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PLANNING ACT (CHAPTER 232)

PLANNING (DEVELOPMENT) RULES 2008

ARRANGEMENT OF RULES

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In exercise of the powers conferred by section 61 of the Planning Act, the Minister for National Development hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Planning (Development) Rules 2008 and shall come into operation on 3rd March 2008.

Definitions

2. In these Rules —

“particulars” include particulars of all permissions and approvals granted under sections 61 and 62 of the repealed Singapore Improvement Ordinance;

“revoked Rules” means the Planning (Development) Rules (R 3) in force immediately before 3rd March 2008.

Application for permission

3.—(1) Any application for planning permission, conservation permission, subdivision permission or outline permission under Part III of the Act shall be made in such form and manner as set out on the Urban Redevelopment Authority’s Internet website at <http://www.ura.gov.sg> and accompanied by such document, drawing or plan as may be required by the competent authority.

(2) Where any document, drawing or plan required by the competent authority under paragraph (1) and any calculation, measurement, statement, information or particular contained therein or in any application under paragraph (1) is not made, prepared, set out, shown or indicated in accordance with the guidelines issued by the competent authority, the applicant or the qualified person acting on behalf of the applicant shall give the competent authority notice of the inconsistency in writing at the time of submission of the application.

(3) Subject to rules 4 and 5, where an application is made by any person other than the owner of the land, the applicant shall obtain the consent in writing of the owner of the land or of the legal personal representative, if the owner is deceased.

(4) Paragraph (3) shall not apply to an applicant for permission to continue to use any building or land where permission had been granted for the use.

(5) Where an outline permission has been granted under section 18 of the Act, a subsequent application for planning permission or conservation permission with full details as may be required by the

competent authority and in accordance with the outline permission shall be made during the validity period of the outline permission.

(6) No development or works may be carried out before the grant of permission by the competent authority pursuant to a subsequent application made under paragraph (5).

Application with view to collective sale under collective sale agreements executed on or after 4th October 2007

4.—(1) This rule shall apply to any application under rule 3(1) with a view to a collective sale of a development in respect of which a collective sale agreement has been executed on or after 4th October 2007.

(2) Where an application under rule 3(1) is made with a view to a collective sale of —

- (a) all the lots and common property in a strata title plan to which section 84A or 84FA of the Land Titles (Strata) Act (Cap. 158) applies; or
- (b) all the flats and the land in a development to which section 84D or 84E of the Land Titles (Strata) Act applies,

it shall be sufficient compliance with rule 3(3) if the application is accompanied by —

- (i) the written consent to the application from each of the representatives appointed under section 84A(2) of the Land Titles (Strata) Act; and
- (ii) a written confirmation by an advocate and solicitor that the representatives have been duly appointed and that the subsidiary proprietors of any of those lots or the proprietors of any of those flats with not less than the applicable percentage referred to in section 84A(1), 84D(2), 84E(3) or 84FA(2), as the case may be, of the Land Titles (Strata) Act have agreed in writing to the collective sale.

(3) Notwithstanding paragraph (2), where an application under rule 3(1) is made in respect of any development after an order has been made by the High Court or a Strata Titles Board under section 84A, 84D, 84E or 84FA, as the case may be, of the Land Titles

(Strata) Act for the sale of all the lots and common property in the strata title plan for the development or all the flats and the land in the development, it shall be sufficient compliance with rule 3(3) if the application is accompanied by the order of the High Court or the Strata Titles Board, as the case may be.

[S 29/2011 wef 20/01/2011]

(4) In this rule, the words and expressions used shall, unless the context otherwise requires, have the meanings assigned to them respectively in the Land Titles (Strata) Act (Cap. 158).

Application with view to collective sale under collective sale agreements executed before 4th October 2007

5.—(1) This rule shall apply to any application under rule 3(1) with a view to a collective sale of a development in respect of which a collective sale agreement has been executed before 4th October 2007 —

- (a) in the case of a development comprised in a strata title plan —
 - (i) by the subsidiary proprietors of the lots comprised in the development the sum of whose share values is not less than 90% of the total share values of that development, if that development is a newer development; or
 - (ii) by the subsidiary proprietors of the lots comprised in the development the sum of whose share values is not less than 80% of the total share values of that development, if that development is an older development; or
- (b) in the case of a development not comprised in a strata title plan and to which section 84D or 84E of the Land Titles (Strata) Act as in force before 4th October 2007 applies —
 - (i) by the proprietors of the flats comprised in the development the sum of whose shares or notional shares (as the case may be) in the land comprised in the development is not less than 90% of the total

shares or notional shares in the land, if the development is a newer development; or

- (ii) by the proprietors of the flats comprised in the development the sum of whose shares or notional shares (as the case may be) in the land comprised in the development is not less than 80% of the total shares or notional shares in the land, if the development is an older development.

(2) Where an application under rule 3(1) relating to a development comprised in a strata title plan is made, it shall be sufficient compliance with rule 3(3) if the applicant produces with the application a resolution of such other documentary proof as the competent authority may require that —

- (a) in the case of a newer development, the subsidiary proprietors of the lots comprised in the development with not less than 90% of the share values have authorised the making of the application; or
- (b) in the case of an older development, the subsidiary proprietors of the lots comprised in the development with not less than 80% of the share values have authorised the making of the application.

(3) Where an application under rule 3(1) relating to a development not comprised in a strata title plan is made, it shall be sufficient compliance with rule 3(3) if the applicant produces with the application a resolution of such other documentary proof as the competent authority may require that —

- (a) in the case of a development to which section 84D of the Land Titles (Strata) Act (Cap. 158) as in force before 4th October 2007 applies —
 - (i) the proprietors of the lots comprised in the development who own not less than 90% of the share value of the land have authorised the making of the application, if the development is a newer development; or

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- (ii) the proprietors of the lots comprised in the development who own not less than 80% of the share value of the land have authorised the making of the application, if the development is an older development; or
- (b) in the case of a development to which section 84E of the Land Titles (Strata) Act as in force before 4th October 2007 applies —
- (i) the proprietors of the lots comprised in the development who own not less than 90% of the notional share of the land have authorised the making of the application, if the development is a newer development; or
- (ii) the proprietors of the lots comprised in the development who own not less than 80% of the notional share of the land have authorised the making of the application, if the development is an older development.

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(4) Notwithstanding paragraphs (2) and (3), where an application under rule 3(1) is made in respect of any development after a Strata Titles Board has made an order under section 84A, 84D or 84E, as the case may be, of the Land Titles (Strata) Act (Cap. 158) as in force before 4th October 2007 for the sale of all the lots and common property in the strata title plan for the development or all the flats and the land in the development, it shall be sufficient compliance with rule 3(3) if the application is accompanied by the order of the Strata Titles Board.

(5) In this rule —

“newer development” means —

- (a) in relation to a development comprised in a strata title plan, less than 10 years have passed since the date of the issue of the latest Temporary Occupation Permit on completion of any building comprised in the strata title plan or, if no Temporary Occupation Permit was

issued, the date of the issue of the latest Certificate of Statutory Completion for any building comprised in the strata title plan, whichever is the later; and

- (b) in relation to a development not comprised in a strata title plan, less than 10 years have passed since the date of the issue of the latest Temporary Occupation Permit on completion of any building (not being any common property) comprised in the development or, if no Temporary Occupation Permit was issued, the date of the issue of the latest Certificate of Statutory Completion for any building (not being any common property) comprised in the development, whichever is the later;

“older development” means —

- (a) in relation to a development comprised in a strata title plan, 10 years or more have passed since the date of the issue of the latest Temporary Occupation Permit on completion of any building comprised in the strata title plan or, if no Temporary Occupation Permit was issued, the date of the issue of the latest Certificate of Statutory Completion for any building comprised in the strata title plan, whichever is the later; and
- (b) in relation to a development not comprised in a strata title plan, 10 years or more have passed since the date of the issue of the latest Temporary Occupation Permit on completion of any building (not being any common property) comprised in the development or, if no Temporary Occupation Permit was issued, the date of the issue of the latest Certificate of Statutory Completion for any building (not being any common property) comprised in the development, whichever is the later.

Plans or drawings to contain particulars

6.—(1) Any plan or drawing submitted under rule 3 shall contain an exact calculation of the plot ratio, floor plan and density of the development.

(2) The competent authority may require an applicant —

(a) to give such further information as may be necessary to enable the competent authority to decide on the application; and

(b) to produce such evidence as may reasonably be produced in support of any information given in the application.

(3) Any person who submits an application which contains any statement or particular which is false shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 6 months or to both.

Permission to subdivide

7.—(1) No permission shall be granted to subdivide land until roads, service roads and drains have been made up to the satisfaction of the competent authority.

(2) No permission shall be granted to subdivide buildings until the buildings have been constructed up to the roof level.

(3) Notwithstanding paragraph (2), the competent authority may grant permission to a statutory board to subdivide buildings which have not been constructed up to the roof level.

Applications for Minister's determination

8.—(1) Where any application for planning permission, conservation permission or subdivision permission is required to be referred to the Minister under section 21(1) of the Act, the competent authority shall forward the application together with a report to the Minister for determination.

(2) The decision of the Minister shall be conveyed to the applicant in writing by the competent authority.

Development Register

9.—(1) The competent authority shall keep a register (referred to in these Rules as the Development Register) and shall cause the following information to be entered therein:

- (a) within one month of the despatch of any notification of the decision on an application for planning permission, conservation permission or subdivision permission (including any application referred to the Minister for decision), the date of the decision and particulars thereof; and
- (b) where there is an appeal under section 22 of the Act against the decision referred to in sub-paragraph (a), the decision of the Minister within one month from the date of his decision.

(2) The Development Register shall be available for public inspection at the office of the competent authority during office hours and the competent authority shall afford to the public such facilities as are reasonably necessary to enable any person to trace entries in the Development Register.

Record Plan

10.—(1) The competent authority shall maintain a map or maps (referred to in these Rules as the Record Plan) to scales appropriate to the area to which the Record Plan relates, and shall cause to be recorded thereon particulars of all planning permissions, conservation permissions and subdivision permissions granted (so far as such particulars are reasonably capable of being recorded on a plan) together with such other particulars as the competent authority may consider it appropriate or advisable to show.

(2) The Record Plan shall be available for public inspection at the office of the competent authority during office hours.

(3) Extracts from the Record Plan shall be made available to the public at the prescribed fee.

(4) Any person may at any time by delivering at the office of the competent authority a requisition form provided by the competent

authority signed by himself and upon payment of the prescribed fee require an official search to be made on his behalf.

Appeals

- 11.** An appeal under section 22(1) or 29(1) of the Act shall —
- (a) be addressed to the Permanent Secretary, Ministry of National Development;
 - (b) set out the grounds of appeal; and
 - (c) be accompanied by 2 copies of —
 - (i) in the case of an appeal under section 22(1) of the Act —
 - (A) the application made to the competent authority for planning permission, conservation permission, subdivision permission or outline permission, including all relevant maps and plans submitted for the application; and
 - (B) the decision of the competent authority on the application referred to in sub-paragraph (A);
 - (ii) in the case of an appeal under section 29(1) of the Act, the enforcement notice issued by the competent authority; and
 - (iii) all relevant correspondence with the competent authority.

Revocation and transitional provisions

- 12.—**(1) The Planning (Development) Rules (R 3) are revoked.
- (2) Any information that is in the Development Register kept under the revoked Rules shall be deemed to be part of the Development Register kept under these Rules.
- (3) The Record Plan maintained under the revoked Rules and any particulars contained therein shall be deemed to be part of the Record Plan kept under these Rules.

(4) Notwithstanding rule 4, rule 3A of the revoked Rules shall continue to apply, as if these Rules had not been made, to any application made under rule 3(1) of the revoked Rules and which is pending immediately before 3rd March 2008.

(5) Where any act is required to be done within a time period prescribed in the revoked Rules and such time period has not expired on the date these Rules come into force, the time period as prescribed by the revoked Rules shall apply to that act.

Made this 29th day of February 2008.

TAN TEE HOW
*Permanent Secretary,
Ministry of National Development,
Singapore.*

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