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**PLANNING ACT
(CHAPTER 232)**

**PLANNING (DEVELOPMENT OF LAND FOR
AGRICULTURAL USE — LODGMENT AUTHORISATION)
NOTIFICATION 2019**

ARRANGEMENT OF PARAGRAPHS

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In exercise of the powers conferred by section 21(6) of the Planning Act, the Minister for National Development makes the following Notification:

Citation and commencement

1. This Notification is the Planning (Development of Land for Agricultural Use — Lodgment Authorisation) Notification 2019 and comes into operation on 20 September 2019.

Definitions

2. In this Notification —

“addition and alteration works” means any addition, alteration or improvement to or enlargement of any building or structure;

“agricultural use” includes the use of land as an agrotechnology park, an aquaculture farm (including an aquarium fish farm), a plant nursery, a hydroponics farm, and an agriculture research or experimental station;

“certificate of statutory completion” means a certificate of statutory completion issued under section 12 of the Building Control Act (Cap. 29);

“excluded area” means the area shown in the map set out in the Schedule;

“floor area” has the meaning given by rule 2(1) of the Planning (Development Charges) Rules (R 5);

“landed dwelling-house” has the meaning given by the Planning (Development Charges) Rules;

“non-landed residential building” has the meaning given by the Planning (Development Charges) Rules;

“public road” means any road over which the public has a right of way;

“relevant date” means —

(a) in relation to an authorisation under paragraph 3 for operations involving the development of land, the date of lodgment of the plans and documents specified in paragraph 4(2)(f), relating to the authorisation, with the competent authority; and

(b) in respect of an authorisation under paragraph 3 for the change in use of any relevant premises, the date of lodgment of the plans and documents specified in paragraph 4(3)(e), relating to the authorisation, with the competent authority;

“restaurant” has the meaning given by rule 2 of the Planning (Use Classes) Rules (R 2);

“retail use” means use as a restaurant, a shop or a showroom;

“shop” has the meaning given by rule 2 of the Planning (Use Classes) Rules;

“showroom” has the meaning given by rule 2 of the Planning (Use Classes) Rules;

“statutory body” means a body corporate established by or under any public Act to perform or discharge a public function;

“temporary occupation permit” means a temporary occupation permit granted under section 12(3) of the Building Control Act;

“Use Class” means any Use Class as described in the Schedule to the Planning (Use Classes) Rules;

“visitor centre” means a building used as a museum or an education centre, for the display or showcasing of exhibits.

Authorisation of operations involving development of land for agricultural use and of change in use

3.—(1) Subject to paragraphs 4, 5, 6 and 7, and any other written law, operations involving the development of land set out in sub-paragraph (2), and the change in use of a building or any part of a building set out in sub-paragraph (3), on land that is leased or agreed to be leased by the State or a statutory body for agricultural use, are authorised under section 21(6) of the Act.

(2) The operations involving the development of land mentioned in sub-paragraph (1) are —

- (a) the erection of a building; and
- (b) the carrying out of addition or alteration works to an existing building.

(3) The change in use mentioned in sub-paragraph (1) is the change in use of any part of a building (called in this Notification the relevant premises) to any use specified in any Use Class.

Conditions of authorisation

4.—(1) The authorisation under paragraph 3 is subject to the following conditions:

- (a) the operations or change in use must not involve or result in —

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- (i) the aggregate total floor area authorised or approved for retail use on the land exceeding 200 square metres;
 - (ii) the aggregate total floor area authorised or approved for use as a visitor centre on the land exceeding 200 square metres;
 - (iii) the erection of, or the carrying out of any addition and alteration works to, any landed dwelling-house or non-landed residential building on the land; or
 - (iv) any uses not directly related to the agricultural use of the land, except for retail use and use as a visitor centre subject to sub-paragraphs (i) and (ii);
- (b) the operations or change in use must comply with all relevant planning guidelines issued by the competent authority including, in particular, guidelines on allowable types of development, land use, building and buffer setbacks, technical height control, building height and quantum control on uses.
- (2) The authorisation under paragraph 3 for operations involving development of land is subject to the following additional conditions:
- (a) the operations do not result in any encroachment into any other land;
 - (b) there is direct vehicular access to a public road from the land under development;
 - (c) earthfill works on the land, if any, must not cause the level of any point in the land to be more than 1.5 metres above the lower of the following:
 - (i) the level of that point in the land at the time when the land was leased or agreed to be leased by the State or a statutory body;
 - (ii) the level of any point at the abutting edge of abutting land;
 - (d) no part of any existing buildings or other structures on the land under development is unauthorised under the Act;

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- (e) a declaration is made by a qualified person for the operations in such form as the competent authority requires, declaring that —
- (i) the plans lodged with the competent authority under sub-paragraph (f)(i) have been prepared in compliance with the relevant planning guidelines;
 - (ii) any approval required for the operations from any other relevant authority, other than the Commissioner of Building Control mentioned in sub-paragraph (f), has been obtained prior to the lodgment of the plans under sub-paragraph (f)(i); and
 - (iii) the qualified person must ensure that the operations are carried out in compliance with the plans lodged with the competent authority under sub-paragraph (f)(i) and with the requirements of all relevant authorities;
- (f) before submitting any application to the Commissioner of Building Control for approval of the building plans for the operations under the Building Control Act (or where no such approval is required under the Building Control Act, before commencing the operations), the following are lodged with the competent authority at the same time together with the fee specified in sub-paragraph (4):
- (i) the plans for the operations required by the competent authority;
 - (ii) the duly completed and signed lodgment form required by the competent authority;
 - (iii) the declaration mentioned in sub-paragraph (e);
 - (iv) the written consent of the lessor of the land that is the subject of the operations, in the form required by the competent authority;
 - (v) where the lessor of the land is not the owner, the written consent of the owner of the land, in the form required by the competent authority;

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- (vi) any other documents that the competent authority requires in any particular case;
 - (g) the operations are carried out in compliance with —
 - (i) the plans that are lodged with the competent authority under sub-paragraph (f); and
 - (ii) the requirements of all other relevant authorities;
 - (h) before submitting the application to the Commissioner of Building Control for a temporary occupation permit or a certificate of statutory completion (whichever is earlier) in relation to any building that is the subject of the operations, the declaration mentioned in sub-paragraph (i) is lodged with the competent authority;
 - (i) a declaration is made by the qualified person for the operations that, to the best of the qualified person's knowledge and belief, the operations are carried out in accordance with sub-paragraphs (a), (b), (c), (d) and (g), and sub-paragraph (1)(a) and (b);
 - (j) where the qualified person appointed in respect of the operations ceases to be appointed for any reason, the authorisation under paragraph 3 ceases in relation to the operations until —
 - (i) another qualified person is appointed in respect of the operations; and
 - (ii) the developer notifies the competent authority of the appointment, within 7 days after the appointment under sub-paragraph (i).
- (3) The authorisation under paragraph 3 for the change in use of any relevant premises is subject to the following additional conditions:
- (a) any approval required from any other relevant authority for the change in use is obtained prior to making the change in use of the relevant premises;
 - (b) the change in use and use of the relevant premises do not create any nuisance, annoyance or inconvenience to the

amenities of the development and of the surrounding locality;

- (c) no part of the relevant premises comprises works that are unauthorised under the Act;
- (d) a declaration and undertaking is made by the person making the lodgment in such form as the competent authority requires, declaring that —
 - (i) the plans lodged with the competent authority under sub-paragraph (e)(i) have been prepared in compliance with the relevant planning guidelines;
 - (ii) any approval required from any other relevant authority for the change in use is obtained prior to making the change in use of the relevant premises; and
 - (iii) the change in use is effected in compliance with the plans lodged with the competent authority under sub-paragraph (e)(i) and with the requirements of all relevant authorities;
- (e) before making the change in use of the relevant premises, the following are lodged with the competent authority at the same time together with a fee of \$150:
 - (i) the plans showing the location of the development, the location of the relevant premises within the development and the layout of the relevant premises in the manner and scale required by the competent authority;
 - (ii) the duly completed and signed lodgment form required by the competent authority;
 - (iii) the declaration and undertaking mentioned in sub-paragraph (d);
 - (iv) the written consent of the lessor of the relevant premises for the change in use, in the form required by the competent authority;

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- (v) where the lessor of the relevant premises is not the owner, the written consent of the owner of the relevant premises for the change in use, in the form required by the competent authority;
 - (vi) any other documents that the competent authority requires in any particular case.
- (4) The fee mentioned in sub-paragraph (2)(f) is as follows:
- (a) in relation to operations involving the erection of a building, \$1,200;
 - (b) in relation to operations involving addition or alteration works to an existing building, \$850.

(5) The fees mentioned in sub-paragraphs (3) and (4) are not inclusive of goods and services tax chargeable under the Goods and Services Tax Act (Cap. 117A) on the services in respect of which the fees are payable, and the person responsible for paying such fees must (in addition to such fees) bear and pay the goods and services tax charged on the supply of services at the rate prevailing at the time of such charging.

Expiry and extension of authorisation

5.—(1) The authorisation under paragraph 3 expires if the operations involving the development of land or the change in use authorised under paragraph 3 are not completed or effected within —

- (a) 2 years after the relevant date; or
- (b) such extended period as permitted under this paragraph.

(2) Subject to sub-paragraph (4), the validity period of an authorisation under paragraph 3 for operations involving the development of land may be extended for a further period of 2 years if the following are lodged in such form and manner as the competent authority requires at the same time together with a fee of \$200:

- (a) a submission for an extension of the validity period of the authorisation (called in this paragraph the extension submission);

(b) a declaration of the matters mentioned in paragraph 4(2)(e)(i), (ii) and (iii).

(3) The declaration mentioned in sub-paragraph (2)(b) must be signed by the current qualified person at the time of lodgment of the extension submission.

(4) No more than 2 extensions are permitted in respect of each authorisation under paragraph 3 for operations involving the development of land.

(5) The fee mentioned in sub-paragraph (2) is not inclusive of goods and services tax chargeable under the Goods and Services Tax Act on the services in respect of which the fee is payable, and the person responsible for paying such fee must (in addition to such fee) bear and pay the goods and services tax charged on the supply of services at the rate prevailing at the time of such charging.

Authorisation to cease to apply

6.—(1) The authorisation under paragraph 3 immediately ceases to apply if any condition in paragraph 4 that is applicable to such authorisation ceases to be complied with.

(2) Where the authorisation under paragraph 3 ceases to apply under sub-paragraph (1), then with effect from the date of the cessation of that authorisation —

(a) the operations or change in use authorised by that authorisation is invalid; and

(b) paragraph 3 ceases to apply to —

(i) in relation to an authorisation under paragraph 3 for operations involving the development of land, the land; and

(ii) in relation to an authorisation under paragraph 3 for the change in use of any relevant premises, the relevant premises.

(3) Upon any lodgment in accordance with paragraph 4(2)(f) in respect of any operations involving the development of land mentioned in paragraph 3, any authorisation previously obtained under paragraph 3 in respect of any operations for the same land which has not been carried out ceases to apply.

(4) Upon any lodgment in accordance with paragraph 4(3)(e) in respect of any change in use mentioned in paragraph 3, any authorisation previously obtained under paragraph 3 in respect of any change in use for the same relevant premises which has not been carried out ceases to apply.

Authorisation not to apply in certain cases

7. The authorisation under paragraph 3 does not apply to any land in the excluded area.

THE SCHEDULE

Paragraph 2

EXCLUDED AREA



: Excluded Area

Made on 18 September 2019.

OW FOONG PHENG
Permanent Secretary,
Ministry of National Development,
Singapore.

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