



**DEPARTMENT OF BUILDING SURVEYING
FACULTY OF ARCHITECTURE, PLANNING AND
SURVEYING
UNIVERSITI TEKNOLOGI MARA**

**BUILDING PLAN APPROVAL AND
THE IMPLEMENTATION AT MBKT**

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JUNE 2013 – OCTOBER 2013**

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FACULTY OF ARCHITECTURE, PLANNING AND
SURVEYING**

BUILDING PLAN APPROVAL

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This practical training report is fulfillment of the practical training course.

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Abstract

This report is about building plan approval for three units four storey shop that owned by Ensidesa Sdn. Bhd. This report is started from the beginning process for building plan approval until the complete construction process of building. However, there are problem with this application, which is the owner do an amendment to this building. From four storey shop, they add to five storey shop without any approval from the Council.

Actually, they already get the approval for building plan from the Council but they do amendment to the building. During process of building plan approval, there also a problem occur, which is they need to pay parking contribution as much as RM 90 000. But the problem occurs when the owner submit an application to reduce the parking contribution and submit a few letter of application but Council still remain the same decision for parking distribution fee.

From the owner action, the building receives a notice of Stop Order and need to stop any construction work at the building. Now, the building still in appeal process to avoid it from demolishes work and it is one of illegal building at Kuala Terengganu.

Acknowledgement

Alhamdulillah, praise to the most merciful of all the being, Allah S.W.T for giving me sanity, tolerance and patience in this period of time to settle down the report. The preparation of the report is to complete one of the requirement need in practical training session.

Here, I want to convey my thanks to my Director of Human Resources Department at Kuala Terengganu City Council or also known as Majlis Bandaraya Kuala Terengganu (MBKT), Tn. Hj. Jahani for all his kind acts and his willingness to take me practical here. Besides that, I want to thank to my supervisor at Building Control Department, Mr. Muhammad Shawal Sufiyan bin Mat Amin for his helps in sharing information when being asked about the project that I have chosen. Thank you also to all the staff in Building Control Department who kindly welcoming me in here and help me when needed.

Thank you also to my family who always there for me, for giving me support and bless. Not forgetting to my friends, thank you for the information that they willingly share with me on how to complete this practical training report.

Lastly, I would like to thank my supervisor, Mr. Mohd Nurfaizal bin Baharuddin, who help give all information I needed along this practical training.

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CHAPTER 1

INTRODUCTION

1.1 Background of Kuala Terengganu City Council

The basic of Kuala Terengganu Town administration starts with the formation of local authority administration system which was known as Kuala Terengganu Town Board. The administration of Kuala Terengganu Town was then placed under Kuala Terengganu Municipal Council in 1979. Kuala Terengganu Municipal Council has played an important role in the effort of developing Kuala Terengganu surroundings by providing modern infrastructure and effective service to ensure the comfort and peace of the residents.

From a main trading center in the past, Kuala Terengganu has experienced rapid growth which is very distinctive and competitive with other main towns at the moment. The development of Kuala Terengganu is different from other towns as the modernization still maintains the heritage characteristics and Islamic architecture.

The recognition that brings a deep meaningful will leads to further development for the prosperity of the entire residents. The beautiful and unique panorama has change the view of Kuala Terengganu which had never been dreamed of by the previous generation.

As of today, 1st January 2008, Kuala Terengganu has been given the recognition as Kuala Terengganu City Council, the Waterfront Heritage City.



Figure 1.1 *Chronology of Administrative System in Kuala Terengganu City Council*



Photo 1.1 *Administrative Area of Kuala Terengganu City Council*

1.1.1 Mission

To Implement Governance and Human Capital Development As Well As First Class Infrastructure For The Establishment Of A Peaceful and Prosperous Heritage City.

1.1.2 Vision

To Establish Kuala Terengganu As A Developed and Sustainable Heritage City By The Year 2018.

1.1.3 Objective

- Improving the management excellence of Kuala Terengganu City Council.
- Enhancing development in a structured and systematic method.
- Beautifying and brightening up the city environment.
- Improving infrastructure to increase Bumiputera participation in trade and commerce.
- Increasing the knowledge infrastructure.

1.1.4 Client's Charter

- Process applications for non-project building plan approval within 21 working days.
- Process applications for instant plan approvals (single residential buildings) within one (1) working day.
- Provide reviews for the issuance of Certificates of Compliance and Completion within 14 working days.
- Resolve payment for services / supplies within 14 working days. Issuance of assessment tax bills twice a year; before 31 January for the first half of the year and before 31 July for the second half of the year.
- Deliberate all tax assessment objections and appeals for consideration within 90 days.
- Resolve applications for transfer / tarekah will be settled within 30 days from the date a complete application is received.
- Process planning authorisation applications within 60 days.
- Review all applications for conversion of land under government land application will be reviewed within 15 working days.
- Resolve advisory services by planners will be resolved within 24 working days.
- Process plan review of earthworks application will be processed within 15 working days.

- Process licence applications will be processed in not more than 20 working days for high-risk licenses and 7 working days for no-risk license.
- Process approval period for applications of landscape plan is within 10 working days, while response / action on complaints regarding landscaping will be implemented within 14 working days.
- Review of comments for all street / drainage development plan will be reviewed for comments within 10 days.
- Attend for action any complaints and reports of minor / street / drain damages will be attended for action within 3 days.
- Implement solid waste management efficiently and its collection and cleaning is carried out every day as per schedule in the city centre, public places and business centres, and every 2 days in housing estates and other areas.
- Resolve hygiene complaints within 3 hours.

1.1.5 Logo of Kuala Terengganu City Council



Photo 1.1.1 *Logo of Kuala Terengganu City Council*

The design of MBKT (Kuala Terengganu City Council) flag is based on dynamic, heritage characteristics concept especially the heron's head, and have the corporate image.

The strong image symbolizes Kuala Terengganu City Council as a local authority to provide peaceful and comfort to it's residents and tourists.

The entire flag has showed the excellent development of Kuala Terengganu City and the globalization era especially involving tourism development for the importance of local heritage. The blue colour symbolizes that MBKT maintains and keeps the natural beauty especially the islands and waterfronts to make Kuala Terengganu a progressive and peaceful Waterfront Heritage City.



Photo 1.1.2 *State Government Emblem*

Kuala Terengganu City Council as an organization which always uphold the policy and aspiration of the state administration.



Photo 1.1.3 *Yellow Bell Flower*

The yellow bell flower symbolizes the identity of Kuala Terengganu.



Photo 1.1.4 *Heron's Head*

It is symbolical to Kuala Terengganu as a city which maintains it's heritage. The heron's head is the design of Kuala Terengganu's traditional boat. It symbolizes the existence of Kuala Terengganu which was based on water activities (port and fishery) and finally developed into a city as we see today. It also symbolizes the location of Kuala Terengganu which is geographically situated at the Terengganu river estuary and along the South China Sea.

1.2 Background of Building Control Department

Building Control Department is an important department at Kuala Terengganu City Council. The main function of this department is to control the development around the Council administrative area which has an area 60,528.6 hectares.

Before 1st January 2008, Building Control Department have been known as Building Department but changed because of the new restructuring of the Council in accordance with the declaration of Kuala Terengganu City Council or 'Majlis Bandaraya Kuala Terengganu'. The early history of the role of building control has long been established by the authorities since the Kuala Terengganu City Council known as Kuala Terengganu Town Council or 'Majlis Perbandaran Kuala Terengganu'.

This department also known as :-

- i. The Building Division of Kuala Terengganu Town Council at the time also handles the Engineering Unit and Planning Unit which activities are the building plan approval, permit approvals, the approval of rupture lots, land conversion, grafting lots, land application review and infrastructure development. This section was then headed by an Assistant Civil Engineering.

- ii. Then around 1970's, also known as Building Division during establishment of the Cabinet of Kuala Terengganu Town Council or 'Jemaah Bandaran Kuala Terengganu' which also conducted the same activities.
- iii. Through the establishment of the Kuala Terengganu Town Council on 18th January 1979, the Building Department was established and at the time Building Control is together with other departments through a new restructuring Council.
- iv. The Building Department is headed by a Director of Civil Engineers Grade J41.
- v. On January 1, 2008 the Department known as the Building Control Department in accordance with the upgrading of the Kuala Terengganu Town Council to Kuala Terengganu City Council. New warrant for the Director of Building Control is Architect Grade J48.

1.2.1 Motto of Building Control Department

“Khidmat Berkualiti Kecemerlangan Terbukti”

1.2.2 Objective of Building Control Department

Control development with more systematic and smoothly, prevent unauthorized construction and make sure site condition always clean and controlled.

1.2.3 Building Control Department Charter

- Review each applications within 10 working days
- Process non-project building plan applications within 21 working days.
- Issue Certificate of Fitness for Occupation (CFO) within 14 working days.
- Process all objections and appeals within 90 working days.

1.3 Location Plan



Photo 1.2 Maps of Kuala Terengganu

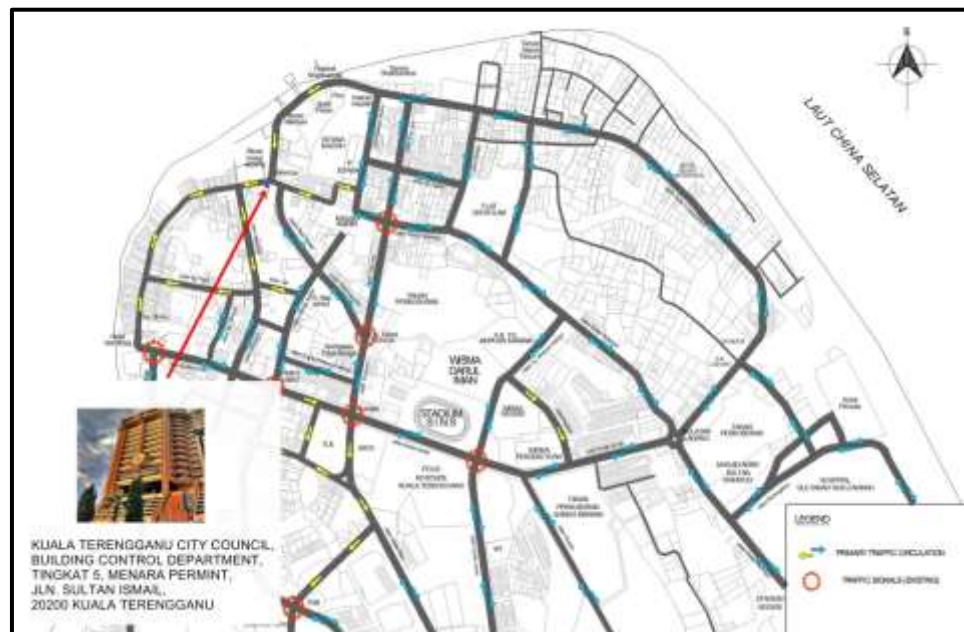


Photo 1.3 Map of Location Plan

1.4 Organization Chart of Kuala Terengganu City Council

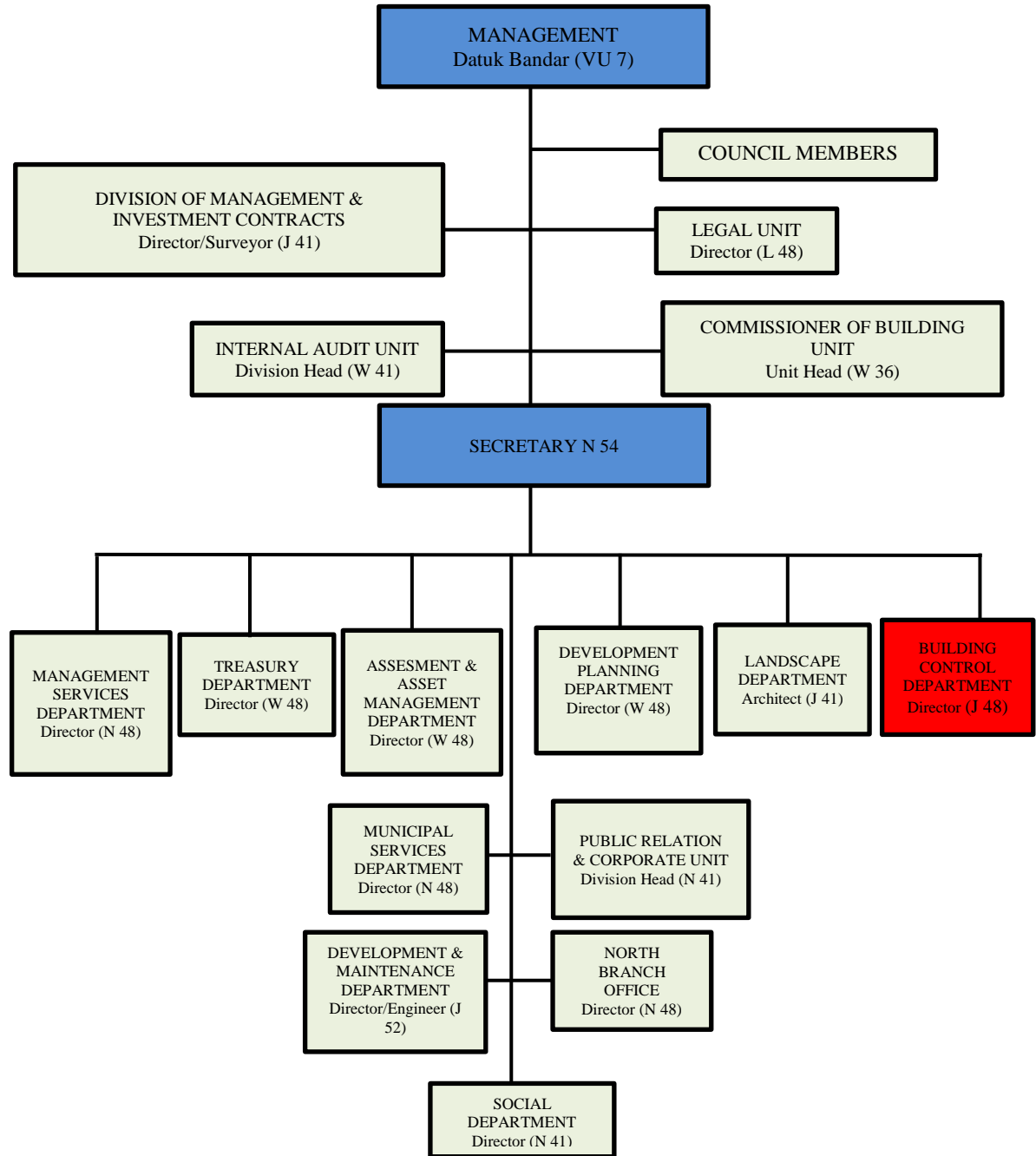
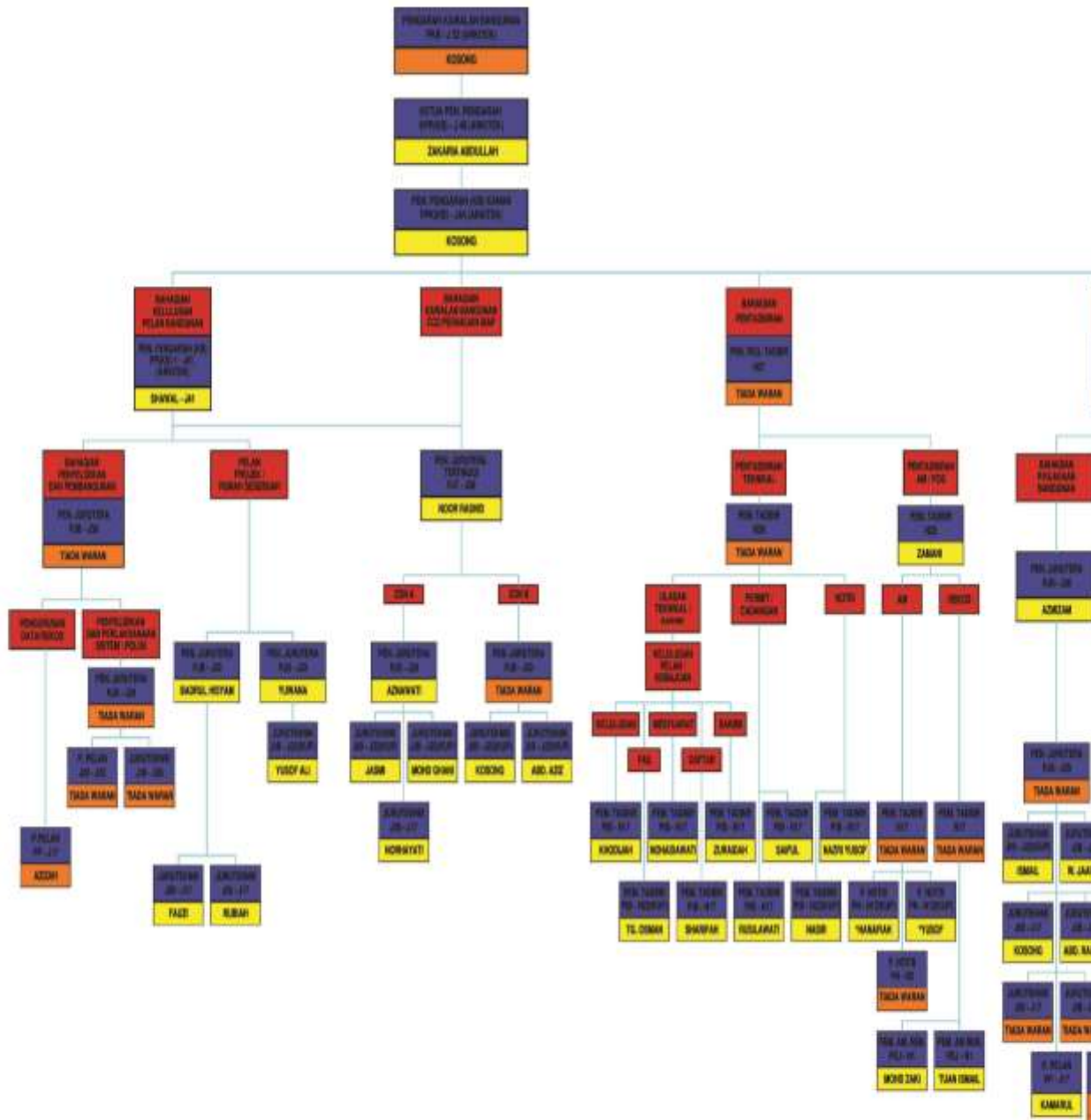


Figure 1.2 Organization Chart of Kuala Terengganu City Center

1.5 Organization Chart of Building Control Department



1.6 Division in Building Control Department

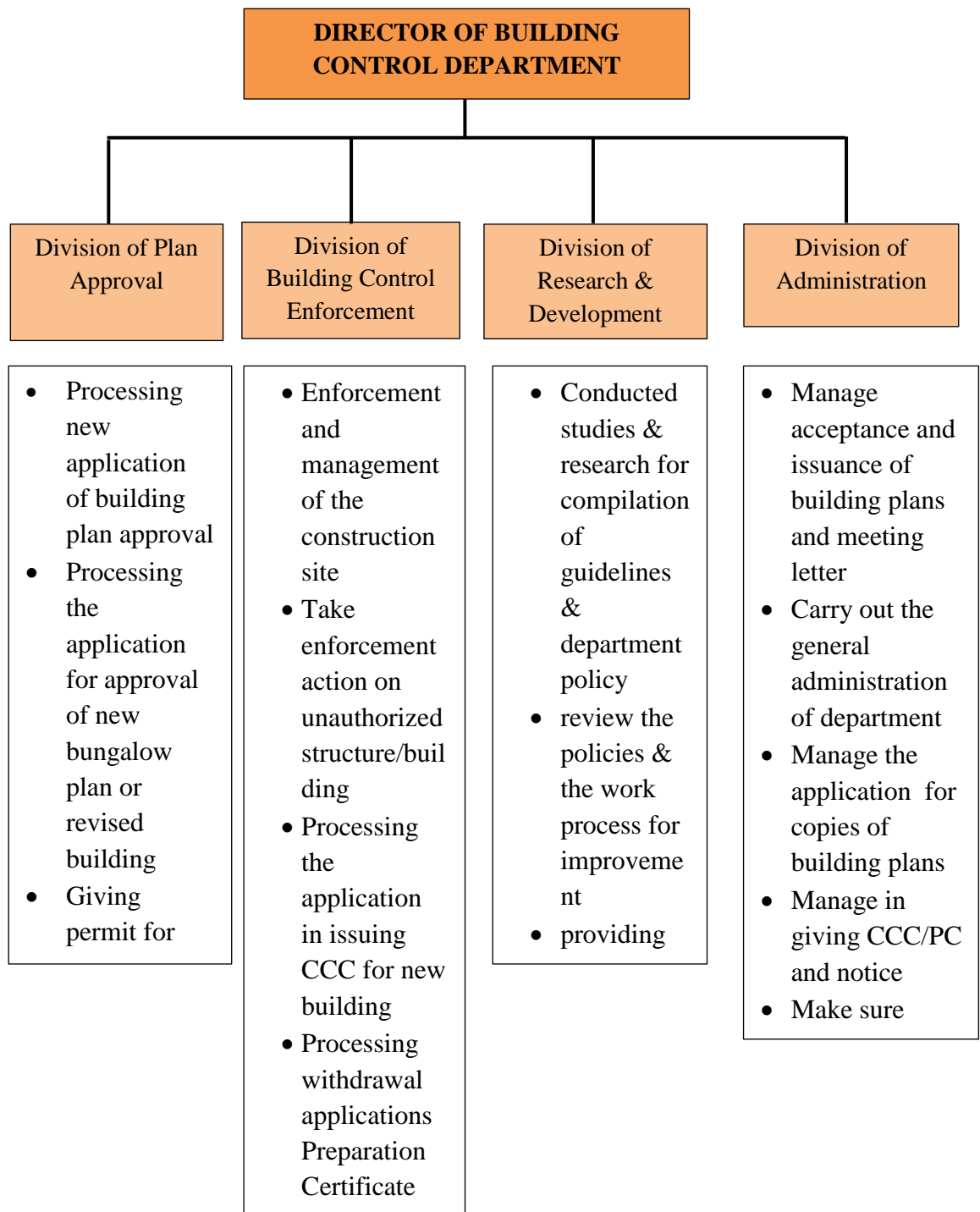


Figure 1.4 Divisions in Building Control Department

1.7 Laws and Acts Used in Kuala Terengganu City Council

Building Control Department in Kuala Terengganu City Council operates in accordance with the following Acts and regulations:-

- Local Government Act, 1976 (Act 171)
- Street, Drainage and Building Act 1974 (Act 133)
- Uniform Building By-Laws, 1984-Tr.PU 78/85
- Urban and Rural Planning Act, 1976 (172 Act)

The others laws, act and enactments have been used are:

- [Food Act, 1983 \(281 Act\)](#)
- [Road Traffic Act, Section III \(333 Act\)](#)
- [Petroleum Act \(Safety Measures\) 1984 \(Sec. VI\)](#)
- Kuala Terengganu Municipal Council (Compounding Offences) By-law, 1979. Tr.P.U. 1/80
- Kuala Terengganu Municipal Council (Public Cleanliness) By-law, 1979. Tr.P.U. 1/80
- Kuala Terengganu Municipal Council (Service Charge) By-law, 1981 – Tr.P.U.11/81
- Kuala Terengganu Municipal Council (Advertisement) By-law, 1980 – Tr.P.U. 2/82

- Kuala Terengganu Municipal Council (Hawkers) By-law, 1980 – Tr.P.U. 10/86
- Kuala Terengganu Municipal Council (Market) By-law, 1986 – Tr.P.U. 18/86
- Kuala Terengganu Municipal Council (Private Car Park Licensing) By-law, 1986 – Tr.P.U. 31/86.
- Kuala Terengganu Municipal Council (Swimming Pool) By-law 1986 – 2/88
- Kuala Terengganu Municipal Council Local Government (General Election Advertisement) By-law, 1990 – Tr.P.U 17/90
- Road, Drainage & Building (Compounding Offences) By-law (Terengganu) 1984 – Tr.P.U 14/84
- Barber’s Shop & Hair Salon By-law 1981 – Tr.P.U. 7/81
- Standard Building By-law 1984 – Tr.P.U.78/85
- Trade, Business & Industrial By-law (Kuala Terengganu Municipal Council) 1980 – Tr.P.U. 1/92
- Food Catering By-law (Kuala Terengganu Municipal Council) 1985 –Tr.P.U. 3/92

1.8 Summary

Kuala Terengganu City Council have nine (9) type of department, five (5) type of administration department and also a branch office located at the north of Kuala Terengganu. Each departments and units have their own role and job in administration system of the Council.

I also get information that Kuala Terengganu City Council will be move to the new office in the future and Council also will divide into two main offices. First office at Kuala Terengganu City Center and second office at north of Kula Terengganu.

CHAPTER 2

LITERATURE REVIEW

2.1 Introduction to Building Plan Approval

Based on Section 70, Act 133 ,Street, Drainage and Building 1974, No person shall erect any building without the prior written permission of the local authority. Any person who intends to erect any building shall submit to the local authority such plans and specifications as may be required by any by-laws made under this Act, and to the relevant statutory authority such plans and specifications in respect of the sewerage system as may be required by any other written law.

2.1.1 Background of Building Plan Approval

Under the provisions of Section 70 ,Street, Drainage and Building Act 1974 (Act 133), no person shall erect any building without the prior written consent of the Local Authority. Anyone who wants to build a building by the need to submit plans and specifications as may be required by any by-laws made under Act 133.

Building plan approval can help to control the orderly development and planning. It is necessary to ensure the standardization of any construction or addition or renovation of building owners in the Municipality.

2.1.2 The Qualifying Conditions to Apply for Building Plan Approval

Anyone is eligible to apply if:

1. Have own land (the name you specified in the land grant)
2. If your name has not been entered into the land grant, the sale and purchase agreement document certified by a legal practitioner acceptable
3. Title of Land is building (sole proprietor) or agriculture (jointly owned)
4. Hiring someone else's land must obtain a valid consent agreement from landlord
5. In the event the land is owned jointly, then the consent of all owners must be obtained.

2.1.3 How to Apply

If you decide to build a house plan, the proposal must be submitted by:

- i. Registered architect or
- ii. The Draughtsman that registered with the Municipal Council (draftsman list is available at the Municipal Council)
- iii. Architect or Registered Building Draughtsman shall be selected and appointed by the owner and will deal with the Council on behalf of the owner

(Source : Prosedur Permohonan Pelan Di MBKT, 2008)

2.2 Process of Building Plan Approval Through One Stop Centre

Under Increasing Effectiveness Package Delivery System-Economic Stimulate Package (Economic Stimulus Package), the Government has determined that the delivery system efficient public services needed to ensure smooth and effective implementation of policies and strategies development.

The Government has agreed with the recommendation of the Strategic Thrust On Government Delivery System Committee, chaired by the Chief Secretary to the OSC established in two level of the Local Authorities and the State Authorities for simplify the process of building approvals.

All arrangements of Building Plan Approval Application will be submitted to local authorities OSC. The cases of complicated and unresolved problems in OSC will be referred to local authorities for the State OSC solution.

(Source : One Stop Centre. Available from

<http://www.rehdainstitute.com/research-a-resources/property-development/osc.html> ,retrieved on 4th August 2013)

2.3 Process of Building Plan Approval Used at Kuala Lumpur City Hall

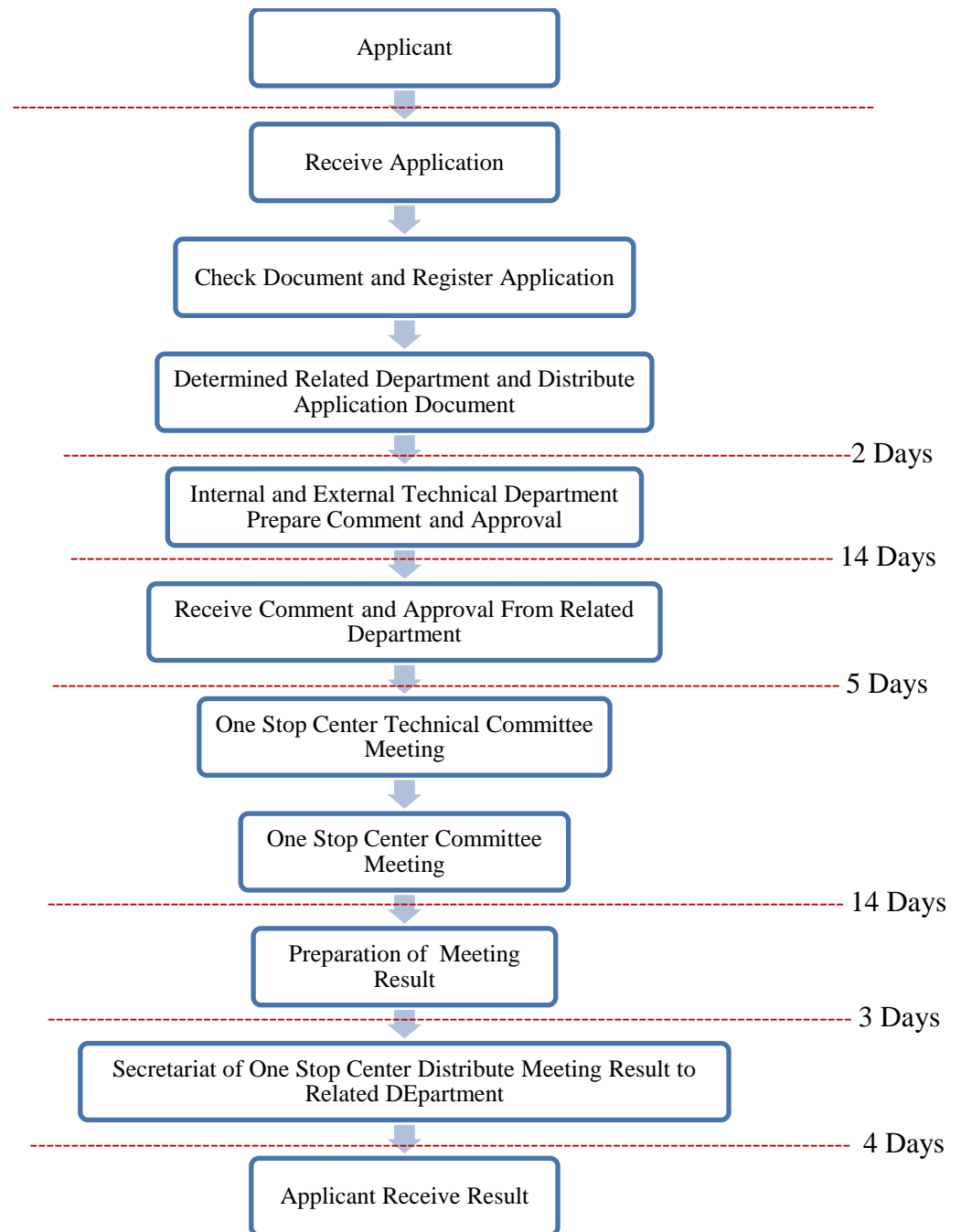


Figure 2.1 *Process of Building Plan Approval Used at Kuala Lumpur City*

Hall

2.4 Structure of One Stop Centre

OSC have been established in two levels, which are in Local Authorities and State level.

	Local Authorities OSC	State OSC
Member	Headed by the President of or Yang Di Pertua (YDP) and membership which consist of representatives of the Technical Agency	Headed by the Secretary of State and administration will be absorbed into the one of committee existing chaired by the Secretary.
Duty	<ul style="list-style-type: none"> • Receiving an application for approval of Building Plans and CFO. • Distribute the Technical Agency or parties concerned to process. • Control and monitor the applications that have been distributed to the Technical Agency. • Receive comments back from the Technical Agency for collected and processed in accordance with the guidelines. • Submission of official documents that have been adjusted to Local Authorities for approval of building plans and CF. • For small projects problematic OSC will call weekly meeting of the technical agencies and developers. • Identify manufacturing projects to be given priority through the 'coding' for files and customized monitoring procedures provided by the ministry. • Inform the status of the application to Ministry of Housing and Local Government and State Authorities from time to time in the special form. • Refer a troubled project to the State OSC. • Provide monthly reports approval status, the analysis problems and propose improvements to Ministry of Housing and Local Government and State Authorities. 	<ul style="list-style-type: none"> • Accepting cases of application of Building Plan Approval and CCC which referred by the OSC / Local Authorities, check and record of action. • Arrange meetings OSC / state to discuss cases referred. • Inform decision to Local Authorities and Ministry of Housing and Local Government • Provide monthly reports to ministry.

Table 2.1 Structure of One Stop Centre

2.4.1 Frequency of One Stop Center Meeting

One Stop Center on Local Authorities will meet every 2 weeks. If necessary, the meeting may be held more frequently depending on the circumstances. OSC at the state level will meet at least once a month.

2.4.2 Monitoring and Analysis Report

One Stop Center or Local Authorities will provide monthly reports on the status building plan approvals for submission to Ministry of Housing and Local Government, Authority of the State and for the manufacturing sector. One Stop Center or Local Authorities also has a role to make the analysis related problems and next approval process recommend to the State Government and recommendations for improve any weaknesses in the process the approval.

2.5 Summary

Most of Council in Malaysia used same method for procedure of building plan approval. Before an applicant want to submit the application of building plan approval, he must know everything about the process and always up to date with the Principal Submitting Person (PSP) to know more about the application. Applicant and Principal Submitting Person (PSP) have to make sure they follow the entire requirement needed by Council to make sure the application approved due the date.

CHAPTER 3

CASE STUDY

3.0 Case Study : Ensidesa Sdn. Bhd. (5 Storey Shop)



Photo 3.1 3 Units of 4 Storey Shop

3.1 Building Background

Name of Project : Application of building plan approval for build 3
units 4 stories shop

Address : Lot 2809, 2810 and 2811, Jalan Sultan Mahmud,
Mukim Batu Burok, Kuala Terengganu

Owner : Tn. Hj. Kamaruddin bin Endut or Ensidesa Sdn. Bhd.

Architect : AHS Architect Sdn. Bhd.

Engineer : CSE Engineer Sdn. Bhd.

Land Area : 265.5 m³, 130.6 m³, and 130.06 m³

Application Date : 14th May 2005

3.2 Location of Case Study



Photo 3.2 Maps of Jalan Sultan Mahmud



Photo 3.3 Location Plan

3.3 Fully Chronology of Case Study

Date	Proceedings
14.05.2005	<ul style="list-style-type: none"> • The owner of Ensidesa Sdn. Bhd. appointed architect from AHS Architects Sdn. Bhd. to submit application of building plan approval for erecting 3 unit 4 stories shop through Form A • Through Form A2, which is fees to consider approval of the plan, the owner is required to pay as much as RM 751.85 • Building Control Department opening a new file for the application from Ensidesa Sdn. Bhd., and the file is registered with number 05/6/05 K 145
25.05.2005	<p>OSC Committee meeting decided to approve the application of Ensidesa Sdn. Bhd. if they comply with the following conditions :</p> <ol style="list-style-type: none"> 1. Settle the payment of drainage contribution as much as RM 1,458.00 2. Settle the payment of trench trust for one year as much RM 1,510.00 3. Settle the payment of road trust for one year as much RM 2,049.00 4. Settle the payment of car parking contributions amounting to RM 90 000.00, which is RM 5 000 per unit for 18 units which cannot be provided 5. Submit a certified copy of company registration <p>Applicant are given three months to comply with the given conditions or the building plan application will be cancelled (Refer Appendix in Last Page)</p>
13.06.2005	<p>Decisions of OSC Committee meeting are distributed to the architect of AHS Architects Sdn. Bhd.</p>
16.03.2006	<p>Letter of “Ulangan Terakhir” of the decision of OSC Committee meeting had to be distributed to the AHS Architects Sdn. Bhd. after no response from them. (Refer Appendix in Last Page)</p>
10.07.2006	<p>Architect submit building plans and has complied with the conditions have been set up except the fee of car parking contribution as much RM 90 000 and they submitted an application to reduce that fees.</p>

07.11.2006	Building Control Department to submit a letter to the AHS Architect Sdn. Bhd. to comply with the provision of an additional 18 units of parking
30.04.2007	Ensidesa Sdn. Bhd send a letter for reduction of car parking contributions but that application are rejected. They ask for a deduction of 80% amounting to RM 18 000.
20.05/2007	Council rejects appeal for reduction contributions of car parking and asked the Ensidesa Sdn. Bhd. pay before plan approval issued
29.07.2007	The appointed architect submit an appeal for reduction the contributions of car parking
12.11.2007	OSC Committee Meeting reject the appeal from AHS Architect Sdn. Bhd. and maintaining the same decision dated 25.05.2005
24.09.2007	Building Control Department received reviews from the Development Planning Department about an appeal for contribution of car parking. They commented that the appeal is does not need to be considered because development involves a lot of spacious office space and require a lot of parking facilities. The Department recommends that remaining lots in the rear of the building used as the car parking area and number of car parking provided by the Council can be reduced.
16.04.2008	AHS Architect Sdn. Bhd. on behalf of Ensidesa Sdn. Bhd. submit copies of checks paid by installments to Building Control Department for contribution of car parking. Payments amounted to RM 90 000. <i>(Refer Appendix in Last Page)</i>
20.05.2008	Application for building plan approval from Ensidesa Sdn. Bhd. have been approved
15.03.2009	Technicians performs a site visit as a process improvement and found that the building was not built as the building plan approval, which was built 5 storey building while building plan approval was 4 storey
07.05.2009	Notice to Director of Ensidesa Sdn. Bhd to stop work immediately and demolish the amendments buildings within 14 days. Given admonishment if do not comply may be fined does not more RM 250 for each day the offense continues.
	AHS Architect Sdn. Bhd. submit an appeal so the demolition can be considered and they will submit the amendment plan approval

15.06.2009	AHS Sdn. Bhd. sent application of plan amendment plan approval through Form A
21.06.2009	Technician do site visit and found that plaster work and install mirrors have being carried out.
12.08.2009	OSC Committee meeting dismissed the application and prosecution action from court and demolish order will be taken immediately.
13.09.2009	AHS Architect Sdn. Bhd. apply for council to reconsider the application of amendment plan approval that was submitted on June 15, 2009
27.09.2009	Development Planning Department commented that the application will not be considered for development exceeds the permitted height limit based on a plot ratio of 1:4 and development can add stress to the needs of car parking.
05.10.2009	OSC Committee meeting on 5 th October, have rejected appeal and the demolition will be taken to the additional construction without approval. Applicant given within 3 months to demolish additional construction and restore the building as approval
09.11.2009	AHS Architects Sdn. Bhd appeal with giving reasons: -construction work has been completed 95% -plan amendment application was submitted on 15/06/2009 -height of the building is 16meter and still not exceed 18m as specified council -there are higher building near the constructed building
25.11.2009	Council dismissed the appeal and the results remain the same
09.12.2009	Ensidesa Sdn. Bhd. appealed to the Mayor and to show cause as submitted by AHS Architect Sdn. Bhd. dated 09.11.2009
10.02.2010	OSC Committee dismissed the appeal and warned the owners to demolish the amended building in 3 months
15.04.2010	Building Control Department received a complaint from the owner of a neighboring building on objection of aluminum composite structure pasted on the building because found entering the premises boundary

24.06.2010	Council sent a notice to the owner to vacate the building
29.06.2010	Architect submit an appeal
07.02.2011	Committee decided that the application file stored or Keep In Save for the provision of an additional number of car parking that involving additional buildings and will be determined by the Law Unit
25.05.2011	Ensidesa Sdn. Bhd. appealed to the Mayor to consider then plan amendments after finding out their application in Keep In Save. They also asked the council to decide additional parking decide immediately.
05.04.2012 - Now	Still in appeal process and the building can be considered as one of the illegal buildings in Kuala Terengganu until the case is completed

3.3.1 Comment from Chronology of Case Study

This application takes about 3 years to get approval from Kuala Terengganu City Council (KTCC). There are several factors why this problem occurs. Problems that arise before approved plan is lots of parking is not available. KTCC party imposed a fine of RM90 000, 00 to the applicant. They are late to make a payment for making an application to reduce the fine imposed. Their application declined by the KTCC was unable to make judgments. On 05.20.2008 has been approved the building application upon payment.

After the building was completed, the process to get CCC from KTCC made. During the site visit, the technician found on-site is not the same building in the plan. KTCC cannot approve an application for a CCC. Status of the building has been labeled as illegal building.

Conclusion these things happen due to negligence by the late action from KTCC and the architect to make the plan amendments to the KTCC.

KTCC supposed to visit the site during construction to ensure that no changes are made. Meanwhile, the architect be presenting the plan amendment beforehand if there are amendment that would like to made before construction.

3.4 Process of Building Plan Approval

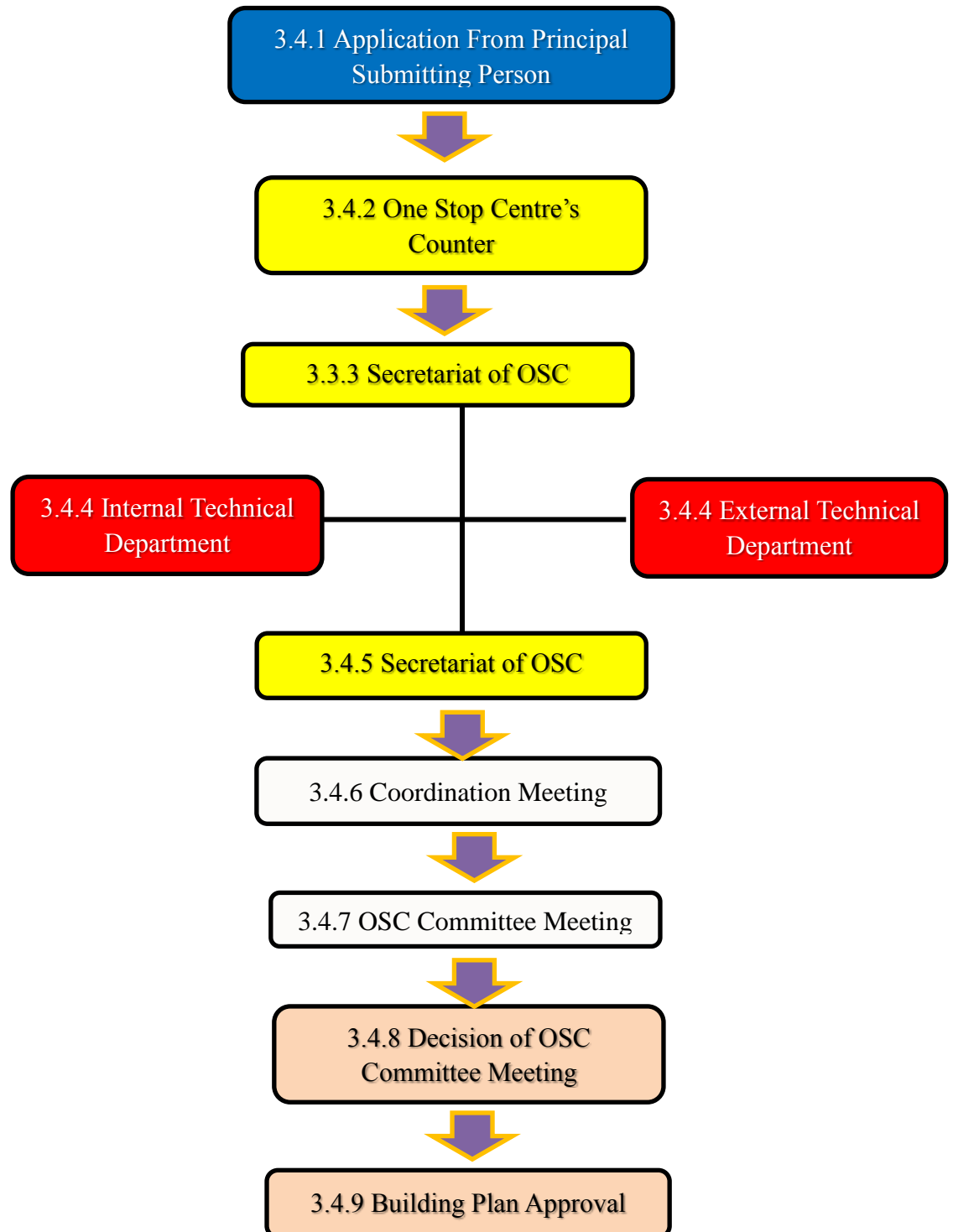


Figure 3.1 *Process of Building Plan Approval*

3.4.1 Application From Principal Submitting Person

On 14th May 2005, the owner of Ensidesa Sdn. Bhd. appointed architect from AHS Architects Sdn. Bhd. to submit application of building plan approval for erecting 3 unit 4 stories shop through Form A.

3.4.2 One Stop Center (OSC) Counter

One Stop Center receives and checks the application. After find the application are completed, they register the application. Building Control Department register with file number 05/6/05 K 145 and One Stop Center use different file number.

3.4.3 Secretariat of OSC

Secretariat of OSC distributes the application to the internal and external technical department. The external technical department involve in this application are District Health Officer, Public Work Department, Tenaga Nasional Berhad (TNB), Syarikat Air Terengganu (SATU), Telekom Malaysia Berhad, Fire and Rescue Department, Drainage and Irrigation Department and Enviromental Department. The internal technical department involve are Building Control Department, Landscape Department, Municipal Services Department, and Development Planning Department.

3.4.4 Internal and External Technical Department

Internal and external technical department submit the comment about the application to the One Stop Center either approved the application or approved with the condition.

3.4.5 Secretariat OSC

Secretariat OSC receive the entire comment letter from involve department then set the date of 25th May 2005 for Coordination Meeting.

3.4.6 Coordination Meeting

On 25th May 2005, the coordination meeting only involves the internal department of Kuala Terengganu and the internal departments issue the conditions to the applicant to comply with few conditions. The conditions are :

6. Settle the payment of drainage contribution as much as RM 1,458.00
7. Settle the payment of trench trust for one year as much RM 1,510.00
8. Settle the payment of road trust for one year as much RM 2,049.00
9. Settle the payment of car parking contributions amounting to
RM 90 000.00, which is RM 5 000 per unit for 18 units which cannot
be provided
10. Submit a certified copy of company registration

On 13th June 2005, the decision meeting is submitting to the AHS Architect Sdn. Bhd. to comply with the condition. But until 16th March 2006, there is no response from the applicant and the letter of 'Ulangan Terakhir' had to submit to the applicant.

On 10th July 2006, Architect submit building plans and has complied with the conditions have been set up except the fee of car parking contribution as much RM 90 000 and they submitted an application to reduce that fees. But Building Control Department submit the letter to architect to comply with the provision of an additional 18 units of parking

On 30th April 2006, the owner of building, Ensidesa Sdn. Bhd send a letter for reduction of car parking contributions but that application are rejected. They ask for a deduction of 80% amounting to RM 18 000 .

On 24th September 2007, Building Control Department received reviews from the Development Planning Department about an appeal for contribution of car parking. They commented that the appeal is does not need to be considered because development involves a lot of spacious office space and require a lot of parking facilities. The Department recommends that remaining lots in the rear of the building used as the car parking area and number of car parking provided by the Council can be reduced.

On 16th April 2008, AHS Architect Sdn. Bhd. on behalf of Ensidesa Sdn. Bhd. submit copies of checks paid by installments to Building Control Department for contribution of car parking. Payments amounted to RM 90 000.

3.4.7 OSC Committee Meeting

During OSC Committee Meeting on 20th May 2008, all the intenal and external technical agencies should involve in this meeting but usually the external technical agencies only submit their approval letter. After OSC checked the application already comply with all the conditions, there are no objection to issuance the building plan approval.

3.4.8 Decisions of OSC Committee Meeting

A decision of OSC Committee Meeting is distribute to the applicant.

3.4.9 Building Plan Approval

Building Plan Approval issuance to the applicant.

3.5 Drawbacks By The Applicant After Issuance of Building Plan Approval

On 15th March 2009, Technicians performs a site visit as a process improvement and found that the building was not built as the building plan approval, which was built 5 storey building while building plan approval was 4 storey. Then notice of Stop Order has given to the building owner immediately. They need to stop work immediately and demolish the amendments buildings within 14 days. Given admonishment if do not comply may be fined does not more RM 250 for each day the offense continues

On 15th June 2006, PSP have sent application of plan amendment plan approval through Form A and during OSC Committee Meeting, they decided to rejected the application and prosecution action from court and demolish order will be taken immediately.

On 27th September 2009, Development Planning Department commented that the application will not be considered for development exceeds the permitted height limit based on a plot ratio of 1:4 and development can add stress to the needs of car parking. Then meeting are held again and they decisions still same as the last decision and owner are given 3 months to demolish the additional on the building.

Until now the owner and architects still appeal to consider the application and the building also still did not have status.

3.6 Process of Amendment Plan

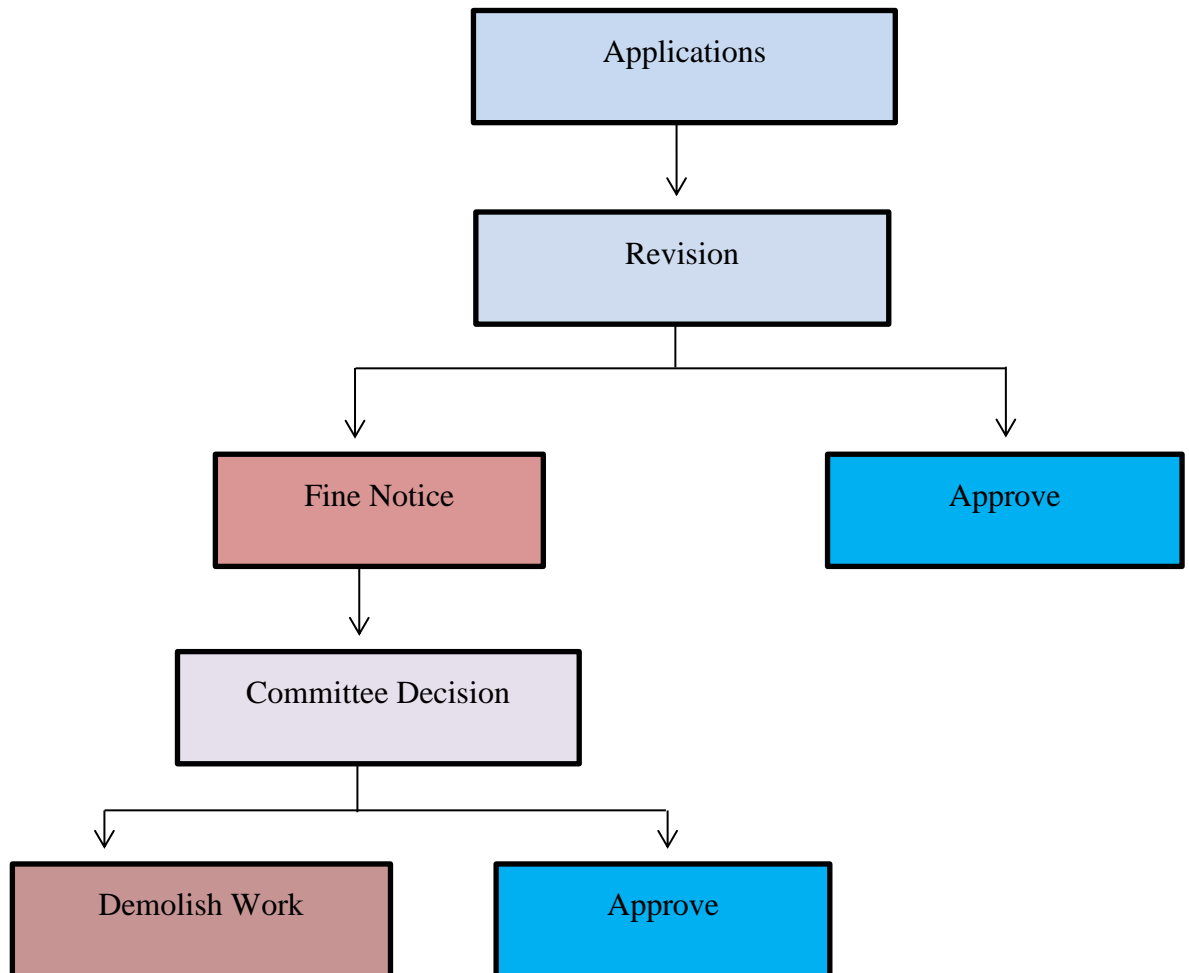


Figure 3.2 *Process of Amendment Plan*

3.7 Building Plan

3.7.1 Building Plan Before Amendments

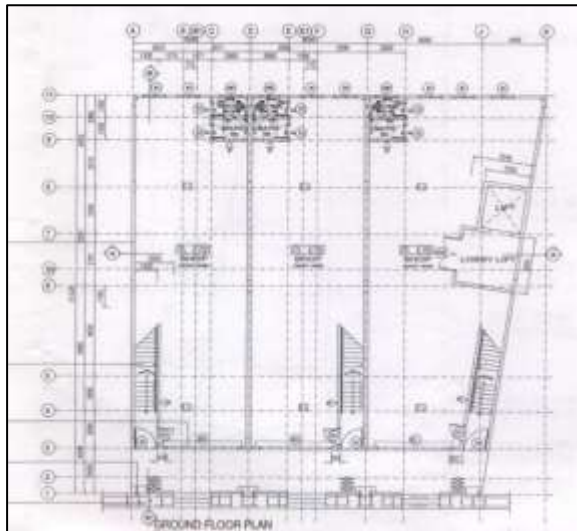


Photo 3.3.1 *Ground Floor Plan*

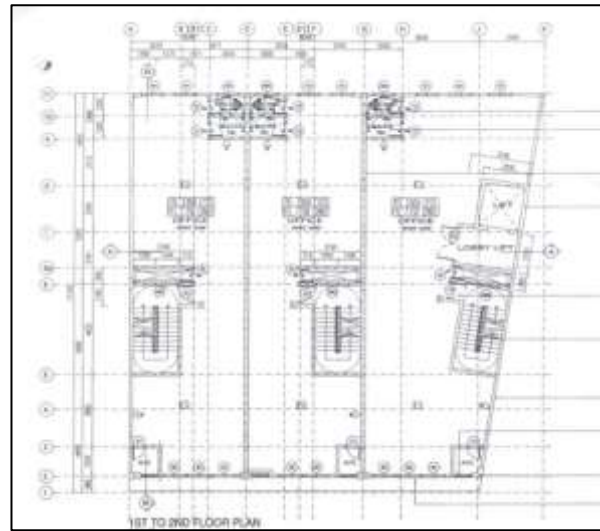


Photo 3.3.2 *First and Second Floor Plan*

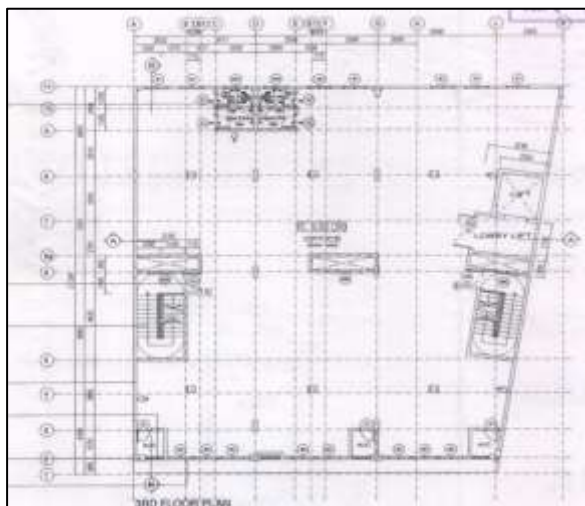


Photo 3.3.3 *Third Floor Plan*

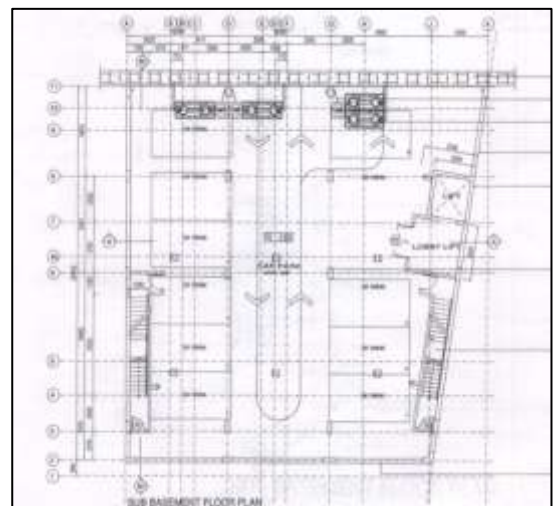


Photo 3.3.4 *Sub-Basement Floor Plan*

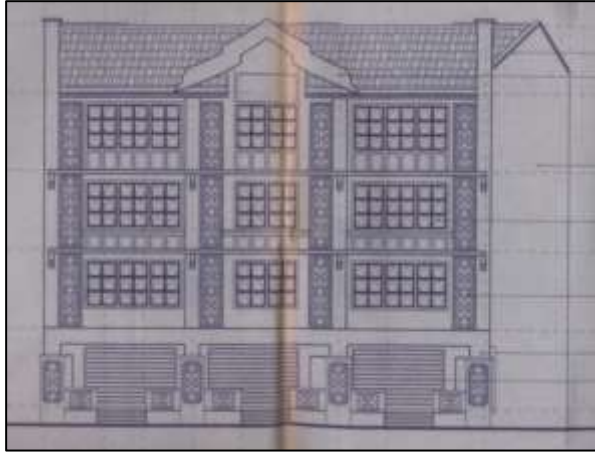


Photo 3.3.5 *Front Elevation*

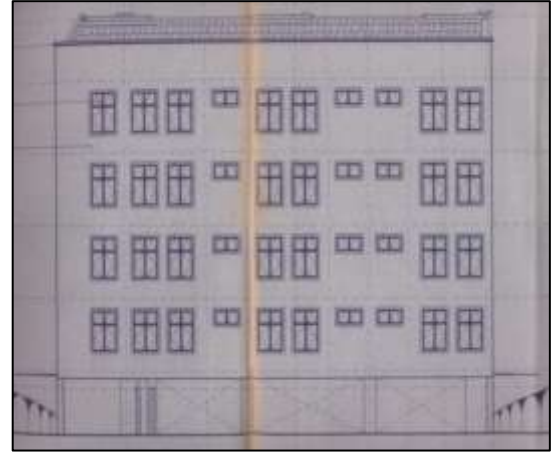


Photo 3.3.6 *Rear Elevation*

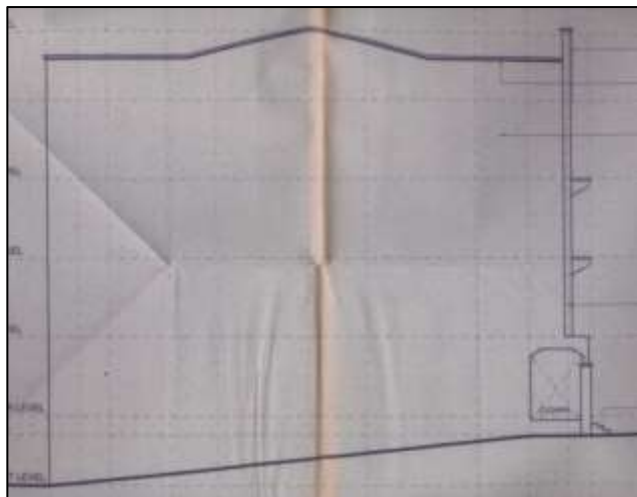


Photo 3.3.7 *Side Elevation*

3.7.2 Building Plan After Amendments

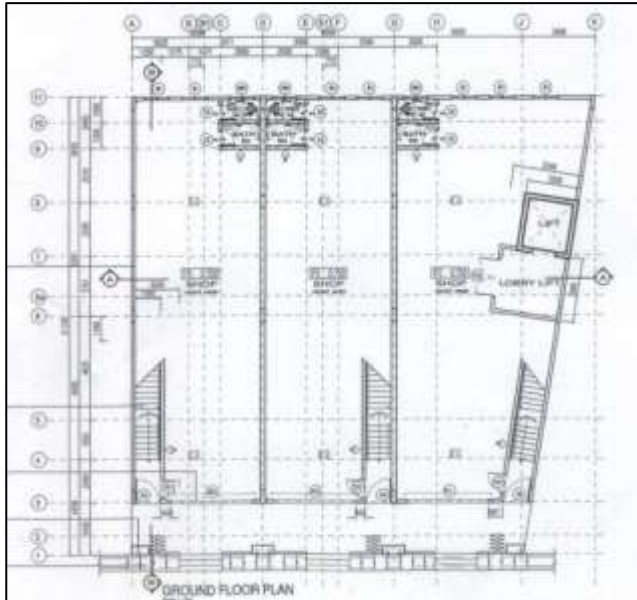


Photo 3.3.8 *Ground Floor Plan*

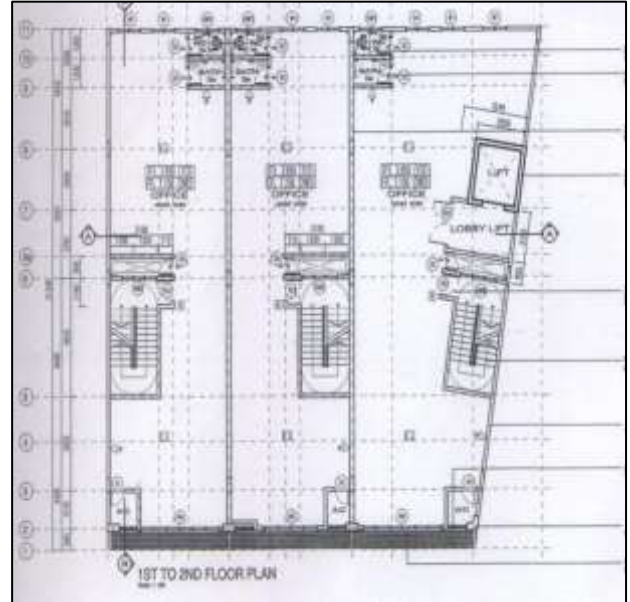


Photo 3.3.9 *First and Second Floor Plan*

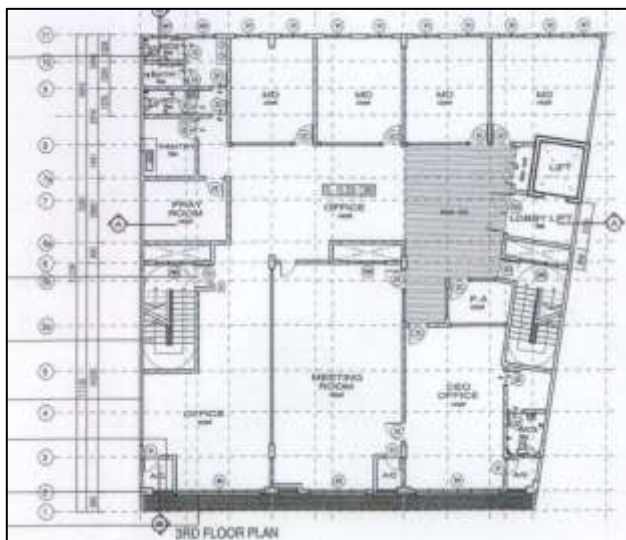


Photo 3.3.10 *Third Floor Plan*

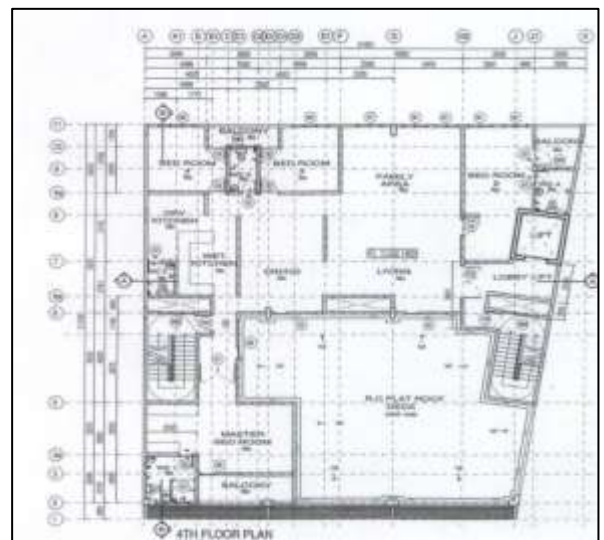


Photo 3.3.11 *Fourth Floor Plan*

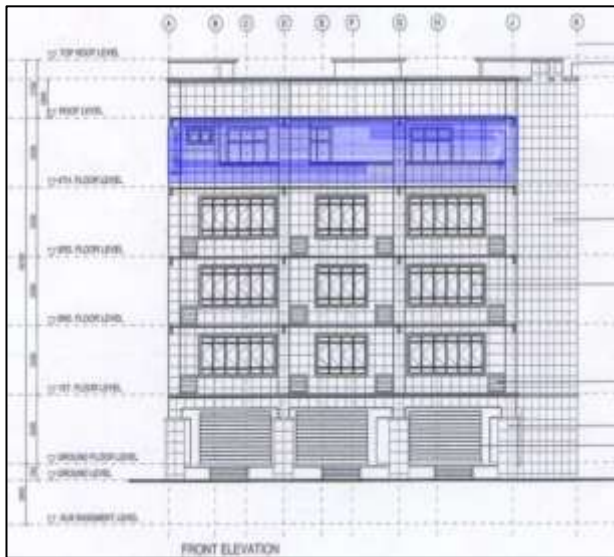


Photo 3.3.12 *Front Elevation*

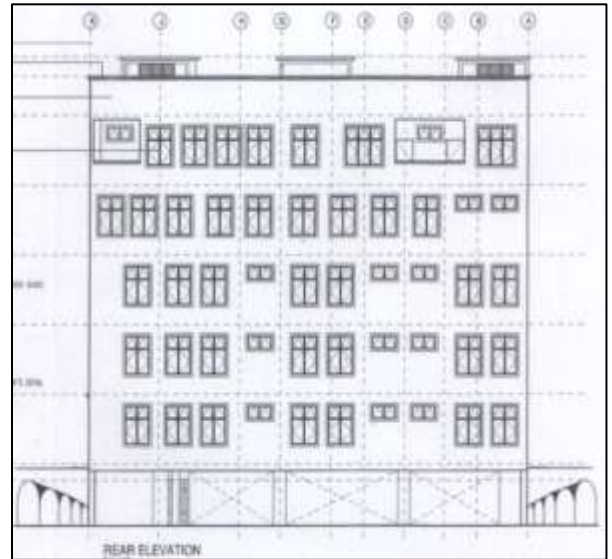


Photo 3.3.13 *Rear Elevation*

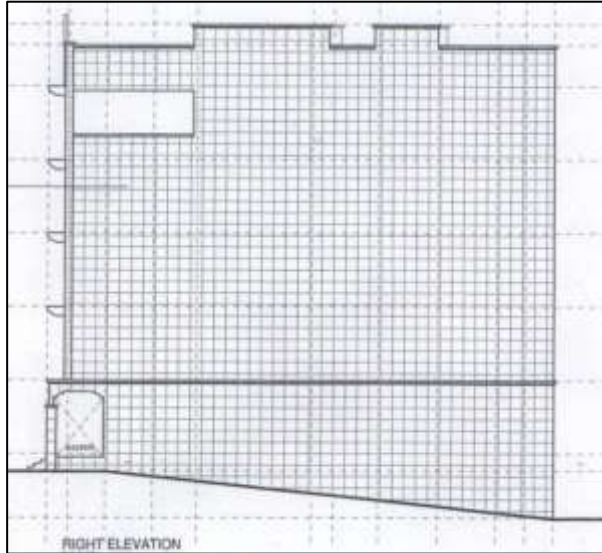


Photo 3.3.14 *Right Elevation*

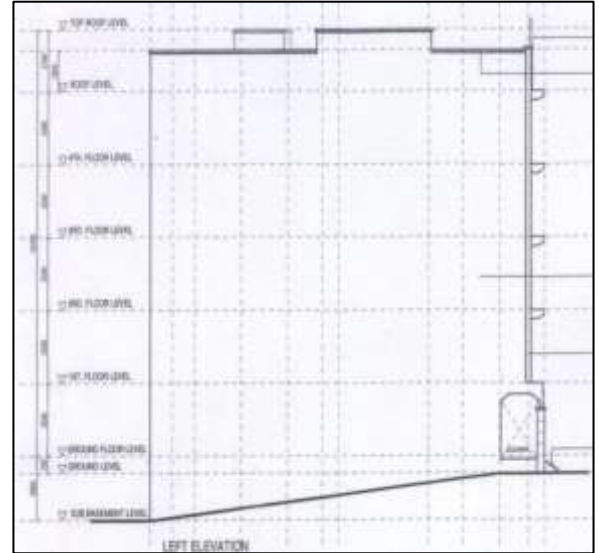


Photo 3.3.15 *Left Elevation*

3.8 Construction Process



Photo 3.4 *Case Study Building During Construction*

3.9 Acts Used

1- Companies Act, 1965 (Section 141)

Building Control Department ask Personal Submitting Person to submit Form 49, which is a form of company registration

2- Acts 133, Street, Drainage and Building 1974

Based on the act, during building approvals issued, applicants are reminded to be responsible for ensuring the construction in accordance with approved plans. If Council found the applicant doing amendment without the approval, the applicant shall be liable to action and building can be demolished.

3- Uniform Building By Laws 1984

Engineer and Engineer Assistant will use checked the building plan based on the Acts. It is procedure on building plan approval. If there any mistake or not comply with the Act, applicant should repair the building plan

3.10 Summary

This building becomes a problem application when there are additional floor without approval. Today the building is a non-legal building in Kuala Terengganu and it cannot occupy although already complete in 2009. This building also still in meeting and may be will be demolish by Council or can be occupied in the future.

CHAPTER 4

PROBLEM &

RECOMMENDATION

4.1 Problem Building Plan Approval

After understanding the chronology building plan approval process, we will find out what caused that building to be a building or a plan approval application of problematic.

For application of number 05/6/05 K 145, for proposal to build 3 unit 4-storey shops, cause the building become a problematic building is making amendments and additions to the building. Owners, Ensidesa Sdn. Bhd and architects, AHS Sdn. Bhd. do amendments without council approval and can be prosecuted.

On 20th May 2008 council approved the application for proposals to build 3 units of 4-storey shop on the lot 2809, 2810 and 2811, Jalan Sultan Mahmud, Mukim Batu Burok, Kuala Terengganu, after finding owners who have complied with all the conditions have been determined by OSC Committee meeting. But when technicians visiting the site for progress, they found that there are amendments and additions work is on the building. The owner and architect do add the approved building from 4 stories to 5 stories without any approval from council.

Action from the owner and architect who do these amendment to this building may be prosecuted by the court either they need to pay any kind of fine or the building will be demolished. However, the owner still can file an appeal in this case and if that appeal agreed by the OSC Committee, that building still can be built and used by occupants.

For this case, the appeals process and OSC Committee meeting still running to this day, and the building should be emptied until a final decision is issued either it is a valid building or it will be demolished by the council. As long as the decision has not been decided, any work in this building should be terminated.

Because the amendment works without permission, this building is one of the illegal buildings there in Kuala Terengganu, and the status of the building is still no answer and even if the building is ready, it will not get CCC so due to amended plans appeal process is still running.

4.2 Recommendation To The Problem Occurs

For application by Ensidesa Sdn. Bhd, the problem is occurs when the amendments made without the approval of the council as well as the delay of the appointed architect submitted a plan amendment. Although the action is considered normal and easy, it can cause problems in the future, and that's what happened on Ensidesa Sdn. Bhd. owned buildings.

For problems that occur, the technical Kuala Terengganu City Council can do research on site. As we know the architect inform that the building did not meet the height is limited by the council, so therefore technically can perform the on-site investigation whether the information is correct or not. Beside that Council can discuss the problem with the external technical agencies such as Public Work Department to find the solution.

And if there is no support to approve the amendment of the plan, its more better if this cases were closed and give preference to the owner. Owner may have to demolish the building provided the amendments to the building or the owner will not have the building because the council would demolish the building.

Buildings have been completed since 2009 and these cases cause a lot of problems if still pending without any status. It can disrupt socioeconomic around because the building can provide benefits to local residents if have been used.

CHAPTER 5

CONCLUSION

5.1 Conclusion

From this case, it can give lessons to the other building owner and architect. There are many problem may occurs from the amendment at the building without the Council's permission. This such case not only happen in a state, it may be happen in all state of Malaysia.

Actually, the owner can prevent this problem occur if Ensidesa Sdn. Bhd. comply with the conditions given by the Council when plan approvals issued. Given conditions is owner is prohibited to amend anything on building.

Owner should comply with these conditions and if they want to add or amend anything on the building, they should submit an application to plan amendment approval before start any construction work on building.

Architect is also an important part in the process of plan approval. Architects need to act quickly after receive any letter or decision from Council to avoid problems in the future.

Like this case, Council ask the owner to pay contributions of car parking as much RM 90 000, but if the owner feel that the payment burden, the owner must provide their own car parking lot.

There are many issue about building plan approval in Malaysia and there problem cause from many parties and many reason. The applicant should learn or know more about building plan approval before submit the application.

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