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## No. S 585

### PLANNING ACT (CHAPTER 232)

#### PLANNING (DEVELOPMENT CHARGES) (AMENDMENT NO. 3) RULES 2015

In exercise of the powers conferred by section 40 of the Planning Act, the Minister for National Development makes the following Rules:

#### **Citation and commencement**

1. These Rules may be cited as the Planning (Development Charges) (Amendment No. 3) Rules 2015 and come into operation on 5 October 2015.

#### **Deletion and substitution of rule 9**

2. Rule 9 of the Planning (Development Charges) Rules (R 5) is deleted and the following rule substituted therefor:

#### **“Multiple purposes**

9.—(1) Where any land, or any building on or to be erected on any land, is intended to be developed for 2 or more purposes falling within 2 or more Use Groups, the development charge for the development of the land is to be determined in accordance with Part V of the Act and the formulae in rules 3 and 4, but with the following modifications in this rule.

(2) Where the land, or the building on or to be erected on the land, may be divided into parts, each of which is intended to be used exclusively for any one of the purposes falling within 2 or more Use Groups, Part V of the Act and these Rules apply to each part as if each part was a separate development.

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(3) Where it is impracticable to divide any floor or part of a floor of the building on or to be erected on the land in the manner described in paragraph (2) —

- (a) subject to sub-paragraphs (b) and (c), in determining the Development Ceiling properly attributable to the floor or part of a floor,  $B_2$  in the formula specified in rule 4(1)(b) is the rate corresponding to both the appropriate geographical sector of the land and the Predominant Use Group of the land;
- (b) where the land is zoned in the Master Plan for any purpose set out in the first column of the table in Part 1 of the Third Schedule, in determining the Development Ceiling properly attributable to the floor or part of a floor,  $B_2$  in the formula specified in rule 4(1)(b) is to be determined in accordance with the formula set out opposite in the second column of that table corresponding to that purpose; or
- (c) where the land is sold or leased by or on behalf of the Government, or by the Urban Redevelopment Authority before 1 January 1983 (whether acting on its own behalf or as an agent for the Housing and Development Board), and the terms and conditions of the sale or lease —
  - (i) state that the land is to be developed for 2 or more purposes (each called in this rule a specified purpose); and
  - (ii) state the floor area for each specified purpose,then, in determining the Development Ceiling properly attributable to the floor or part of a floor,  $B_2$  in the formula specified in rule 4(1)(b) is the weighted average of the relevant rates for the specified purposes, calculated according to the amount of floor area for each specified purpose.

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(4) The development charge for written permission to develop the whole land is the aggregate of such of the following as may be applicable:

- (a) every development charge attributable to a part referred to in paragraph (2);
  - (b) every development charge attributable to a floor or part of a floor referred to in paragraph (3).
- (5) For the purposes of paragraph (3)(c) —
- (a) where the competent authority is of the opinion that the amount of floor area for a specified purpose is not material having regard to the total floor area of the development on the land, the competent authority may disregard that specified purpose when calculating the weighted average in paragraph (3)(c);
  - (b) the competent authority must disregard any variation or changes to the terms and conditions of the sale or lease of the land that are agreed on, after the sale or lease of the land, between —
    - (i) the purchaser or lessee of the land; and
    - (ii) the vendor or lessor of the land referred to in paragraph (3)(c) which sold or leased the land; and
  - (c) the competent authority is to treat the amount of floor area for any specified purpose as being a fixed amount, a maximum amount or a minimum amount, depending on what is stated in the terms and conditions of the sale or lease of the land.

(6) In this rule —

“Predominant Use Group”, in relation to any land, means the Use Group for the purposes (as set out in Part I of the First Schedule) for which are the predominant use permissible under the zoning in the Master Plan for the development of that land;

“relevant rate”, in relation to a specified purpose, means the rate corresponding to both the appropriate geographical sector of the land and the Use Group within which that specified purpose falls.”.

### Deletion and substitution of Third Schedule

3. The Third Schedule to the Planning (Development Charges) Rules is deleted and the following Schedule substituted therefor:

#### “THIRD SCHEDULE

Rule 9(3)(b)

##### PART 1

<i>First column</i>	<i>Second column</i>
<i>Purpose for which land is zoned in Master Plan</i>	<i>Formula to determine B<sub>2</sub> for the purpose of rule 9(3)(b)</i>
Business Park	$0.15 \times K_1 + 0.85 \times K_2$
Business Park – White (with the notation “BP – W[X]”, where X is a number as specified in the notation for the land)	$\left(\frac{X}{100}\right) \times K_1 + \left(\frac{100-X}{100}\right) \times K_2$
Business 1-White (with the notation “Y[B - Z] W”, where Y and Z are numbers as specified in the notation for the land)	$\left(\frac{Y-Z}{Y}\right) \times K_1 + \left(\frac{Z}{Y}\right) \times K_2$
Business 2-White (with the notation “Y[B - Z] W”, where Y and Z are numbers as specified in the notation for the land)	
Commercial and Residential	$0.4 \times K_3 + 0.6 \times K_4$
Residential with Commercial at First Storey	$0.2 \times K_3 + 0.8 \times K_4$
Hotel	$0.4 \times K_3 + 0.6 \times K_5$

<i>First column</i>	<i>Second column</i>
<i>Purpose for which land is zoned in Master Plan</i>	<i>Formula to determine <math>B_2</math> for the purpose of rule 9(3)(b)</i>
White	$K_1$

## PART 2

For the purpose of the formula in the second column of the table in Part 1 of this Schedule —

- (a) where the purposes for which the land or any building on or to be erected on the land is intended to be developed include one type of White use,  $K_1$  is the rate corresponding to both the appropriate geographical sector of the land and the Use Group within which the type of White use falls;
- (b) where the purposes for which the land or any building on or to be erected on the land is intended to be developed include 2 or more types of White uses,  $K_1$  is the average of the rates, each corresponding to both the appropriate geographical sector of the land and the Use Group within which one of those types of White uses fall;
- (c)  $K_2$  is the rate corresponding to both the appropriate geographical sector of the land and Use Group D;
- (d)  $K_3$  is the rate corresponding to both the appropriate geographical sector of the land and Use Group A;
- (e)  $K_4$  is the rate corresponding to both the appropriate geographical sector of the land and Use Group B2; and
- (f)  $K_5$  is the rate corresponding to both the appropriate geographical sector of the land and Use Group C.”.

### **Transitional and savings provisions**

**4.—(1)** The Planning (Development Charges) Rules in force immediately before 5 October 2015 continue to apply on or after that date to an application for planning permission or conservation permission —

- (a) which was made before that date to the competent authority; and

(b) for which no planning permission or conservation permission is granted on or before that date.

(2) Where the competent authority has issued and served an interim order under section 38(2) of the Act or a final order under section 38(4) of the Act for the payment of development charge on or before 5 October 2015 —

(a) the interim order or final order continues to have effect; and

(b) the amount of development charge stated in the interim order or final order is to be treated as the estimated amount or additional amount (as the case may be) of development charge payable under Part V of the Act.

*[G.N. Nos. S 756/2007; S 107/2008; S 337/2008;  
S 421/2008; S 84/2009; S 322/2009; S 399/2009;  
S 116/2010; S 481/2010; S 579/2010; S 104/2011;  
S 505/2011; S 82/2012; S 438/2012; S 116/2013;  
S 561/2013; S 111/2014; S 561/2014; S 92/2015;  
S 531/2015]*

Made on 2 October 2015.

BENNY LIM  
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(To be presented to Parliament under section 61(4) of the Planning Act).