

KM LAYOUT VS KM BUILDING

Author: Ir. Dr. Justin LAI Woon Fatt | 24 February, 2025

'*Kebenaran Merancang (KM)*' or Planning Permission is the process of gaining Development Order by the local authority. According to the Federal Territory (Planning) Act 1982 Amended 2006 (Act 267) Subsection 2(1), the term 'development' is defined as:

"The carrying out of any building, engineering, mining, industrial or other similar operation in, on, or under land, the making of any material change in the use of any land or building or any part thereof, or the subdivision or amalgamation of lands"^[1]

According to Sections 21 & 22, a Development Order (DO) or 'Perintah Pembangunan' is:

"The permission granted with or without conditions to carry out development which is to be issued after the approval of Planning Permission"^[1]

Meanwhile, the Town and Country Planning Act 1976 (Act 172) states that:

"No person, other than a Local Authority (LA) shall commence, undertake, or carry out any development unless Development Order in respect of such development has been granted to him under Section 22 or extended under subsection 24 (3)"^[2]

Thus, if one has commenced any development without acquiring a development order, they are regarded to have breached the law.

In general, a KM submission is categorized into four types:

- i) Layout Plan (*Pelan Susunatur*)
- ii) Building Erection Plan (*Pelan Pendirian Bangunan*)
- iii) Change of Use (*Perubahan Material Bangunan*)
- iv) Temporary (*Sementara/ Tempoh Terhad*)

This article is limited to discussing the comparison between KM submission for Layout Plan and KM submission for Building Erection Plan. In general, KM for Layout Plan is used to show the proposed land use within the land and is required to produce a master plan, subdivision of land, land partition, land amalgamation, and/or land conversion which involves the changes in specifications and usage of the proposed land.

Meanwhile, KM for Building Erection Plan is used to show the building's relative position within the proposed land to comply with various building planning requirements set by the Town and Country Planning Department of each state. Such requirements include setback, parking, green area, plot ratio, etc.

Acts and guidelines included in the KM process include the following, but not limited to:

- a) National Land Code (*Kanun Tanah Negara*)
- b) Town and Country Planning Act (*Akta Perancangan Bandar dan Desa*)
- c) State Planning Guidelines and Standards Manual (*Manual Garis Panduan dan Piawaian Perancangan Negeri*)
- d) Local Planning Department (*Akta Kerajaan Tempatan*)
- e) Street, Drainage and Building Act (*Akta Jalan, Parit dan Bangunan*)
- f) Government Gazette (Warta Kerajaan)
- g) Guidelines and By-Laws are prepared by Local Authorities (LA) and External Technical Agencies (ETA).

Master Plan (*Pelan Induk*)

A master plan is a development layout plan that shows in detail a development through reports, sketches, maps, and models [3]. It is a comprehensive drawing plan for a land/parcel that shows long-term planning for development and comprises more detail compared to the concept plan. It is also used as a guide in the preparation of layout plans for planning approval. In general, a single title lot that does not need to undergo any changes in size and usage of land will only need to submit KM for Building Erection Plan before proceeding to Building Plan submission.

However, if the lot does not have or is not a part of any master plan, it will need to be submitted under KM for Layout Plan to produce a master plan in order to gain a comprehensive technical review. This factor will determine whether a submission shall need to undergo KM for Layout Plan or KM for Building Erection Plan.

KM for Layout Plan (*Pelan Susunatur*)

This type of submission involves more than one building unit such as housing schemes, business schemes, enterprise schemes, subdivisions, land partitions, and land amalgamations [4]. The preparation of a layout plan is the initial action for an application to break the boundary /section/ change land conditions and proposed development on a piece of land. It will involve reviews and approval from internal technical agencies and external technical agencies to produce a master plan to gain comprehensive external technical review. Lands that undergo subdivision or partition will then need to submit KM for Building Erection Plan before proceeding with building submission and approval, as a single title [5].

KM for Building Erection Plan (*Pelan Pendirian Bangunan*)

The purpose of this submission is to gain permission from the Planning Department of the LA to proceed with building construction and approval. It usually involves free-standing buildings, such as bungalows, condominiums, apartments, gas stations, factories, and applications with strata titles, as well as for lands that already have a master plan. This submission will also involve internal technical agencies and external technical agencies, will be based on the existing master plan, and must be submitted by a person registered below subsection 15(3), Planning Act City 1995 [Act 538] and registered under the Register of Town Planners Section A [5]. This submission usually requires a shorter approval period than the submission for Layout Plan since the master plan for the area has been established.

For lands that already have a master plan approved by the LA, the submission application will not be reviewed comprehensively by the external technical department unless there is a specific need from the LA from time to time. The process differs depending on each LA. As shown in Figure 1, MBSA requires Building Erection Plan with/without a master plan to be submitted as KM for the Building Erection plan whereas for unresolved land matters, it needs to be submitted as KM for Layout Plan [6].



Figure 1: KM selection process used in Majlis Bandaraya Shah Alam (MBSA) Planning Department [7]

Conclusion

KM for Building Erection Plan in general aims to gain permission from the Planning Department of the LA to proceed with building construction and approval. Whereas KM for Layout Plan aims to make changes to land specifications prior to any development, before carrying out the development. Thus, depending on the land's pre-conditions, the Registered Town Planner will either need to submit for Layout Plan or Building Erection Plan. The selection of which KM submission to apply differs according to the purpose of the application and land condition.

Table 1: Summary of KM for Layout Plan vs KM for Building Erection Plan

Description	KM for Layout Plan	KM for Building Erection Plan
Purpose	To create a new development through a master plan approval.	To gain permission for building construction and approval.
Condition	<ul style="list-style-type: none"> - Unresolved land matters. - Application of land without master Plan. - Comprehensive reviews by ETA. 	<ul style="list-style-type: none"> - No land matters. - Application of land with master plan. - Reviews based on existing Master Plan.
Parties Involved	<ul style="list-style-type: none"> - LA internal departments. - ETA (JKR, TNB, JMG, JPS, JAS, PTD, IWK, SKMM, TM, Water Distribution Company, LLM, etc.) 	
Duration	Lengthier	Shorter

Ir. Dr. Justin LAI Woon Fatt

CEO/ Founder
IPM Group

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