area adjoining a school, hospital, mosque, church or any other place of religious worship. 	X	
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17	STATE PLANNING AUTHORITY RULES	X	
PART 5			
18	POLICIES OF THE STATE PLANNING AUTHORITY	X	

POLICIES OF THE STATE PLANNING AUTHORITY (PART 5)

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- 3.0 **URBAN DESIGN GUIDELINES FOR KUCHING CITY**
- 4.0 **LOW COST HOUSING POLICY**
- 5.0 **COASTAL MANAGEMENT POLICY**
- 6.0 **LAND-USE CLASSIFICATION SYSTEM (STRUCTURE PLANS)**
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- 8.0 **TYPES OF DEVELOPMENT REQUIRING A TRAFFIC IMPACT ASSESSMENT**

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2.0

3.0

PART 5

EXTRACT FROM FIRST SCHEDULE PRESCRIBED ACTIVITIES

(Activities 2, 3 and 6)

1.0 AGRICULTURAL DEVELOPMENT

- (i) Development of agricultural estates or plantations of an area exceeding 500 hectares:
 - (a) from land under secondary or primary forest; or
 - (b) which would involve the resettlement of more than 100 families; or
 - (c) which would involve modification in the use of the land.
- (ii) Conversion of mangrove swamps into agricultural estate having area exceeding 50 hectares.

2.0 LOGGING

- (i) Extraction or felling of timber from any area exceeding 500 hectares which have previously been logged or in respect of which coupes have previously been declared to have been closed by the Director of Forests under the provisions of the Forests Ordinance [Cap. 126 (1958 Ed.)].
- (ii) Extraction or felling of any timber within any area declared to be a water catchment area under Section 8 of the Water Ordinance, 1994 (Cap. 13).

3.0 DEVELOPMENT OF COMMERCIAL, INDUSTRIAL AND HOUSING ESTATES

- (i) Development of commercial or housing estates of an area exceeding 10 hectares.
- (ii) Development of industrial estates with factories to accommodate medium or heavy industries.
- (iii) Conversion of mangrove swamps into industrial, commercial or housing estate exceeding 10 hectares in area.
- (iv) Reclamation of land, whether by the sea or along river banks, for housing, commercial or industrial estates.

*[Amendment, Suk. LN 61,
19 October 1995]*

*[Amendment Suk. L.N.
16, 29 May 1997]*

*[Amendment Suk. L.N.
16, 29 May 1997]*

4.0 ACTIVITIES WHICH MAY POLLUTE INLAND WATER OR AFFECT SOURCES OF WATER SUPPLY

- (i) Development of groundwater with a supply capacity of 4500 cubic metres per day.
- (ii) Construction of dams, artificial lakes or reservoirs with a surface area of 50 hectares for impounding of water.
- (iii) Irrigation schemes covering an area exceeding 1000 hectares.
- (iv) Creation of lakes, ponds or reservoirs for the rearing of fish or prawns, exceeding 50 hectares in area.
- (v) Mining, pursuant to any Mining Lease, Certificate or Licence issued under the Mining Ordinance, [Cap. 83 (1958 Ed.)], covering areas exceeding 50 hectares or where mining involves the use of chemicals (including explosives) of any nature.
- (vi) Diversion of watercourses, streams or rivers or the excavation of sand and other rock materials therefrom.

5.0 FISHERIES AND ACTIVITIES WHICH MAY ENDANGER MARINE OR AQUATIC LIFE, PLANTS IN INLAND WATERS OR EROSION OF RIVER BANKS

Fish culture and other forms of fishing on a commercial scale which involve the setting up of fishing appliances and equipment in the rivers or water courses.

6.0 EXTRACTION AND REMOVAL OF ROCK MATERIALS AND MINING:

[Amendment Swk. LN 61,
19 October 1995]

- (i) Quarrying of aggregate, limestone, silica, quartzite, sandstone, sand, marble and stones which may cause damage or have an adverse impact on fragile ecosystem
- (ii) Open cast mining or prospecting for minerals or any form of mining for minerals which is likely to effect the landscape of the mining area so as to require rehabilitation thereof upon the cessation of mining activities.

[Amendment Swk. LN 61,
19 October 1995]

7.0 ANY OTHER ACTIVITIES WHICH MAY DAMAGE OR HAVE AN ADVERSE IMPACT ON QUALITY OF ENVIRONMENT OR NATURAL RESOURCES OF THE STATE INCLUDING THE FOLLOWING:-

[Amendment Swk. LN 61,
29 May 1997]

- (i) Construction of:
 - (a) parks and recreational facilities or resorts;
 - (b) building exceeding 4 storeys high for residential purpose; and
 - (c) buildings for commercial or other purposes on hill with slopes of 20 degrees or more.
- (ii) Establishment of golf courses.
- (iii) Construction of port facilities (including warehouses, godowns, container yards and cargo storage facilities) along any of the rivers gazetted under Section 11 of the Sarawak Rivers Ordinance, 1993 (Cap. 4).

- (iv) Development of resort facilities in areas within the fore shores of Sarawak.
- (v) Creation of parks and recreational facilities having an area exceeding 50 hectares for commercial purposes.
- (vi) Any development activity intended to be carried out within a water catchment area declared under Section 8 of the Water Ordinance, 1994 (Cap. 13).
- (vii) Construction of roads through settlements, peatswamp, beachfront, mangrove or hillslopes of 20 degrees or more. *[Amendment, Swk. LN 61, 19 October 1995]*
- (viii) Extraction and removal of earth or clay from an area exceeding 10 hectares and within 3 kilometres of any housing, commercial or industrial area or any area which has been approved for housing, commercial or industrial development. *[Amendment, Swk. LN 61, 19 October 1995]*
- (ix) The establishment of a planted forest under the Forest Ordinance (Cap.126) (1958 Ed.). *[Amendment Swk. L.N. 16, 29 May 1997]*
- (x) The clearing of vegetation on any land or the breaking up of any land for any purpose of an area exceeding 50 hectares. *[Amendment Swk. L.N. 16, 29 May 1997]*

2.0 LIST OF ITEMS PROPOSED FOR DELEGATION TO DEPARTMENT OF LAND AND SURVEY BY STATE PLANNING AUTHORITY IN APPROVED SUBDIVISION

In exercise of the powers conferred by Section 229(2) of the Land Code, the State Planning Authority on 19 August 1998 has decided to delegate the following functions:-

1. To the Secretary, Ministry of Planning and Resource Management - the power to consider and approve:-

All applications for the subdivision and development of land for housing not exceeding 40 units or 5 acres except where it involves application for alienation of State land and/or reclassification, the applications must be referred to State Planning Authority.

2. To the Director of Lands and Surveys - the power to consider and approve:-

- (i) All applications for subdivision of agricultural land except town land;
- (ii) The relaxation of building setbacks;
- (iii) The variation of title conditions of land from agricultural purposes to that of a dwelling house without involving subdivision;
- (iv) The change of floor uses to complexes and any business premises;
- (v) The permission to use land or building for any business purpose including that for child care centres, nurseries, tuition centres and kindergarten for a temporary period (1 to 5 years);
- (vi) The addition or deletion of an entrance porch to a business or commercial building where State land is involved;
- (vii) The addition of an attic floor on the top of a double storey dwelling house; and
- (viii) The addition of a mezzanine floor to a business or commercial building (up to a maximum of 50% of the ground floor area);
- (ix) The inclusion, deletion or enlargement of SESCO substation site outside a building;

- (x) The slight amendment of subdivisional plot sizes;
- (xi) The adjustment of subdivisional plot boundaries due to the discrepancy in land area on cadastral plan and actual surveyed area;
- (xii) The addition or deletion of drain or other wayleave reserve;
- (xiii) The addition or deletion of road truncations or corner cuts;
- (xiv) The change of right of way to a road reserve which is necessitated by the difficulty to register the right of way;
- (xv) The phasing of development;
- (xvi) The incorporation of engineering works with building plan submission;
- (xvii) The early issue of subdivided titles prior to the completion of engineering works;
- (xviii) The relaxation on the standard of engineering works such as from bitumen road to a gravel road etc;
- (xix) The rearrangement of car parking plan for the purpose of increasing car parking spaces and therefore reduce the requirement to pay in lieu of the shortage of parking provision;
- (xx) The reduction in the size or deletion of side kaki-lima in existing shophouses;
- (xxi) The change in residential building type usually from a detached to a semi-detached house;
- (xxii) The reduction in the number of storeys of building provided the skyline is not adversely affected;
- (xxiii) Approval or endorsement of building plans referred by Superintendents or where it is required by the condition of planning approval;
- (xxiv) Provision of reserve to accommodate any existing access or drainage outlet to the back lots.
- (xxv) Minor alterations or amendments to existing buildings in regard to the site and external appearance of building.
- (xxvi) Other matters to be delegated will be decided by the State Planning Authority later

10 URBAN DESIGN GUIDELINES FOR KUCHING CITY (CURRENTLY UNDER STUDY)

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4.0 LOW COST HOUSING POLICY (CURRENTLY UNDER STUDY)

5.0

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BACKGROUND

- 5.1.1 Since 1987, upon the completion of the National Coastal Erosion Study (NCES), the Government of Malaysia has been adopting a two-pronged strategy (short term and long term) for the control of coastal erosion. The short term strategy is construction focused and reactive in nature and aimed at preventing the further loss of existing facilities, properties and valuable land from the result of coastal erosion. The long term strategy on the other hand, is management focused and aimed to obviate the need for expensive protective works in the future by according due consideration to the consequences of coastal erosion in the planning and implementation of projects in the coastal zone. This is achieved through instituting non-structural and regulatory measures such as proper land use planning and control of development projects in the coastal zone.
- 5.1.2 Among the regulatory measures instituted by the Government are the General Administrative Circular No. 5 of 1987 issued by the Prime Minister's Department, the Environmental Quality Act 1974, Environment Quality (Prescribed Activities) (Environmental Impact Assessment) Order 1987, and the Natural Resources and Environment Ordinance (Sarawak) 1949 (As Amended 1994). Circular No. 5 of 1987 requires all proposed development projects in the coastal zone to be referred to the Coastal Engineering Division (CED) of the Department of Irrigation and Drainage (DID) for comments while the Environmental Impact Assessment (EIA) Order 1987 spells out a list of development activities which require mandatory submission of EIA reports for prior approval of the Department of Environment (DOE). CED provides assistance to DOE in the form of providing review and comment on EIA submissions for projects which affect the coastline.
- 5.1.3 Through these regulatory measures, CED has provided advice to approving authorities for development project applications in the coastal zone by pointing out potential impact, in particular, from the consideration of risk of coastal erosion and overall stability of the directly affected or adjacent shore lines. On average, CED processes and provides comments on some 170 proposed development applications and 30 EIA reports on development projects in the coastal zone annually. The Government of Malaysia is however, aware that the Administrative Circular No. 5/1987 and the EIA Order 1987 are only instruments to promote effective coastal zone management but are inadequate by themselves to bring about integrated coastal zone management and sustainable development.
- 5.1.4 As a result, the Economic Planning Unit (EPU) of Malaysia embarked on the preparation of a National Coastal Resources Management Policy in early 1992 as a first step towards a rational and integrated approach in coastal zone management in Malaysia. For that purpose, the EPU had set up an Inter Agency Planning Group (IAPG) comprising of members from all the relevant agencies such as Ministry of Agriculture, Ministry of Science, Technology and the Environment, Ministry of Land and Cooperatives Development, Ministry of Housing and Local Government, Ministry of Transport, Ministry of Primary Industries, Department of Environment, Department of Agriculture, Department of Irrigation and Drainage, Department of Public Works, Department of Forestry, Department of Town and Country Planning, Department of Survey and Mapping, Department of Geological Survey, the Attorney General's Office, Implementation and Coordination Unit of the Prime Minister's Department, and the Forestry Research Institute.
- 5.1.5 To assist the IAPG, three Technical Working Groups (TWG) were established to study in detail the various related aspects and to prepare inputs for drawing up the required final policy. TWG - 1 on Coastal Resources was to define the coastal zone, described its resources and document the resource utilisation problems; TWG - 2 on Coastal Planning Processes was to analyse the strengths and weaknesses of the current planning system and to propose a multi-sectoral holistic approach to coastal zone planning which can be implemented nationwide; while TWG - 3 on Legislation and Institutional Aspects was to review the legislative and institutional arrangements for coastal zone planning and management. All the technical working groups have completed their reports in mid 1993, while EPU is currently finalising the policy document.
- 5.1.6 Nevertheless, the National Coastal Resources Management Policy aims to provide the framework to ensure that the development of coastal resources and land use in the coastal zone will be properly planned and managed. This is to preserve and enhance the coastal environment and coastal resources for sustainable use and development for both present and future generations, as well as to identify and protect the critical coastal ecosystem and unique areas in the coastal zone. It is expected to include a specific management plan complete with guidelines as appendices for the following resources and activities:

- a) Coastal and Mangrove Forest
- b) Fisheries and Aquaculture
- c) Coastal and Offshore Sand Mining and Mineral Resources
- d) Coastal Erosion and Sedimentation
- e) Water Resources and Water Quality
- f) Coastal Land Use
- g) Islands, Coral Reefs and Associated Marine Ecosystems

- 5.1.7 In view of the increasing incidences of coastal erosion (the number of critical erosion sites had increased from 45 sites measuring 140 km. at the end of the NCES to 74 sites measuring 232.7 km. currently) and increasing pace of development in the coastal zone, the National Coastal Erosion Council in its meeting on 28 January 1995 requested EPU to form a committee to formulate guidelines for erosion control for development projects in the coastal zone at the soonest possible. A working committee to formulate the guidelines was formally established by EPU in June 1995 comprising of members from EPU, Implementation and Coordination Unit of the Prime Minister's Department, Ministry of Agriculture, Department of Environment, Department of Fisheries, Department of Town and Country Planning and Department of Irrigation of Drainage which served as the secretariat.
- 5.1.8 The Guidelines were completed and presented by the Director General, Department of Irrigation and Drainage to the National Development Council (NDC) at its meeting on 17 June 1996. Following the endorsement and approval of the Guidelines at that meeting, DID was requested to submit the Guidelines for Cabinet approval through the Ministry of Agriculture. The Cabinet subsequently approved the Guidelines for implementation at its regular meeting on 29 January 1997. The completed guidelines which aims at ensuring proper planning and implementation of coastal development projects to obviate the need for expensive coastal protection works in the future and to ensure sustainable development of the coastal zone.
- 5.1.9 The newly formed **State Planning Authority** is aware of the need to adopt the "Guidelines on erosion control for development projects in the Coastal Zone" approved by the Cabinet on 27 January 1997. However, it will use the guidelines as a guide only when considering development applications in the coastal zone, because it is awaiting the outcome of studies being carried out by Integrated Coastal Zone Management (ICZM). In this context therefore, the guidelines are included in the State Planning Authority Manual, so that decision makers in Sarawak are aware of the need to protect the State's fragile coast and take appropriate planning measures to protect the coast from inappropriate development. The guidelines are reproduced in their entirety and as published by Jabatan Pengairan dan Saliran.

5.2 GUIDELINES ON EROSION CONTROL FOR DEVELOPMENT PROJECTS IN THE COASTAL ZONE

5.2.1 INTRODUCTION

These guidelines are to be used for processing applications for development in the coastal zone in accordance with the General Administrative Circular No. 5 of 1987 issued by the Prime Minister's Department. The aim of these guidelines is to ensure proper planning and development of coastal projects for sustainable development in line with the directions stipulated in the erosion control management plan of the National Coastal Resources Management Policy. These guidelines together with the General Administrative Circular No. 5 of 1987 also act to supplement the Environmental Quality Act, 1974 Environmental Quality (Prescribed Activities) (Environmental Impact Assessment) Order 1987 and the Natural Resources and Environment Ordinance (Sarawak) 1949 (As Amended 1994).

5.2.2 DATA REQUIREMENT

- 2.2.1 The data required for the processing of all development applications in the coastal zone shall meet the mandatory requirements as stipulated in the Development Proposal Report under Section 21A, 21B and 21C of the Town and Country Planning Act, 1995 (Act A 933). In addition, the following data are required:-

2.2.1.1 Key Plan

Key Plan with a scale of 1:50,000 or equivalent which includes the following information:-

- a) type of land use within the range of 10 km from the project site;
- b) latitude and longitude; and
- c) types of flora and fauna available in the coastal zone.

2.2.1.2 Location Plan

Location plan/revenue sheet with a scale of 1:5,000 or equivalent which includes the following information:-

- a) the position of the lots planned to be developed and the position of the neighbouring lots within 1 km of the boundary of the project site;
- b) location of all existing infrastructure such as canals, drains, rivers, bunds, coastal structures as well as roads within the area;
- c) latitude and longitude; and
- d) location of all existing aquaculture and marine fisheries activities including turtles habitat.

2.2.1.3 Site Plan

Site plan or layout plan with a scale of 1:500 or equivalent which includes the following details:-

- a) all the buildings and structures that are to be constructed;
- b) the high water mark (mean high water spring);
- c) the existing and proposed drainage system, coastal erosion control structures, jetties, and drainage outfall structures if any;
- d) any existing ground features such as sand-spit, sand bar, erosion scarp, alor and rivers;
- e) spot levels at 20 metre intervals including contour lines at 1 metre intervals to be plotted on the site layout plan;
- f) latitude and longitude; and
- g) information on existing aquaculture and marine fisheries activities including turtles habitat.

2.2.1.4 Design Calculation and Plan

Design carried out by professional engineers registered with the Board of Engineers Malaysia including the detail calculation and plans for all erosion control structures and systems need to be submitted. The design calculation and plans for those structures which can interfere with the natural coastal processes including those related to marine fisheries, turtle habitat and aquaculture activities also need to be submitted. In this context, all structures constructed into the sea fall within the ambit of this category.

2.2.1.5 Photographs

Photographs showing the existing condition of the project site to be developed are required. They should show the view of the shoreline covering the landward and seaward areas of the project site which depict clearly the conditions of the existing shoreline i.e. stable, eroding or accreting. Photographs of existing neighbouring buildings and structures on both sides of the project site are also required.

2.2.1.6 Additional Information

The above general data or information are required for all types of development applications in the coastal zone. Additional information, maps and data required for the processing of a specific type of development in the coastal zone will be mentioned under the respective type of development which follows.

5.2.3 TYPES OF COASTAL DEVELOPMENT

For the purpose of these guidelines, development projects in the coastal zone may be classified into four broad types:-

- a) Shore front development
- b) Back shore development
- c) Land reclamation
- d) Sand mining and river mouth dredging.

2.3.1 Shore Front Development Projects

2.3.1.1 Preamble

Shore front development projects are those projects located on the shoreline or foreshore such as the construction of ports, marinas, breakwaters, groynes, jetties, causeway, bridges, undersea tunnels, sewerage outfalls, and laying of submarine cables and pipelines. These development projects can interfere with the equilibrium of natural coastal processes which may result in coastal erosion/siltation problems, damage to marine eco-systems, aquaculture systems and water pollution, although the severity of the adverse impacts may differ from one case to another. Hence they should be subjected to proper impact evaluation study using appropriate technology commensurate with the nature and scale of the development project.

2.3.1.2 Activities Captured Under Environmental Impact Assessment Order 1987 (EIA)

Some of the above activities are captured under the purview of the Environmental Quality Act, 1974 Environmental Quality (Prescribed Activities) (Environmental Impact Assessment) Order 1987 such as:-

- a) *Activity 8(f)*
Construction of shipyard with Dead Weight Tonnage greater than 5,000 tonnes;
- b) *Activity 10 (a)*
Construction of ports and port expansion involving an increase of 50% or more in handling capacity per annum;
- c) *Activity 12*
Construction of petroleum related activities such as construction of oil refineries [Activity 12 (d)] and construction of off-shore and on-shore pipelines in excess of 50 km in length [Activity 12 (b)].
- d) *Activity 13 (d)*
Construction of power generation and transmission facilities such as construction of combined cycle power stations;
- e) *Activity 18 (c) (ii)*
Construction of marine outfall.

2.3.1.3 Scope of Impact Evaluation Study

For shore front development projects, the study for coastal engineering works done for the purpose of Administrative Circular No. 5 of 1987 can also be used for the purpose of EIA review. For coastal engineering works a comprehensive impact evaluation study should typically include:

- a) preparation of key plan, location plan and site plan showing the siting and layout of proposed development or engineering works as outlined in paragraph 2.2.1 above;
- b) topographic, hydrographic, natural and physical conditions of the project site and its vicinity as outlined in paragraph 2.2.1 above as well as the existing socio-economics conditions;
- c) determination of the local wave climate, current, tides, storm surge and sediment characteristics;
- d) study of historical information to determine the trends and rates of accretion and erosion;
- e) prediction or measurement of the movement of sediment, littoral transport, sediment budget analysis under the without and with the project assumptions;
- f) determination of the immediate and long term influence of the proposed development works on the neighbouring sections of the coastlines and future trends. This should include quantitative estimation of shoreline changes such as erosion and accretion and their socio-economic implications;
- g) evaluation of environmental impact with regard to all of the uses of the shoreline/estuaries such as aquaculture, fishing activities, recreation, including potential impacts on water quality and marine ecology; and
- h) identify, describe and map feasible mitigative measures to overcome the various adverse effects arising from (f) and (g) above. This should cover capital works as well as the operation and maintenance measures, where applicable.

2.3.1.4 Use of Computer Modelling

- a) For the larger and more complex projects, physical and/or computer modelling studies are strongly recommended. Computer models, however, are less time consuming and more suitable for problems involving coastal sediment transport. For some projects, it may be possible to resort to expert opinions of experienced coastal engineers for a preliminary impact assessment and to decide on the need and/or scope of more detailed modelling studies.
- b) Where computer models are used in the analysis, they must be proven or well-tested. In addition, proper attention must be given to data collection, model calibration and verification. All raw data and boundary conditions must be clearly stated and made available to enable the Coastal Engineering Technical Center (CETC), Department of Irrigation and Drainage to verify the model predictions by similar or independent means. It is advisable that the Consultant have prior consultation with CETC regarding the acceptability of a particular computer software of project specific applications.

2.3.1.5 Other Guidelines

The other guidelines for shore front development activities are:-

- a) for the construction of jetties, bridges and causeway, an open piling system is preferred over solid barriers because the latter could interfere with the continuity of littoral sediment transport;
- b) the use of vertical faced shore front protection works (for example sea wall) is not encouraged; and
- c) sewage outfall pipes should be extended to beyond the Mean Low Water Spring (MLWS) and buried with a minimum cover of 1 metre to avoid any obstruction to the littoral drift. Likewise submarine cables and pipelines should also be buried with a minimum cover of 1 metre along the entire stretch.

2.3.1.6 Flow Chart

The flow chart for the processing of shore front development projects is as shown in Figure 1.

2.3.2 Back Shore Development Projects

2.3.2.1 Preamble

Back shore development projects include works such as construction of hotels, housing, agricultural and industrial development. These projects, by far represent the bulk of economic development activities in the coastal zone.

2.3.2.2 Activities Captured Under Environmental Impact Assessment Order 1987

Some of the back shore development activities that are captured under the Environmental Quality Act, 1974 Environmental Quality (Prescribed Activities) (Environmental Impact Assessment) Order 1987 are:-

- a) *Activity 7*
Housing development covering an area of 50 hectares or more; and
- b) *Activity 17 (a)*
Resort and recreational development such as construction of coastal resort facilities or hotel with more than 80 rooms.

2.3.2.3 Scope of Impact Evaluation Study

The impact of such projects can be wide-ranging. In the case of projects involving extensive clearing of vegetation, backfilling of land and bunding and construction of in land lagoon, full impact evaluation studies along the lines of paragraph 2.3.1.3 and 2.3.1.4 would be required. However, in cases comprising of small scale housing, resort and industrial development, it is advised that such development be sited at a suitable distance from the shoreline (development setback) to minimise the risk of damage or losses due to coastal erosion and undue interference on the near shore biological and marine environment. If this is complied with, an impact evaluation study (on the coastal erosion aspect) is not necessary. It is, however, cautioned that the need for an environmental impact study is still required by the Department of Environment if it falls within the purview of Environmental Quality Act, 1974 Environmental Quality (Prescribed Activities) (Environmental Impact Assessment) Order 1987 (for example Activity 17 (a)) or Natural Resources and Environment Ordinance (Sarawak).

2.3.2.4 Setbacks Limits

- a) The following setback limits are proposed:-
 - i) 60 metres for sandy coast measured from Mean High Water Line; and
 - ii) 400 metres for muddy coast measured from the seaward edge of mangrove vegetation/forest. However, no development should be allowed in areas where mangrove vegetation/forest have been gazetted as permanent forest reserve under the National Forestry Act 1984.
- b) Where beach dunes are present, they should be preserved in their natural state. New development or re-development activities on sand spits and sandbars should not be permitted.
- c) The above setback limits are not entirely dependent on the current stability of the coast line or classification of erosion hazard (critical, significant or acceptable). They are considered as good management/engineering practices for shoreline development in recognition of the dynamic nature of coastal processes and the potential risk of shoreline erosion which requires substantial funds for their redressal.
- d) The minimum setback requirements may be reviewed on account of site specific conditions. Examples of conditions warranting such review are:-
 - (i) where it is within 1 km of a well developed area with high-value permanent buildings located at distances less than the recommended setback;
 - (ii) where the proposed development is landward of an existing public access for example Public Works Department (JKR) road or coastal bund, the loss or failure of which is unacceptable;
 - (iii) where the developer undertakes to provide coastal erosion protection works based on a design acceptable to the government;
 - (iv) where the prevailing backshore is an erosion - resistant headland; and
 - (v) where the developed area is on high ground at levels exceeding five metres above the Mean Sea Level.
 - (vi) where turtle nesting site facilities are required.

2.3.2.5 Other Guidelines

For development projects sited in critical erosion areas, the developers shall be required to construct feasible erosion protection works at their own cost. The use of vertical faced shore front protection works (for example sea wall) is not encouraged.

2.3.2.6 Flow Chart

The flow chart for processing backshore development projects is as shown in Figure 2.

2.3.3 Land Reclamation

2.3.3.1 Preamble

The potential impact of a reclamation project is governed by a number of factors such as its location, wave and tidal regime, size and the geometrical planform of the reclamation

area. In this respect, hydraulic study/ modelling is a useful tool for optimising the layout of large-scale reclamation works and in identifying potential adverse impact. Piece-meal reclamation involving uncoordinated effort of a large number of small, individual land owners is highly undesirable because it often results in a highly irregular coastline which is difficult to manage from the viewpoints of coastal erosion control and for recreational use of the beach. Some typical impacts of coastal land reclamation projects are:-

- a) complete or partial loss of recreational beaches and undue obstruction of public access to these beaches;
- b) interference with the normal coastal processes resulting in erosion of coastlines or siltation of natural or man-made drainage channels;
- c) lack of effective works for protection against coastal areas;
- d) interference with the natural drainage of hinterland areas;
- e) destruction of mangrove eco-systems and other environmental habitat for flora and fauna;
- f) pollution of coastal waters; and
- g) complete or partial loss of aquaculture and fishing activities and access to fish landing sites.

2.3.3.2 Scale of Reclamation Capture Under Environmental Impact Assessment Order 1987

Coastal reclamation involving an area of 50 hectares or more is captured under Activity 4 of Environmental Quality Act, 1974 Environmental Quality (Prescribed Activities) (Environmental Impact Assessment) Order 1987 where an EIA study is mandatory under the law.

2.3.3.3 Scope of Impact Evaluation Study

However, all land reclamation projects irrespective of paragraph 2.3.3.2 should be subjected to impact evaluation studies as detailed in paragraphs 2.3.1.3 and 2.3.1.4 above. The impact assessment should capture the hydrodynamics and morphological changes using a modelling approach.

2.3.3.4 Provision of Drainage Facilities to the Hinterland

There should be proper provisions for discharging the drainage or flood flows of the hinterland catchment intercepted by the reclamation landfill.

2.3.3.5 Setback Limits

For the reclaimed shoreline, there should be a setback of 60 metres measured from the landward edge of the Mean High Water Spring. However, if coastal erosion protection works are provided, the developer need to provide a sufficient setback to be agreed upon by the CETC for the maintenance of the structures. This setback zone should also be equipped with a service road built by the developer for public access to sea frontage.

2.3.3.6 Flow Chart

The flow chart for processing land reclamation projects is as shown in Figure 3.

2.3.4 Offshore Sand Mining and River Mouth Dredging

2.3.4.1 Preamble

Offshore sand mining activities change the bathymetry of the sea bed which can alter beach dynamics, waves and swell patterns, as well as coastal current circulation, which may lead to erosion or sedimentation. Mining activities can influence the coastal processes through:-

- a) erosion of beaches from drawdown due to the backfilling of the dredge pit during calm period;
- b) interception of sediment movement by the dredged pit, which results in sand depletion onshore or downdrift;
- c) removal of protection afforded by offshore banks, which leads to bigger waves impinging on the coast;
- d) changes in the waves refraction pattern, which concentrates waves energy at a particular place; and
- e) destruction of aquatic eco-systems and adverse effects on aquaculture systems.

2.3.4.2 Federal and State Jurisdiction

The approval for sand mining falls under the purview of either the Federal or State jurisdiction, depending on the location of the operation. All land, including the foreshore up to 3 nautical miles seaward from the low-water mark, is controlled by the State. The seabed and water beyond this limit, up to the continental shelf boundary, falls under federal jurisdiction. Under Emergency (Essential Powers) Ordinance No. 7/1969, the territorial sea is extended to 12 nautical miles measured from the low-water mark, in all states except Sabah and Sarawak. This law applies for all purposes except for those covered under the Continental Shelf Act (1966), the Petroleum Mining Act (1966), the National Land Code (1965) and written laws relating to land in Sabah and Sarawak.

2.3.4.3 Sand Mining Activities Captured Under Environmental Impact Assessment Order 1987

Sand mining activities involving an area of 50 hectares or more are captured under Activity 11 (c) of Environmental Quality Act, 1974 Environmental Quality (Prescribed Activities) (Environmental Impact Assessment) Order 1987.

2.3.4.4 Additional Data Requirement

In addition to the data requirement as stated in paragraph 2.2.1, the following information reports are also required to be submitted to enable the application to be processed:-

- a) the location on a hydrographic chart of the sand source where the project proponent intends to mine;
- b) site investigation report on the availability of the sand source;
- c) quantity of sand to be mined per month and per year; and
- d) the sequence/procedure of sand mining and the equipment/machinery to be used.

2.3.4.5 Guidelines for Sand Mining

As a general rule, sand mining is not permitted in nearshore areas which are less than 1.5 km from the Mean Low Water Line or 10 metre water depth (from Lowest Astronomical Tide) which ever is further from the shore. This is to ensure that this will not result in any major disruption to the delicate balance of sediment movement in the nearshore littoral cell.

If it is not possible to comply with the para above due to technical, practical or economic reasons, a suitable study as outlined in paragraphs 2.3.1.3 and 2.3.1.4 should be conducted to demonstrate that the proposed site of sand mining operation would not lead to adverse impacts on the coastal processes, aquatic eco-systems and the stability of the adjacent shorelines. Notwithstanding the above, if there is an existing study which shows that any sand mining activity in a particular area will have adverse impacts, all mining activities in these sensitive areas shall be prohibited even if the general guidelines for sand mining have been adhered to.

2.3.4.6 River Mouth Dredging

Dredging or deepening of natural river mouths may result in the creation of sediment sinks leading to problems of erosion in adjacent coastlines. As such sand mining at river mouth or sandspit for commercial uses without proper hydraulic study as outlined in paragraph 2.3.1.3 and 2.3.1.4 shall be prohibited.

2.3.4.7 Flow Chart

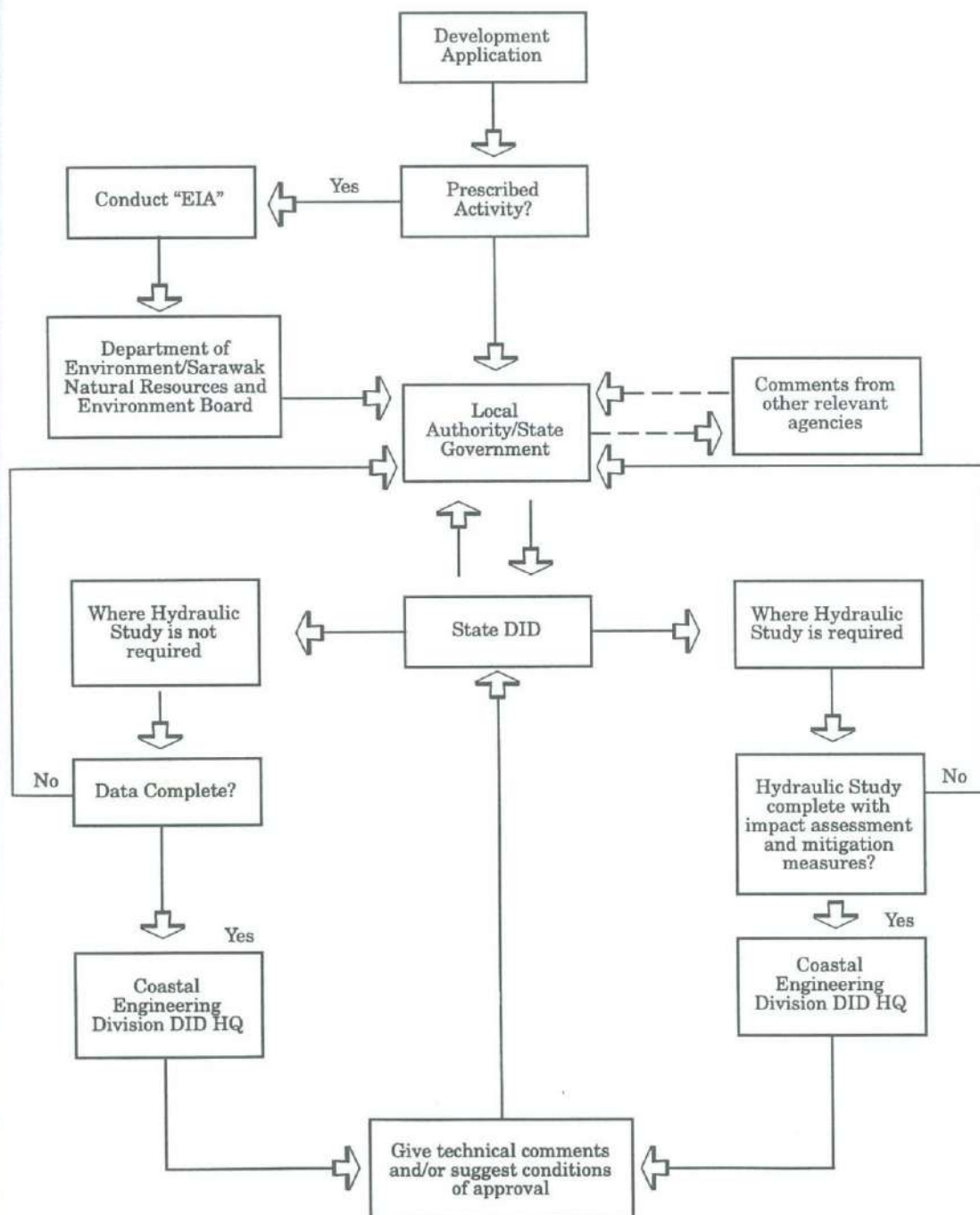
The flow chart for processing sand mining applications is as shown in Figures 4 and 5.

5.3.4 CONCLUSION

These guidelines are to be read together with the guidelines prepared in respect of the management plans for the other sectors in the National Coastal Resources Management policy for example coastal forests; mangrove forests; aquaculture; fisheries; coastal/offshore sand mining; land use and water quality and tourism in processing development applications in the coastal zone in accordance with the General Administrative Circular No. 5 1987. It is to be reviewed when necessary to keep abreast with current technology in coastal engineering, Government policies and current legislation.

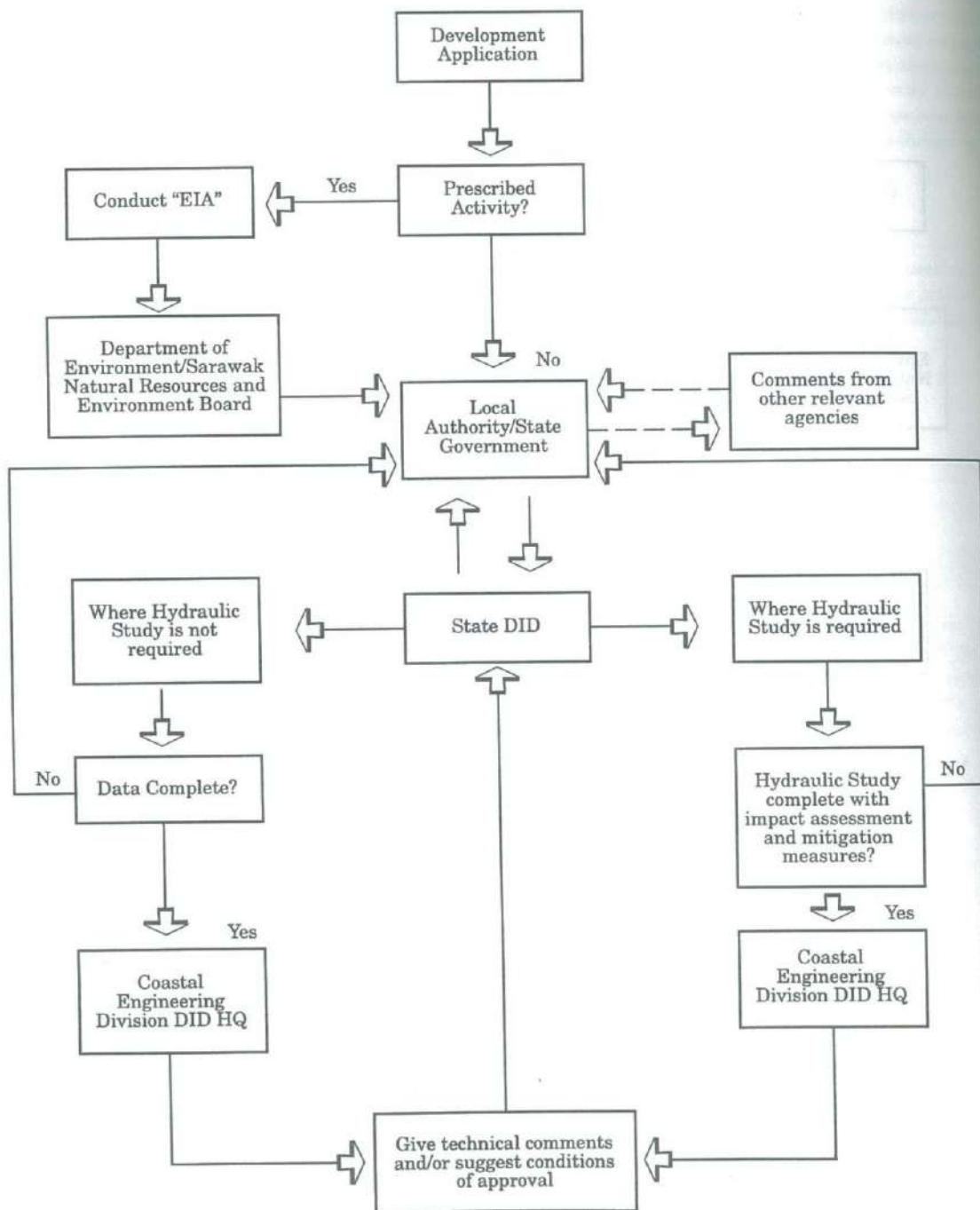
FLOWCHART FOR PROCESSING SHORE FRONT DEVELOPMENT

FIGURE 1



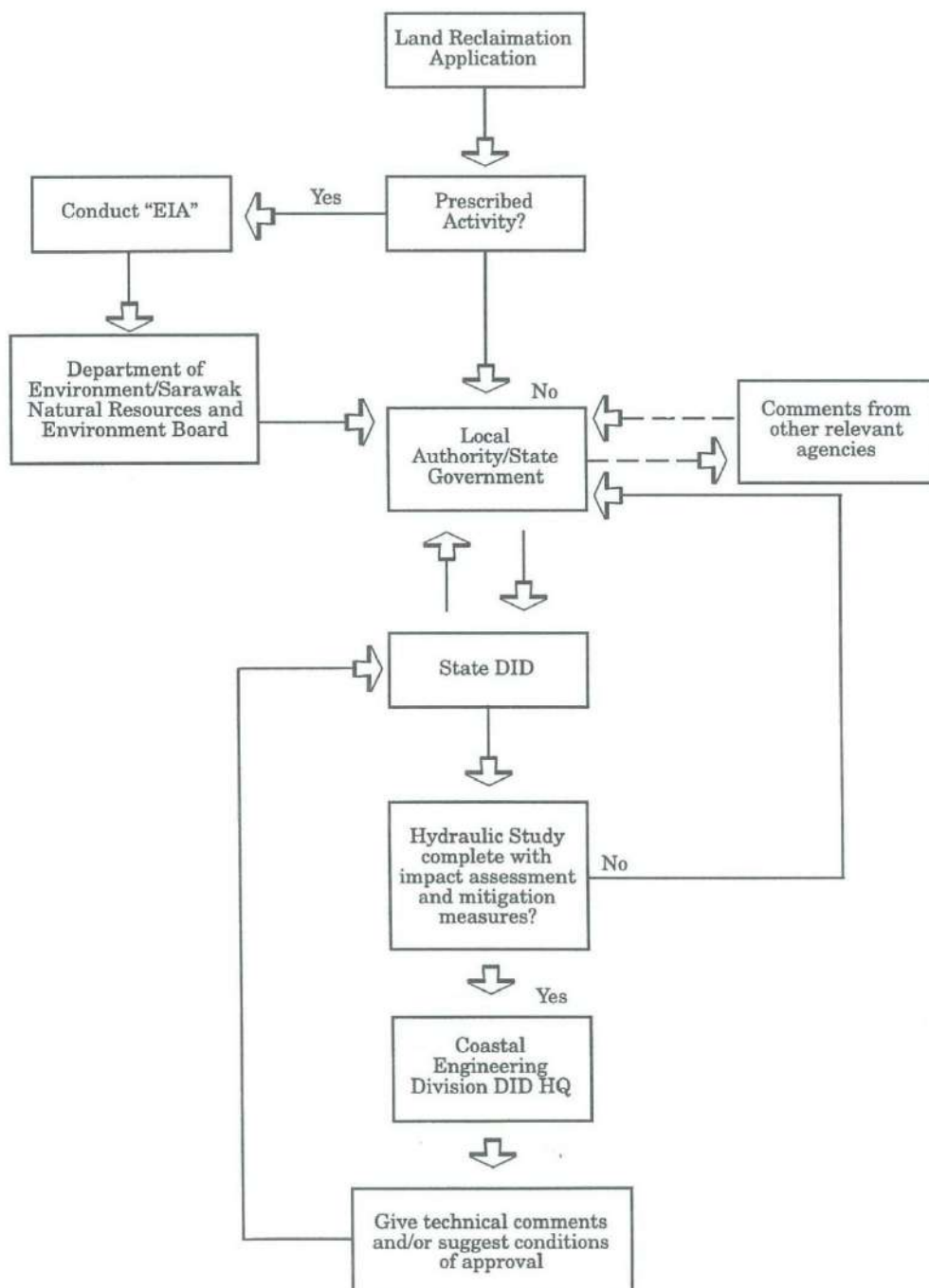
FLOWCHART FOR PROCESSING BACKSHORE DEVELOPMENT

FIGURE 2



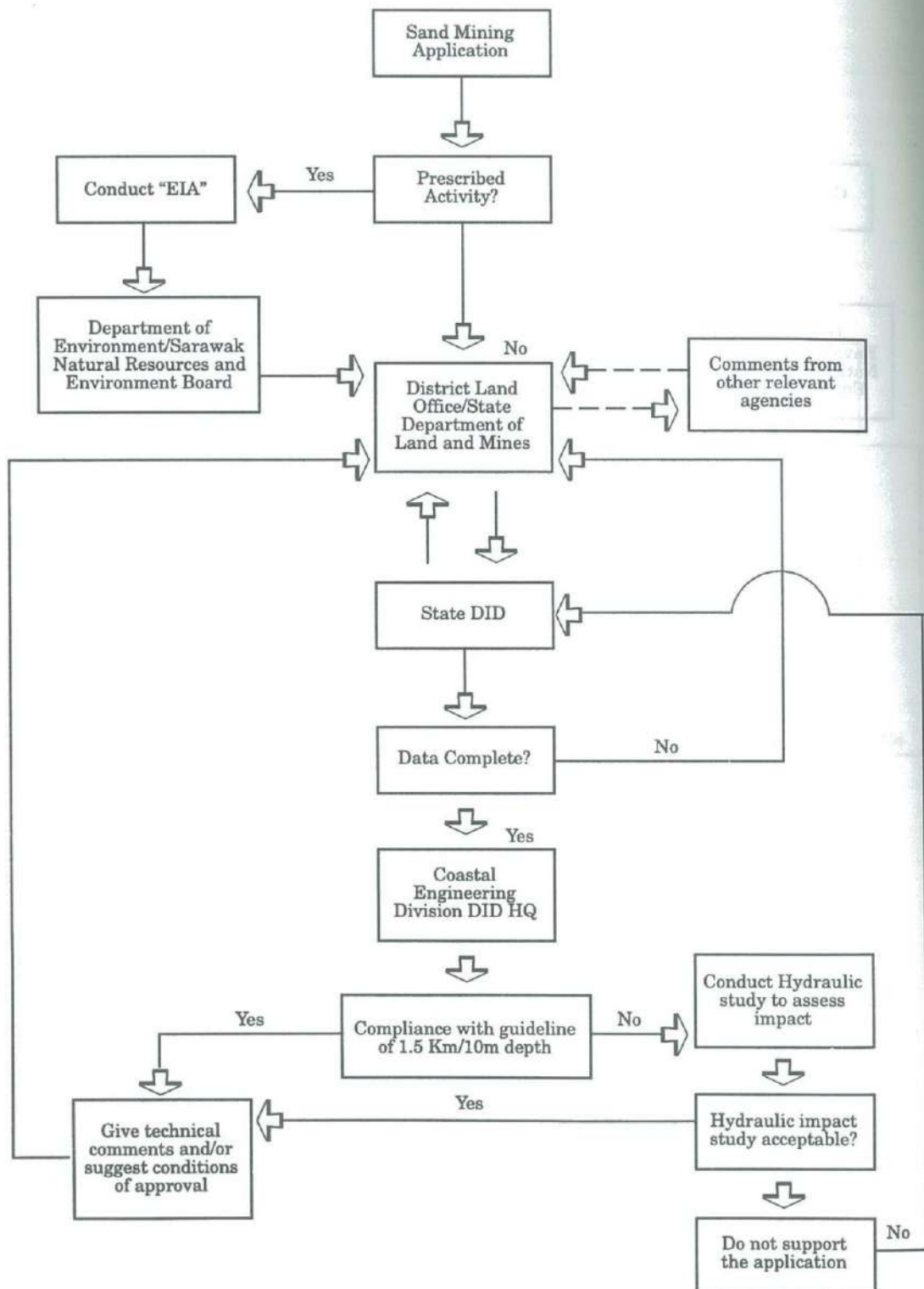
FLOWCHART FOR PROCESSING LAND RECLAMATION

FIGURE 3



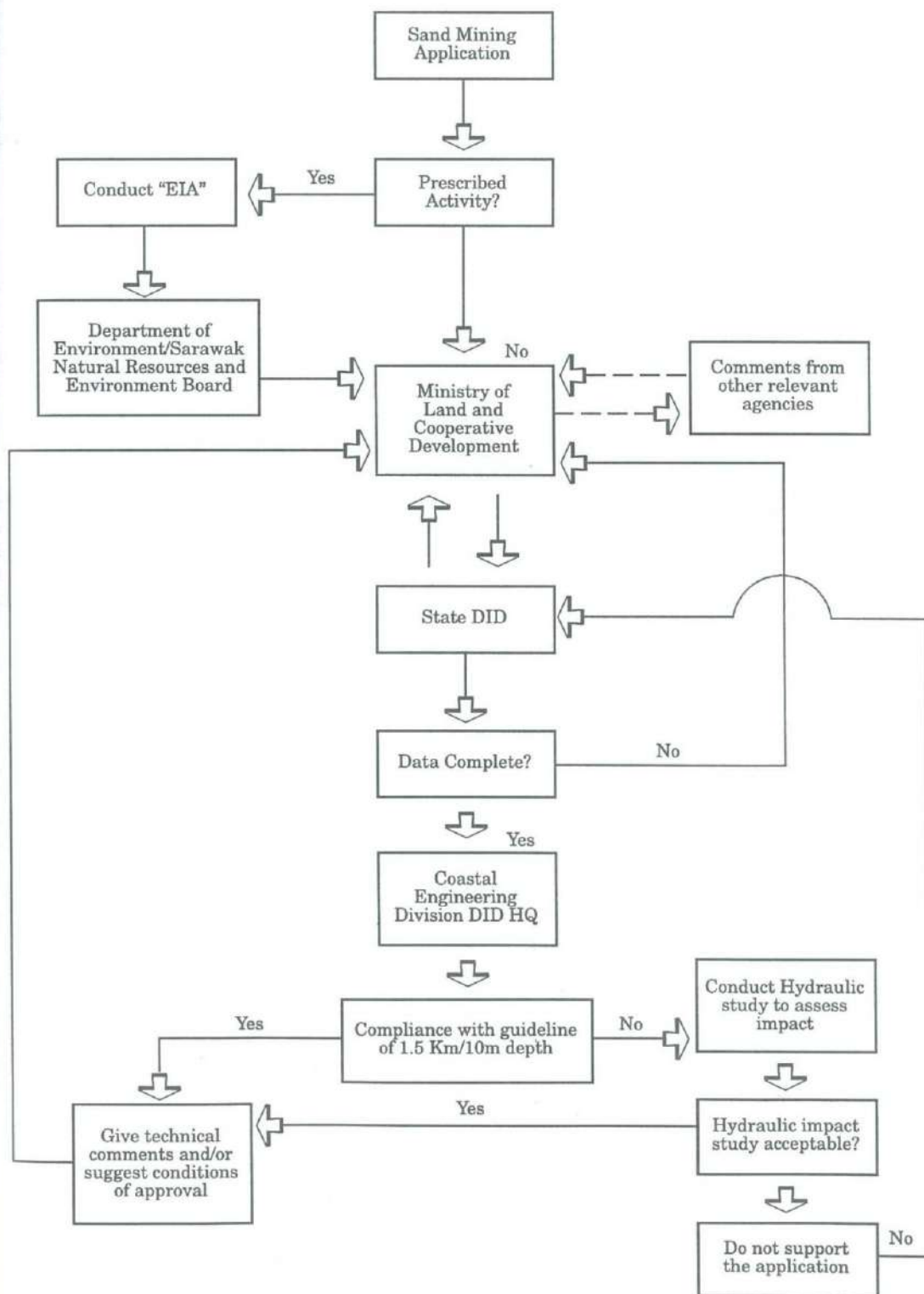
FLOWCHART FOR PROCESSING SAND MINING AT STATE LEVEL

FIGURE 4



FLOWCHART FOR PROCESSING SAND MINING AT FEDERAL LEVEL

FIGURE 5



APPENDIX 1

SURAT PEKELILING AM BIL. 5 TAHUN 1987

PERATURAN MELULUS DAN/ATAU MELAKSANAKAN PROJEK PEMBANGUNAN DI KAWASAN PANTAI NEGARA

1. TUJUAN

- 1.1 Surat Pekeliling ini bertujuan untuk menetapkan dan menjelaskan peraturan yang perlu dipatuhi oleh setiap Kementerian, Jabatan dan Badan Berkanun yang terlibat serta semua Kerajaan Negeri ketika melulus dan/atau melaksanakan projek-projek pembangunan di kawasan pantai.

2. LATARBELAKANG

- 2.1 Sejak beberapa tahun kebelakangan ini, hakisan pantai telah menyebabkan kerosakan dan kemusnahan kepada kawasan pertanian, hutan paya bakau, perumahan, rangkaian jalan perhubungan dan pantai rekreasi. Daripada sepanjang 4,800 km. pantai di Negara kita ini, lebih kurang 1,300 km (atau 27%) sedang mengalami hakisan pantai. Anggaran kasar nilai harta benda yang terancam oleh fenomena semulajadi ini adalah kira-kira RM200 juta untuk tempoh lima (5) tahun akan datang.

3. KAWALAN HAKISAN PANTAI NEGARA

- 3.1 Pengawalan ke atas kesan hakisan pantai Negara sekarang ini telah menjadi satu keperluan dari segi ekonomi dan sosial. Untuk tujuan ini, Kerajaan akan melaksanakan strategi pengawalan hakisan pantai yang berbentuk dua peringkat. Sebagai langkah jangka pendek, harta benda dan kemudahan awam di kawasan kritikal yang terancam oleh fenomena ini akan dilindungi, sekiranya didapati ekonomikal berbuat demikian. Langkah jangka panjang pula, adalah untuk mengawal kesan hakisan pantai melalui penyelarasan perancangan dan pengawalan pembangunan di kawasan pantai secara bersepadu.

4. PELAKSANAAN STRATEGI

- 4.1 Untuk melaksanakan strategi ini Kerajaan telah, antara lain mengujudkan dua institusi kawalan iaitu majlis Kawalan Hakisan Pantai Negara (MKHPN) dan Pusat Teknikal Kejuruteraan Pantai (PTKP).
- 4.2 Majlis Kawalan Hakisan Pantai Negara (MKHPN) adalah merupakan badan penasihat mengenai kawalan hakisan pantai dan fungsi utamanya ialah untuk memperakukan kepada Kerajaan mengenai program, pembiayaan dan penyelarasan tindakan, bukan sahaja di antara Kerajaan Persekutuan dan Negeri tetapi juga dengan sektor swasta. Pusat Teknikal Kejuruteraan Pantai (PTKP) pula telah ditubuhkan di Jabatan Parit dan Taliair Malaysia dan bertanggungjawab untuk melaksanakan kajian teknikal dan memberi khidmat nasihat hakisan pantai.
- 4.3 Kajian Hakisan Pantai Negara yang telah dijalankan baru-baru ini menunjukkan bahawa kebanyakan kemusnahan yang berlaku adalah kerana pembangunan telah dilaksanakan di kawasan yang berpotensi untuk terhakis, di mana kerja-kerja kejuruteraan untuk pengawalan hakisan memerlukan perbelanjaan yang tinggi. Kemusnahan berlaku juga akibat pembinaan struktur-struktur yang tidak dirancang di sepanjang pantai serta aktiviti-aktiviti di luar pantai yang telah menyebabkan berlakunya hakisan ataupun memburukkan lagi keadaan hakisan.

- 4.4 Sebagai langkah pertama ke arah mengurangkan kesan hakisan pantai dan kos pencegahannya, perlu dipastikan supaya segala usaha pembangunan di kawasan pantai yang dilaksanakan di masa hadapan hendaklah mengambil kira kemungkinan risiko hakisan serta kesan-kesan negatif lain yang mungkin timbul. Demikian juga dengan pembinaan struktur-struktur di sepanjang pantai seperti jeti, pelabuhan, tembok penahan dan lain-lain serta aktiviti-aktiviti di lautan berhampiran seperti pengambilan pasir, pembinaan pelantar minyak, pemasangan paip/kabel dasar laut dan lain-lain hendaklah pada masa akan datang dirancang supaya tidak akan menyebabkan atau memburukkan lagi hakisan pantai (contoh struktur/aktiviti pantai yang mungkin dibina/dijalankan adalah seperti di Lampiran A). Sehubungan dengan ini setiap Kementerian, Jabatan dan Badan Berkanun yang terlibat serta semua Kerajaan Negeri adalah dinasihatkan supaya merujuk segala cadangan pembangunan, aktiviti dan pembinaan struktur di kawasan pantai termasuk di lautan yang berhampiran, untuk ulasan kepada:

Ketua Pengarah
Jabatan Pengairan dan Saliran, Malaysia
Jalan Sultan Salahuddin
50626 Kuala Lumpur

(u/p: Pengarah,
Bahagian Kejuruteraan Pantai)

5. TANGGUNGJAWAB KETUA JABATAN

- 5.1 Dengan berkuatkuasanya Surat Pekeliling ini, Ketua-Ketua Setiausaha Kementerian, Ketua-Ketua Jabatan, Ketua-Ketua Badan Berkanun yang terlibat serta semua Setiausaha-Setiausaha Kerajaan Negeri adalah bertanggungjawab melaksanakan peraturan yang termaktub dalam Surat Pekeliling ini. Sebarang kemusykilan yang timbul dari Surat Pekeliling ini hendaklah dirujuk kepada:

Ketua Pengarah
Unit Penyelarasan Perlaksanaan, Jabatan Perdana Menteri
Jalan Dato' Onn, 50502 Kuala Lumpur

6. TARIKH KUATKUASA

- 6.1 Tarikh kuatkuasa peraturan ini adalah dari tarikh Surat Pekeliling ini.

"Berkhidmat Untuk Negara"

(t.t)

(Tan Sri Dato' Sallehuddin Bin Mohamed)
Ketua Setiausaha Negara

LAMPIRAN A

A. CONTOH PEMBANGUNAN DI KAWASAN PANTAI

1. Jeti
2. Pelabuhan
 - (i) Dermaga
 - (ii) Pemecah Ombak
 - (iii) Groyne (Kemola Kekubah)
 - (iv) Pontoon
 - (v) Revetment
3. Tembok Penahan Laut
4. Perumahan/Kondominium/Hotel
5. Taman rekreasi
6. Pelantar Minyak
7. Struktur di dasar laut
 - (i) Paip minyak/air
 - (ii) Kabel letrik/telekom
8. Tambak (Causeway)
9. Empangan (di hulu sungai)
10. Saluran keluar (Outlets/outfalls)

B. CONTOH AKTIVITI DI LAUTAN

1. Penambakan tepi laut
2. Pengambilan Pasir Pantai/Laut
3. Pengorekan dasar laluan kapal
4. Pengubahsuaian muara sungai

6.0 LAND-USE CLASSIFICATION SYSTEM (STRUCTURE PLAN)

GENERALISED LAND-USED ZONES & RESERVES FOR STRUCTURE PLAN





ZONES

	Residential
	Commercial
	Mixed Uses (Commercial)
	Industrial
	Special Industrial/Waste Management/Recycling Technology
	Health/Welfare/Community Services of a non government nature or cultural/religious uses
	Private Recreation/Tourism
	Other mixed uses
	Agricultural/Primary Mixed Farming/Intensive Cultivation
	Rural (Broad Acres)/Rural Pursuits
	Resource Management




RESERVES

	Public Parks and Open Spaces
	Cemetery/Burial grounds/crematorium
	Public Transport Routes/Utilities/Airport/Terminals/Ports/Port Installations/Wharfs/Communications/Sesco/Intermodal Transport/Interchange
	Forest Reserve
	Water Catchments
	Waterways/Rivers/Drains

PUBLIC PURPOSES

	Government establishments
	Government housing
	Educational uses
	Government establishment (Restricted) e.g. Field Force/Military Camp/prison









ROADS

	Trunk Distributor Roads/Major Arterial Roads $\geq 40.0\text{m}$
	Primary Distributor Road/Arterial distributor Road (25.0m + 34.0m)
	Secondary Distributor Road (< 25.0m) (including local distributor roads, access roads, and front & service roads)

1. Specify residential density viz.

R20

 20 dwellings per hectare
2. Note whether commercial centre is central business district (city centre), Regional Centre, Sub-Regional Centre, Town Centre, Local Centre, Rural Growth Centre, Service Centre or Border Town

	STUDY AREA BOUNDARY
	DESIGNATED LAND-USE AREA
	DEVELOPMENT AREA
	LOCAL PLAN / ACTION PLAN AREA
	SECTION 47/48 AREA
	OTHER
	EXISTING LAND-USE (DARK COLOUR)
	FUTURE LAND-USE (LIGHTER COLOUR)

7.0 LAND-USE CLASSIFICATION SYSTEM (LOCAL PLAN)

LOCAL PLAN/LAND-USE PLAN (DETAILED CLASSIFICATION)

ZONES

COMMERCIAL

M U	MIXED USED (e.g. shophouses & complexes)
O B	Office/Business
S R	Shop/retail/shopping (not of a mixed-used nature)
O R	Other retail (e.g. markets)

RESIDENTIAL

D	DETACHED	SD	SEMI-DETACHED
T	TERRACE	TH	TOWN HOUSES (3-4 STOREY)
CH	CLUSTER HOUSING / QUADRAPLEX / TRIPLEX	LC	LOW COST HOUSING
AC	APARTMENTS CONDOMINIUM OVER 4 STOREY	RH	WORKERS HOSTEL
RS	RESETTLEMENT SITE	Q	QUARTERS / GOVERNMENT HOUSING
K	KAMPUNG	F	OTHER / FLAT

INDUSTRIAL

S	STORAGE / DISTRIBUTION / GODOWN WAREHOUSING / OPEN STACKING
MP	MANUFACTURING / PROCESSING / FABRICATION INDUSTRY (NON POLLUTING OR HAZARDOUS INDUSTRIES)
LI	LIGHT INDUSTRY
GI	GENERAL INDUSTRY
SI	SERVICE INDUSTRY
NO	NOXIOUS / NUISANCE OFFENSIVE / BAD NEIGHBOUR INDUSTRY
DP	DANGEROUS AND POLLUTING INDUSTRIES
EI	EXTRACTIVE INDUSTRY
RI	RURAL INDUSTRY
SI	SPECIAL INDUSTRY
CI	COTTAGE INDUSTRY

HEALTH / WELFARE / COMMUNITY SERVICES OF A NON GOVERNMENT NATURE E.G. CONVENTION CENTRE, CHILD CARE / OR CULTURAL / RELIGIOUS USES.



OTHER MIXED USES



PRIVATE CLUBS AND GROUNDS/ TOURISM



AGRICULTURAL/ PRIMARY/ MIXED FARMING INTENSIVE CULTIVATION



RURAL (BROAD ACRE/RURAL PURSUITS)



RESOURCE MANAGEMENT

	RESOURCE MANAGEMENT
	FLOOD PLAIN
	COASTAL AREAS / WETLANDS MANGROVES
	CONSERVATION AREAS
	GROUND WATER PROTECTION
	NATIONAL PARK
	FLORA AND FAUNA
	MARINE PARK

PUBLIC PURPOSES

	GOVERNMENT ESTABLISHMENTS
	GOVERNMENT HOUSING
	EDUCATIONAL USES
	GOVERNMENT ESTABLISHMENT (RESTRICTED) E.G. FIELD FORCE MILITARY CAMP
	OTHER

ROADS

	TRUNK DISTRIBUTOR ROADS / MAJOR ARTERIAL ROADS >40.0m (DUAL CARRIAGEWAY)
	PRIMARY DISTRIBUTOR ROAD / ARTERIAL DISTRIBUTOR ROADS (25.0m + 34.0m) (single / dual carriageway)
	Secondary distributor road (25.0m)(single carriageway) (including local distributor roads, access roads, front and service roads)
	OTHER

RESERVES

	Public Parks And Open Spaces
	Cemetery
	Public Transport Routes/Utilities/ Airport Terminals/Ports/Ports Installation/Wharfs Communications/Intermodal Transport Interchange
	Forest Reserve
	Water Catchment
	Waterways/River/Drains

PLAN KEY

	STUDY AREA BOUNDARY
	DESIGNATED LAND-USE AREA
	DEVELOPMENT AREA
	LOCAL PLAN/ACTION PLAN AREA
	SECTION 47/48 AREA
	EXISTING LAND-USE (DARK COLOUR)
	FUTURE LAND-USE (LIGHTER COLOUR)

8.0 TYPES OF DEVELOPMENT REQUIRING A TRAFFIC IMPACT ASSESSMENT

INTRODUCTION

The increasing rate of development approval in Sarawak's cities and towns is generating many additional vehicular trips, and is increasingly contributing to congestion in our cities. There is a need for planners to carry out a rapid traffic impact assessment of development, so that the adverse impact of development in cities can be minimised. Viz. Traffic congestion, air pollution, long delays, in getting to work, health related problems etc. This paper outlines some criteria which planners should use as a benchmark for deciding whether a traffic impact assessment is required.

TRAFFIC IMPACT ASSESSMENT CRITERIA

The institution of transportation engineers (ITE) has listed several general criteria to decide when a TIA is required. The suggested criteria are as follows:

- "The development is expected to generate at least 100 trips during the peak hour, either entering or existing. The figure 100 was chosen as it usually is capable of influencing the level of service of an intersection.
- The existence of any current traffic problems in the vicinity of the development, this includes poor level of service intersections, safety problems and other associated problems.
- The current or projected level of service of the road and traffic system adjacent to the development, which will be significantly affected.
- The sensitivity of the adjacent neighbourhoods or other areas that may be perceived as impacted.
- The proximity of the development's access roads to other access roads and intersections. This also includes the type of road, the development's access roads forming and intersection width. For example, currently in Malaysia, the public works department require a TIA study if a proposed development will have an access road through any federal route and the development's size is greater than 40 acres.
- The ability of the adjacent existing and planned road system to handle increased traffic, or the feasibility of improving the road system to handle increased traffic.
- At the judgement or discretion of the appropriate authorities.
- Other specific problems or deficiencies that may be affected by the proposed development?" 1.

In Sarawak planners may consider the following additional criteria in deciding whether a TIA is required. Development abutting a road reserve width greater than or equal to 34.0 metres or if any development is likely to generate more than 600 vehicles per hour at any time of the day or night.

In arriving at this figure however, planners must not derive the figure in isolation, but should consider other land uses existing and proposed and decide whether the total vehicles per hour derived from this analysis can be accommodated within the carriageway widths of the road reserve.

Planners should note that the figure of 600 vehicles per hour should be used as a guide only and will depend very much on the type of road and the carriageway width of the road reserves.

Additionally, the carrying capacity of the road carriageway to support vehicles from the development may well be increased by the type of traffic management measures proposed by the developers. For example, a road carriageway width of 7.3 m (2 lanes, 2 way) would be able to accommodate the development if drivers can tolerate a degree of waiting and direct access to the development is allowed.

1. Source: Extract from Dr. Ahmad Farhan Mohd. Sadullah (1997). Traffic impact assessment (TIA): A general overview of a recommended practice in short course on traffic impact assessment 02-04 June 1997 organised by School of Civil Engineering University Sains Malaysia, Perak Branch Campus, Pages 1-1 1.

A lesser carriageway width would generally not be able to accommodate such development.

Conversely, higher vehicles per hour can be tolerated on a carriageway width of 7.3 m depending on the specific hierarchy of the road and the efficiency of the road network. This would be the case if the road was designed with high capacity intersections, but restricted access and waiting allowed or if the road was designed with no frontage access to the development.

Other factors that needs to be considered in deciding when considering whether a TIA is needed or not is the extent to which the development distributes vehicles to other roads and the proposed density of development.

Table 8.1 provides a rough guide of vehicles per hour (VPH) in relation to building use type. In the case of major roads Viz. 34.0 and above within a city or town forming part of a city wide network it will be necessary for a traffic impact assessment to be carried out, so that more accurate vehicle flow data may be calculated based on traffic surveys.

On streets which carry out more local traffic, approximate figures may be used as a guide for determining flows based on local knowledge of building use and land use which have access to the street. The figures have been adopted from the Surrey City Council to suit local knowledge. See Table 8.2 and 8.3 and Figure 8.1 for an example of how to assess whether a TIA is required. Table 8.4(a) and 8.4(b) gives an example of how carriageway widths are assessed. Source: Bentley 1985, 19.

TABLE 8.1 ESTIMATING VEHICLE FLOWS

<u>Building Use</u>	<u>Vehicles (VPH)</u>
1. Residential	
(a) Detached, Semi-detached and terraced houses and dwelling units above shops	1 per unit
(b) Flats/Apartments/Condominium type of housing	1.25 per unit
2. Commercial	
(a) All commercial development	1 per 20 sq. metres (Gross) or part
3. Hotel	
(a) Rooms	1 per 5 bedrooms
(b) Restaurants cafe etc. (to be based on commercial development rates)	1 per 20 sq. metres
4. Office	
All types	1 per 20 sq. metres (Gross) or part
5. Industrial	
All types	1 per 10 sq. metres (Gross) or part
6. Educational	
Pupils up to 12 years	1 per 4 pupils
Pupils aged 12 or more	1 per 6 pupils
Technical and vocational schools, universities and other institutions of higher learning	1 per 3 pupil spaces
7. Places of entertainment and recreation	1 per 5 sq. metres (gross)
8. Sports	1 per 5 sq. metre
9. Medical	1 per 50 sq. metres (gross)
10. Places of assembly	1 per 5 sq. metres (gross)
11. Multi-storey carparks	1 per space
12. Short term carparks	2 per space

LAND-USE	STANDARD	VEHICLES PER HOUR
INDUSTRIAL ZONE		
14 units @ 216 m ² /unit	3024 m ² @ 1/10m ²	302.4
COMMERCIAL COMPLEX		
• 2 storey • 2 floor @ 1800m ² /floor	3600 m ² @ 1/20m ²	180
OFFICE COMPLEX		
10 storey 10 floor @ 1800 m ² /floor	18000 m ² @ 1/20m ²	900
HOTEL		
2 x 6 storey hotel • Restaurant 1 floor @ 801m ² /floor 801 x 2	1602 m ² @ 1/20 m ²	80.1
• Hotel room 8 per floor (40 room x 2 = 80 room	80 room @ 1/5 bedroom	16
SHOPHOUSES		
(112) + (6) + (12) shophouses		
2 C @ 113 m ² /floor" 226m ²	25312m ² @ 1/20m ²	1265.6
2 C @ 226m ² /floor" 452m ²	2712m ² @ 1/20m ²	135.6
2 C @ 510m ² /floor 1020m ²	12240m ² @ 1/20 m ²	612
2 R @ 260 units	260 @ 1/unit	260
RESIDENTIAL		
• 24 semi-detached	24 units @ 1/unit	24
• 14 terraced units	14 @ 1/unit	14
• 10 detached units	10 units @ 1/unit	10
		=====
		3799.7
		=====

Table: 8.2 Overall Vehicles Per Hour

The overall layout plan will generate 3799.7 vehicles per hour. This suggests that a TIA may be required. A second check should be carried out for street A-B to check whether the carriageway width can accommodate the vehicles. (See figure 8.1)

LAND-USE	STANDARD	VEHICLES PER HOUR
INDUSTRIAL ZONE		
COMMERCIAL COMPLEX		
OFFICE COMPLEX		
HOTEL		
2 x 6 storey hotel (1 floor restaurant 5 floor of hotel rooms)		
• Restaurant 1 floor @ 801 m ² /floor * 2 x 801 m ² =1602m ²	1602 m ² @ 1/20 m ²	80.1
• Hotel room 8 per floor * 40 room x 2 = 80 room	80 room @ 1/5 bedroom	16
SHOPHOUSES		
1. 32 @ 113m ² /floor=3616m ² 2C x 3616m ² =7232m ²	7232m ² @ 1/20m ²	361.6
2. 12 @ 510m ² /floor=6120m ² 2C x 6120m ² =12240m ²	12240m ² @ 1/20m ²	612.0
RESIDENTIAL UNITS ABOVE SHOPHOUSES		
88 residential units	88 units @ 1/unit	88
		=====
		1157.7
		=====

Table: 8.3 Vehicle Flows Per Hour For Street A-B

A maximum flow 1157.7 vehicles per hour suggests that the proposed 6.0 carriageway for street A-B is inadequate for the proposed commercial development. Therefore, a TIA is required. Alternatively, street A-B could be designed as an all-purpose road, having a road carriageway, each of 2 lanes 2 way. Therefore, if street A-B is to remain it should be redesigned as a dual carriageway width of 7.3m so that it can accommodate 1 157.7 vehicles per hour. (See Table 8.4 a + b). Alternatively reduce the scale of development. (See figure 8.1)

Note: All developers should note that the figure of 600 vehicles per hour should be used as a guide only. In practice this figure could be much lower depending on existing land uses, density of development, type of road and the carriageway width of the road reserves among others.

TABLE 8.4 (a) + (b)**Carriageway Widths**

Once the streets have been classified, estimate the carriageway widths required; as shown in table 4.

4a All-purpose roads			
Road type	Road Width (2 lane, 2 way)		
	6m	6.7m	7.3m
Primary, District and Local distributors, with no frontage access, no waiting, and negligible cross traffic.	1200	1350	1500
	maximum traffic flow vehicles per hour (vph)		
District and Local Distributors and Access Roads with high capacity junctions, but restricted waiting and access.	800	1000	1200
Local Distributors and Access Roads with waiting and direct access allowed.	300-500	450-600	600-750

4b Residential Roads		
Road Type	Maximum Flow (vph)	Width (m)
Local Distributor	400 (min)	6.7
Major access road	300	5.5
Collector road	150	5.5
Access road	45	5.5
Access way	20	4.5
Mews Court*	15	4.8
Housing square*	15	4.8

Source : Bentley et. al. 1985. 19.

* Traffic calmed places

(Conceptual plan only)



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