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QUALITY ASSESSMENT OF DEVELOPMENT PROPOSAL REPORT (DPR) CASE STUDY: SEREMBAN CITY COUNCIL

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Abstract

Development Proposal Report (DPR) is a document that is particularly mentioned under the provision of paragraph 22(2) Act 172 as one of the elements that need to be referred to and considered in managing the planning permission application process. This is often done to control development as stated under part IV of the Planning Control Town and Country Planning Act 1976 (Act 1720), which states that each application for planning permission submitted to the local planning authority (LPA) shall be accompanied by DPR. Delays in decision-making, a lack of an experienced workforce, adherence to the manual of development proposal reports, and the quality of the development proposal presented by the applicant are some of the problems associated with this study. This study examines the Development Proposal Report (DPR) quality assessment at Seremban City Council under the DPR preparation manual and evaluation of the MyLCP Score Card. This study corresponds with section 21A of the Town and Country Planning Act of 1976 [Act 172], which mandates the submission of the DPR during the application for the planning approval procedure. MyLCP Score Card is an innovation from the PLANMalaysia's Planning Legislation & Regulation Division that aims to help the LPA evaluate the DPR submitted to ensure the quality of the DPR and help the LPA consider granting planning permission more expediently.

Keywords: development proposal report, the local planning authority, planning law, planning permission

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INTRODUCTION

Development control is an important component of the planning system, designed to monitor and regulate physical development from the national to the local planning level. It includes sophisticated supporting documents and detailed evaluation by decision-makers from various technical agencies. Dani Salleh (2007) emphasises the significance of methodical decision-making in the development control process due to environmental destruction, natural disasters, and manufactured disasters. This will help to reduce undesirable incidents that may endanger public safety.

Any development must go through the planning permission process for development control purposes. Before any development can take place, planning permissions must be obtained from the local planning authority. The local planning authority's role is to control and regulate land use as specified by law. All planning permission applications must be accompanied by a Development Proposal Report (DPR) that details the proposed development (Yusup et al., 2018).

The document must be prepared by an authorised qualified person as stipulated under the act. The report was created following section 21A of the Act Town and Country Planning 1976 [Act 172] to de-light and refine proposed development for the local planning authority and relevant technical agencies while evaluating a planning permission application. However, PLANMalaysia took the initiative to improve the Development Proposal Report Manual by updating the manual in 2001 (Ministry of Housing and Local Government Malaysia, 2019).

The effectiveness of the manuals used to aid local planning authorities under the Seremban City Council will therefore be examined in this study, along with evaluating the report quality, compliance by consultants, and the use of manuals in general.

Development Proposal Report: Town and Country Planning (Amendment) 2017 [Act A1522]

The Town and Country Planning Act 1976 (Act 172) was amended in 2017 and is now known as Act A1522, published in the Gazette on January 16, 2017. The fifth amendment included two changes: the requirement for SIA for projects submitted to the National Physical Planning Council for advice on the proposed development of seaside reclamation and construction of the nation's primary infrastructure (Sec. 20B(2)). In addition to the amendments, section 21A was added to improve the contents of the development proposal report by incorporating the SIA report (PLANMalaysia, 2018).

The need for changes stems from a desire to promote more inclusive development to achieve more equitable community development. In project planning, social impact assessment (SIA) is a method of assessing social development impact that focuses on people's well-being. Its goal is to analyse community concerns raised by development plans to offer alternative development options and make the best decisions possible to avoid or minimise negative impacts on the community. Nonetheless, Section 21A(1A) of Act 172 empowers the State Authority to decide whether a social impact analysis of development should be included in the DPR (Yusup et al., 2018).

Manual of Development Proposal Report (DPR)

Since 2001, LPAs, landowners, and town planning consultants have relied on the DPR Manual when submitting development applications. The manual should be able to guide all professional town planning consultants in creating the DPR and assisting LPA in examining planning or land development approvals for its intended purpose (PLANMalaysia, 2018).

The PLANMalaysia has initiated initiatives to improve the 2001 Manual of Development Proposal Report by reviewing the existing and preparing a new Manual of Development Proposal Report (Second Edition), which will assist qualified consultants in creating quality reports in completing development projects, as well as speed up the process of assessing applications for planning approval by local planning authorities and technical experts. This most recent manual also thoroughly explains the various types and procedures that DPR should offer. The content of DPR is further strengthened in 2017 legislative amendments through Act A1152 by including section 21A (ea) to include an analysis of social impacts and preventive measures that can be taken on the expected impact. This provision allows developers to propose solutions to problems that may arise due to a proposed project's expected social impact. Furthermore, the Addendum to the Development Proposal Report specifies the methods for providing social impact analysis and preventive measures in the reports (PLANMalaysia, 2018).

The Importance of Development Proposal Report (DPR)

The DPR is a document specifically mentioned in subsection 22 (2) of Act 172 as one of the things to be referred to and considered when managing applications for planning permission. DPR must be ready to fulfil the following conditions (PLANMalaysia, 2011):

- i. Describe the development proposal as well as its reasoning, highlighting how it complies with the requirements of the development

- plan and the rules and regulations already in effect at the federal, state, and municipal levels.
- ii. Allow local planning authority the ability to swiftly assess and decide on a planning permission application.
 - iii. Enables the organisation in charge of physical planning or activity development to evaluate development ideas in a way that is consistent with sustainable development principles, relying on the extensive information provided.
 - iv. Ensure that all requests for planning approval consider relevant policies, planning, and development in addition to physical, socioeconomic, traffic, and environmental factors.
 - v. Establish a delivery mechanism and structure for coordination between developers, authorities, and other implementing organisations to ensure that all functional and technical needs are fully taken into account.
 - vi. Encourage authorities to monitor mitigation efforts.
 - vii. Used as a guide for enforcement and civil litigation activities as well as appeals considered at the Board of Appeals.

Exemption of Development Proposal Report

Generally, a DPR must be included with every planning permission application filed by the local planning authority (LPA). However, the requirements of Act 172's subsection 21A(2) give the state's authorities the authority to exempt any development from getting approval, negating the need for DPR preparation. All applications for planning permission for a development proposal, barring any special circumstances, must be accompanied by a DPR (PLANMalaysia, 2010). The following works are exempt from needing a permit under Section 19 (2):

- i. Maintenance work, repairs or any other alterations to a building that only affects parts of the building;
- ii. Work carried out by an authorised agency to install, inspect, repair, renew or maintain infrastructure and utility facilities;
- iii. Any dredging, including dredging of wells for agricultural purposes;
- iv. Using land or buildings for a period of time not exceeding one month or an extended period of time allowed by LPA;
- v. Build or erect on any land temporary buildings to accommodate construction sector workers;
- vi. Using any land or building in the planning of a house for the purpose of enjoying a proper dwelling house; and

- vii. Make material changes to the use of land or buildings designated by the State Authority (SA) as a material change for which planning permission is not required.

However, the exemption from submitting DPR and planning permission varies based on the State Authority's decision.

The Responsible Parties Submitting the Development Proposal Report

Most of Peninsular Malaysia's local planning authorities currently utilise registered town planners to prepare DPRs for applications for planning permission. A registered town planner is a person who has met the requirements to practise urban and rural planning in Malaysia and has been endorsed by Town Planners Malaysia. According to subsections 21C (a) and 21C (b), all plans, particulars, layout plans, and other documents must be prepared by either a person who meets the requirements of paragraph 58(2)(h) or a person who is authorised to do so by any other written law.

The qualifications of anyone who may develop or submit plans, documents, particulars, and layout plans for Act 172 are outlined in paragraph 58 (2) (h). Additionally, the Town Planning Act of 1995 (Act 538), Section 13(1), gives registered town planners the right to be considered persons qualified to write DPRs. According to Section 13 of The Town Planning Act of 1995 (Act 538), field registered town planner expertise is as follows:

- i. Prepare development plans such as structure plans and local plans for the purpose of the Town and Country Planning Act 176 (Act 172)
- ii. Carry out urban, rural and regional development planning studies, and feasibility and environmental impact assessment studies relating to land use; and
- iii. Prepare and submit an application for planning permission, subdivisional layouts, drawing and planning reports to any person or public authority for the purpose of developing any land.

Development Proposal Report as Development Control Instruments

Peninsular Malaysia employs two layers of development control: the state and municipal levels. Peninsular Malaysia's state governments are alone in charge of all land use-related issues, including boundary alterations, land consolidation, and other issues on land in their respective states (Abdullah et al., 2011). At the local level, local authorities such as Seremban City Council's Development Department Planning are in charge of regulating development in its planning area concerning technical considerations such as layout, building design, transportation system, and provision of public facilities.

Research Methodology

Due to the nature of the study and the use of the MyLCP Score Card in Seremban City Council as an evaluation tool for development proposal reports in the study area, a case study research methodology was used for the investigation. Due to its extensive discussion of policies and implementation techniques, the qualitative research method was adopted. Data collected through primary and secondary data gathering were used as a source in this study. Following is a breakdown of particular procedures employing the primary and secondary methods indicated above:

i. Documents and Records

This study uses existing data, including physical documents and records-based materials. All records and documents about this topic, specifically the Manual of Development Proposal Report (2nd Edition), were gathered from the Seremban City Council.

ii. Expert Interview (Judgemental Sampling)

Due to the COVID-19 pandemic, online interviews were used to collect primary data. The interview was conducted with two (2) Town Planning Officers in Seremban Municipal Council and one (1) representative from private sector consultants. The interview was conducted using a judgmental sampling method to avoid the possibility of missing information from the respondents. Each expert responds to questions in their field of expertise, and the responses are consolidated to fit the scope of the study. The interview method is a simple pre-arrangement online interview session in which informants were asked a series of close-ended and open-ended questions about the study. The informants include the local planning authority (Seremban City Council) and the consultant's representative (RA Planning and Management and Services). The discussion will also focus on data from the Seremban City Council regarding MyLCP SCORECARD compliance by registered persons during planning permission applications. This is to clarify further why the Seremban City Council gathered such data.

FINDINGS AND DISCUSSION

MyLCP Score Card is an innovation inspired by the PLANMalaysia Planning Legislation and Regulatory Division to assist the Local Planning Authority in assessing the Development Proposal Report (DPR) submitted by a qualified person. Furthermore, it served as a reference for the submitting person in preparing a good DPR for approval (PLANMalaysia, 2021). The Seremban City Council has adopted MyLCP Score Card as a method of evaluating the DPR

prepared in order to ensure quality decision-making by the LPA, as the report covers the required planning aspects and can be used as the basis for consideration of the development proposal. The DPR evaluation via MyLCP ScoreCard will cover six (6) criteria outlined in the existing Development Proposal Report Manual (2nd Edition). The six (6) criteria listed below are not new to LPAs or applicants;

- i. Content, format and accuracy of information.
- ii. Concept, justification for development, location plan, site plan and title details.
- iii. Site planning analysis; - +landuse, topography, geology, landscape, environmental quality, drainage, flora and fauna, building details, infrastructure, utilities, public facilities and development potential.
- iv. Explanation of proposed development;- development concept, layout plan.
- v. Compliance with development plans: - National Development Plan, State Structure Plan, Local Plan, compliance with other technical requirements, policies related to development plan, related laws and special incentives.
- vi. Explanation of the impact of development: - physical, economy, infrastructure and utilities, social, environment and natural disaster.

Overall, the MyLCP Score Card has different evaluation criteria for each type of planning application. The criteria are divided into the following types of planning permission:

- i. DPR Category 1A – Planning Permission for Building erection
- ii. DPR Category 1B - Planning Permission for Building demolition
- iii. DPR Category 1C - Planning Permission for Building Alteration
- iv. DPR Category 1D - Planning Permission for Development involving airspace
- v. DPR Category 2 - Planning Permission for Engineering works
- vi. DPR Category 3 - Planning Permission for Mining
- vii. DPR Category 4 - Planning Permission for Industrial
- viii. DPR Category 5- Planning Permission for Material Change of use (land)
- ix. DPR Category 6 - Planning Permission for Material change of use (building)
- x. DPR Category 7A - Planning Permission for Subdivision/Amalgamation of land without building erection

- xi. DPR Category 7B - Planning Permission for Subdivision/Amalgamation of land with building erection.

The marks of each requirement will be subject to the jurisdiction of the officers in charge. The total mark for all criteria is 100, and the weightage for each criteria varies depending on the type of planning permission submitted to the LPA. MyLCP score card provides specific marks and merit on the details in the DPR submitted through total compliance scores on the relevant criteria.

The Advantages of the MyLCP Score Card

To accomplish the better implementation of the development control system, quality assurance in DPR preparation is crucial. According to the interview session, all information in the DPR supporting a planning application must be consistent with the requirements of other planning documents, such as the local plan, planning standards and guidelines, government policies, and others. Consequently, a quality DPR has its advantages and was anticipated to help in the following ways:

- i. Local Authorities
 - a. Ensure that all parties use a justified or knowledgeable decision assessment process to evaluate and decide on a planning proposal.
 - b. Assist local government agencies in updating the centralised database with the information presented in the report on the proposed development.
- ii. Consultant
 - a. The consultant who prepares the report and examines in depth the development and planning components will benefit from the thorough details in the DPR.
 - b. Technically, this is done to make it easier for other professionals to gather direct planning information and use development proposal reports as references.
- iii. Developer / Landowner
 - a. Encourage property developers and landowners to be mindful and aware of the importance of the development proposal report in obtaining a planning authority approval.
 - b. The development proposal report is a detailed record that developers or landowners may use to present their cases to the Appeal Board.

Table 1.1: Criteria of assessment in MyLCP Score Card.

Criteria	Marks/Merit (%)
C1 – Content, format and information accuracy	5
C2 – Development justification, concept, location plan, site plan & details	15
C3 – Site analysis	10
C4 – Explanatory Development Proposal	10
C5 – Development Plan Compliance	35
C6 – Development Impact	25

A good DPR will be accepted without modification if the DPR score reaches the specified value level, as shown in the table above. DPRs with less than 50% marks will not be accepted, while DPRs with 51-80% marks will be accepted subject to amendment. DPRs with a score of more than 80% will be accepted but subject to written amendment by LPA. MyLCP Scorecard has been adopted as the new standard for evaluating the DPR in LPA. It benefits Seremban City Council and informs consultants/applicants about the aspects that need to be improved to produce quality DPR. In short, the DPR, which is reviewed and evaluated using MyLCP Score Card, has assisted the LPA in making better decisions to protect the interests of the community and the environment.

Seremban City Council’s planning permission is divided into two (2) categories: Planning Permission for Building Erection and Planning Permission for Land Matter. Due to the nature of the application, Planning Permission for Building Erection will use criteria from DPR Category 1A to DPR Category 1C, whereas Planning Permission for Land Matter will fall under DPR Category 1D to DPR Category 6.

Table 1.2 demonstrates the unsatisfactory compliance rate on most of the DPR during planning permission submission. In this regard, an interview with a responsible officer from the Seremban City Council reveals that only about 50-65 per cent of consultants adhere to the manual preparation of development proposal reports. According to the informant, some of the most common mistakes applicants include irrelevant documents, incorrect information, plagiarism, insufficient site analysis, and other flaws in report writing.

Table 1.2: The number of Planning Permissions processed by Seremban City Council and their scores on the MyLCP Score Card.

Score	2019 (No.)	2020 (No.)
Planning Permission (Building Erection)		
>80%	1	-
51-80%	1	10
<50%	14	1
Total	16	11
Planning Permission (Land Matter)		
>80%	2	4

51-80%	5	4
<50%	7	9
Total	14	17

The number of applications for planning permission (land conversion) that the Seremban Municipal Council received from 2019 until 2020 are presented in Table 1.3. The findings revealed a relatively low overall score for both years, with the combined percentage of good DPR scores falling below 25%. A good DPR should have received a score higher than 75%. According to the findings, only 16% (2019) and 23% (2020) of the development applications have the potential to be evaluated as having a satisfactory DPR when using the MyLCP Score Card.

Table 1.3: MyLCP Score Card for Land Conversion between 2019 and 2020

2019								2020							
Criteria	C1	C2	C3	C4	C5	C6	Total	Criteria	C1	C2	C3	C4	C5	C6	Total
Full Marks	5	15	10	10	35	25	100	Full Marks	5	15	10	10	35	25	100
Application 1	1	10	6	2	1	0	20	Application 1	4	9	6	3	6	8	36
Application 2	1	8	5	6	1	8	29	Application 2	4	9	4	2	4	14	37
Application 3	1	8	5	6	1	8	29	Application 3	5	9	6	2	4	16	42
Application 4	1	11	6	3	8	8	37	Application 4	5	8	5	1	13	16	48
Application 5	3	10	5	3	8	10	39	Application 5	1	6	7	7	11	19	51
Application 6	2	9	5	8	19	5	48	Application 6	2	15	9	10	10	8	54
Application 7	2	9	5	8	19	5	48	Application 7	2	15	9	10	10	8	54
Application 8	0	13	8	6	5	21	53	Application 8	2	15	9	10	10	8	54
Application 9	0	13	8	6	5	21	53	Application 9	4	12	7	9	14	11	57
Application 10	5	13	10	10	13	4	55	Application 10	4	12	6	8	19	12	61
Application 11	2	11	4	6	11	24	58	Application 11	5	11	9	8	14	19	66
Application 12	2	11	4	6	11	24	58	Application 12	4	13	5	10	13	21	66
Application 13	1	15	10	10	23	22	81	Application 13	3	15	9	10	9	23	69
Application 14	1	15	10	10	23	22	81	Application 14	4	12	6	10	28	22	82
								Application 15	5	15	10	6	25	23	84
								Application 16	5	15	9	10	30	15	84
								Application 17	4	13	9	10	29	21	86

Similarly, a low score on the MyLCP Score Card for the DPR of Planning Permission (Building Erection) was also recorded between 2019 and 2020. It was found that only 6.25% of DPR in 2019 and 27% of DPR in 2020 can be considered to be of a quality sufficient for obtaining planning permission. The

data analysis showed many flaws in how the DPR is prepared on the part of the person submitting it (Table 1.4).

Table 1.4: MyLCP Score Card for Building Erection between 2019 and 2020

2019								2020							
Criteria	C1	C2	C3	C4	C5	C6	Total	Criteria	C1	C2	C3	C4	C5	C6	Total
Full Marks	5	15	10	10	35	25	100	Full Marks	5	15	10	10	35	25	100
Application 1	0	9	5	1	0	0	15	Application 1	4	14	2	3	0	0	23
Application 2	2	11	1	2	0	0	16	Application 2	1	13	9	4	15	13	55
Application 3	3	8	9	1	3	0	24	Application 3	2	11	4	6	24	12	59
Application 4	3	13	5	7	0	0	28	Application 4	3	12	5	1	13	21	55
Application 5	0	8	6	5	2	13	34	Application 5	2	10	7	9	15	20	63
Application 6	0	11	6	1	10	8	36	Application 6	3	14	10	0	30	12	69
Application 7	1	7	7	1	13	8	37	Application 7	2	13	9	6	30	12	72
Application 8	2	13	5	2	13	3	38	Application 8	2	13	9	6	30	12	72
Application 9	0	13	6	1	10	8	38	Application 9	4	14	10	10	25	12	75
Application 10	2	11	5	10	2	10	40	Application 10	5	13	8	10	25	15	76
Application 11	2	10	6	6	13	8	45	Application 11	5	15	9	9	35	17	90
Application 12	3	12	7	6	15	6	49								
Application 13	3	12	7	6	15	6	49								
Application 14	3	12	7	6	15	6	49								
Application 15	4	14	7	9	15	1	50								
Application 16	3	15	10	7	35	1	71								

Insufficient Technical Explanation

The interview session uncovered additional information that revealed that most declined planning applications either have an insufficient explanation for the proposed development or incomplete technical details. During the technical meeting and the decision-making process, the Responsible Officer in LPA will find it extremely challenging to comment on and support the development proposal. It is, therefore, inevitable to turn down the application and request that the Submitting Person make amendments.

Ethics and Behavior of Submitting Person

The interview session sheds light on the fact that some applicants deliberately disregarded the Manual DPR to expedite the process of submitting their planning applications. Before submitting a planning application, the principal person responsible for submitting planning permission will frequently shirk their responsibility to adhere to the LPA's guidelines. The Principle Submitting

Person's efforts to provide the LPA with a high-quality DPR were made even more difficult by the persistent pressure from the client to speed up the approval process and the challenges involved in responding to all of the technical comments.

Approval Time Frame

Inadequate time for amendment was also mentioned by informants representing the submitting person, particularly regarding comments from various technical agencies. To address the technical agencies' comments, the submitting person was required to arrange a personal consultation with the relevant agency for further clarification. The planning firm and submitting person must devote more time to site investigation and collection of planning documents to support the DPR so that all details conform to the assessment criteria.

Table 1.3: Mean for MyLCP Score Card based on Criteria between 2019-2020

Criteria	C1	C2	C3	C4	C5	C6	Total
Full Marks	5	15	10	10	35	25	100
Planning Permission for Land Conversion							
2019	1.6	11.1	6.5	6.4	10.6	13.0	49.2
2020	3.7	12.0	7.4	7.4	14.6	15.5	60.6
Planning Permission for Building Erection							
2019	1.9	11.2	5.8	4.4	10.1	6.1	39.6
2020	3.0	12.9	7.4	5.8	22.0	13.3	64.4

Human Resources Factors

In addition, the lack of staff and skilled workers at the planning firm and consultant impeded preparing a good DPR to meet the requirements outlined in the MyLCP Score Card. It is extremely difficult for planning firms to prepare their staff with the appropriate skills and knowledge to maintain the vitality of the planning profession. This is because the development process is both complex and constantly changing. It was also suggested that before the LPA started implementing new procedures relating to planning permission, the LPA should provide sufficient engagement and training to all industry players to improve the procedure as a whole. This is done to ensure that industry players and LPAs can communicate and collaborate more effectively to make the planning process more efficient.

Difficulties in Complying with the Provision in Development Plan

The mean level of compliance with the stated criteria is displayed in Table 1.3 of the MyLCP Score Card. It has been documented that DPR C5 and DPR C6 have the lowest scores compared to the overall marks for each category. This indicates that the principal submitting persons have difficulties adhering to the

development provision and explaining the development impact during the planning permission submission process. The local plan contains all the necessary provisions for controlling the usage of land and building to achieve the vision of the local administrative body within the next 5-10 years. The local plan also possessed sophisticated mechanism control in land use activities to diminish the negative impacts of the development. Consequently, these contribute to the difficulties in adhering to all the provisions in the local plan during the planning permission submission process.

CONCLUSION

Finally, DPR is a requirement closely related to the Planning Permission (KM) application under Part IV (Planning Control) of the Town and Country Planning Act of 1976. (Act 172). Without it and other planning-related documents, the application is likely to be incomplete, which may result in the rejection of an application for development project approval. The approval period may be delayed because applicants must prepare this report ahead of time and seek technical advice from relevant agencies. The quality of DPR is critical for LPA because this report will aid in their tasks and speed up the planning process.

This includes saving time for local governments because certain information is readily available to allow them to make decisions. In general, DPR will provide local authorities with an overview of the proposed development. Facts such as justification for development, explanation of the concept of development; in conjunction with existing development plans, policies, or government policies, and clarification on the impact of the development will assist LPA in making the best decision on an application.

Compliance with the Second Edition Development Proposal Report Manual and MyLCP Score Card ensures the quality of the DPR, which serves as the primary reference document for local planning authorities, technical agencies, and decision-makers at the federal, state, and local levels involved in considering a planning permission application.

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