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RAPID TRANSIT SYSTEMS ACT (CHAPTER 263A)

RAPID TRANSIT SYSTEMS (DEVELOPMENT AND BUILDING WORKS IN RAILWAY CORRIDOR AND RAILWAY PROTECTION ZONE) REGULATIONS 2021

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In exercise of the powers conferred by section 45 of the Rapid Transit Systems Act, the Land Transport Authority of Singapore, with the approval of the Minister for Transport, makes the following Regulations:

PART 1
PRELIMINARY

Citation and commencement

1. These Regulations are the Rapid Transit Systems (Development and Building Works in Railway Corridor and Railway Protection Zone) Regulations 2021 and come into operation on 27 September 2021.

Definitions

2. In these Regulations, unless the context otherwise requires —
- “approved proposal”, in relation to any development or building works, means a development proposal or building proposal, as the case may be —

(a) that is approved by the Authority pursuant to an application under regulation 4 or 5, as may be amended with the approval of the Authority under regulation 6; and

(b) that has not ceased to be an approved proposal under regulation 7;

“building proposal” means a proposal to carry out building works within any railway corridor or railway protection zone;

“building works” has the meaning given by section 2(1) of the Building Control Act (Cap. 29);

“Commissioner of Building Control” means the Commissioner of Building Control appointed under section 3(1) of the Building Control Act;

“developer”, in relation to any development or building works, means the person for whom or on whose behalf the development or building works are carried out;

“development” has the meaning given by section 3 of the Planning Act (Cap. 232);

“development proposal” means a proposal to carry out any development within any railway corridor or railway protection zone;

“engineering plan”, in relation to any engineering works, means —

(a) an engineering evaluation report for the engineering works;

(b) a document containing any drawing, details, diagram, structural details or calculations showing or relating to the engineering works; or

(c) an instrumentation or a monitoring plan for all structures associated with a rapid transit system that may be affected by the engineering works;

“engineering works” means any kind of construction work or activity relating to any development or building works that

may affect the structural integrity of any structure associated with a rapid transit system or its safe and efficient operation and functioning, such as but not limited to —

- (a) building works;
- (b) any act of excavating earth, rock or other material (by whatever means) in connection with —
 - (i) any work for or relating to the construction, reconstruction, extension, renovation, alteration, demolition or repair of any building, structure, road, railway, bridge, viaduct, flyover, drain or sewer;
 - (ii) any work for or relating to the laying, inspecting, repairing or renewing of any main, pipe, cable, fittings or other apparatus; or
 - (iii) any soil investigation works;
- (c) any act of boring, dredging, jacking, levelling, piling or tunnelling on or under any land or street by any mechanical means;
- (d) the driving or sinking of any earth rod, casing or tube into the ground;
- (e) the carrying out of earthworks and backfilling, or the shifting or pushing of earth or soil from one area to another, whether or not for the formation of a slope or an embankment; and
- (f) any storage or placement of large construction equipment, construction materials and stockpiling of earth or heavy objects;

“must-start window period”, in relation to any development or building works, means the period mentioned in regulation 8 during which the development or building works under a development must start;

“plan”, in relation to any development or building works, means a document containing any drawing, details, diagram,

calculation, structural details or structural calculation showing or relating to the development or building works;

“provisional permission” has the meaning given by section 2 of the Planning Act;

“qualified person” has the meaning given by section 2(1) of the Building Control Act;

“railway corridor” means the part of the land or area that is within 40 metres from the outermost edge of any part of a railway area;

“railway protection zone” has the meaning given by regulation 2 of the Rapid Transit Systems (Railway Protection, Restricted Activities) Regulations (Rg 3);

“written permission” has the meaning given by section 2 of the Planning Act.

PART 2

DEVELOPMENT AND BUILDING WORKS

Obligations relating to development and building works

3.—(1) A person must not carry out, or permit or otherwise authorise the carrying out of, any development within a railway corridor or railway protection zone unless —

(a) the development —

(i) is supervised by a qualified person appointed under regulation 11(1)(a) or (b)(i) to supervise the development; and

(ii) is carried out in accordance with an approved proposal (including any amendment approved for the proposal) for the development; and

(b) a permit mentioned in regulation 10 has been granted for the engineering works involved in the development.

(2) If a development involves building works within a railway corridor or railway protection zone, a person must not carry out, or

permit or otherwise authorise the carrying out of, the building works unless the building works are carried out in accordance with an approved proposal (including any amendment approved for the proposal) for the building works.

(3) A person shall be guilty of an offence if the person carries out, or permits or otherwise authorises the carrying out of —

- (a) any development, knowing that or rashly or negligently failing to ascertain whether the carrying out of the development is in contravention of paragraph (1); or
- (b) any building works, knowing that or rashly or negligently failing to ascertain whether the carrying out of the building works is in contravention of paragraph (2).

(4) A person who is guilty of an offence under paragraph (3) shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part of a day during which the offence continues after conviction.

Application for approval of development proposal for development

4.—(1) An application to the Authority for the approval of a development proposal for a development within a railway corridor or railway protection zone that is required for the purpose of regulation 3(1) must —

- (a) be made and signed by a qualified person appointed under regulation 11(1)(a) or (b)(i) to supervise the development;
- (b) be submitted only after the application for planning permission for the development is made to the competent authority under section 13(1) of the Planning Act; and
- (c) be accompanied by the following:
 - (i) a plan —
 - (A) consisting of or containing the site and location of the site of the development; and

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- (B) showing the location of the site of the development in relation to the railway or railway area;
- (ii) a layout plan of the development;
 - (iii) a plan consisting of or containing the sections and elevations of any building or structure comprised in the development;
 - (iv) an engineering evaluation report on how the development may affect the structural integrity of any structure associated with a rapid transit system or its safe and efficient operation and functioning;
 - (v) any other declaration, information, instrument, plan or document that the Authority requires to decide on the application;
 - (vi) where the development is a development of land for which the written permission of the competent authority is required under the Planning Act, a copy of that valid written permission or provisional permission.

(2) The development proposal mentioned in paragraph (1) must be prepared and signed by a qualified person appointed under regulation 11(1)(a) or (b)(i) to supervise the development.

(3) The items mentioned in paragraph (1)(c)(i) to (v) must be prepared and signed by the qualified person appointed under regulation 11(1) to supervise the development or the engineering works under the development, as specified by the Authority for each item.

Application for approval of building proposal for building works

5.—(1) If a development involves building works within a railway corridor or railway protection zone, an application to the Authority for the approval of a building proposal for the building works that is required for the purpose of regulation 3(2) must —

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- (a) be made and signed by a qualified person appointed under regulation 11(1)(b)(i) to supervise the development;
 - (b) be submitted at the same time the plans for the building works are submitted to the Commissioner of Building Control under the Building Control Act;
 - (c) be submitted before the end of the period of 12 months after the date on which the Authority approves the development proposal for the development; and
 - (d) be accompanied by the following:
 - (i) a plan —
 - (A) consisting of or containing the site and location of the site of the development; and
 - (B) showing the location of the site of the development in relation to the railway or railway area;
 - (ii) a layout plan of the building works;
 - (iii) a plan consisting of or containing the sections and elevations of any building or structure comprised in the building works;
 - (iv) an engineering evaluation report on how the building works may affect the structural integrity of any structure associated with a rapid transit system or its safe and efficient operation and functioning;
 - (v) any other declaration, information, instrument, plan or document that the Authority requires to decide on the application.
- (2) The building proposal mentioned in paragraph (1) must be prepared and signed by a qualified person appointed under regulation 11(1)(b)(i) to supervise the development.
- (3) The items mentioned in paragraph (1)(d) must be prepared and signed by a qualified person appointed under regulation 11(1) to supervise the development or the engineering works under the development, as specified by the Authority for each item.

Amendment to approved proposal

6.—(1) A qualified person appointed under regulation 11(1)(a) or (b)(i) to supervise a development with an approved proposal may apply to the Authority for approval to amend the approved proposal.

(2) An application under paragraph (1) must —

(a) be made and signed by the qualified person; and

(b) be accompanied by —

(i) the approved proposal with the amendment sought indicated on it; and

(ii) any other declaration, information, instrument, plan or document that the Authority requires to decide on the application.

Cessation of approval for proposal

7.—(1) A development proposal or building proposal ceases to be an approved proposal —

(a) if the development or building works for which the development proposal or building proposal is approved does not start before the end of the must-start window period for that development or building works, as the case may be;

(b) upon the failure to comply with any condition or requirement imposed by the Authority under regulation 19 in relation to the approved proposal;

(c) upon the failure to comply with any written notice given under regulation 16, 17 or 18; or

(d) upon the revocation by the Authority of the approval for the development proposal or building proposal, as the case may be.

(2) For the purpose of paragraph (1)(d), the Authority may revoke the approval for any development proposal or building proposal upon being satisfied of any of the following:

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- (a) any information or document submitted to the Authority in connection with any of the following is false or misleading:
 - (i) any application for approval of a development proposal or building proposal under regulation 4 or 5;
 - (ii) any application for approval to amend the approved proposal under regulation 6;
 - (iii) any application for an extension of the period for the development mentioned in regulation 8(1)(a);
 - (b) any person mentioned in regulation 13 has failed to comply with any duty set out in that regulation;
 - (c) the development proposal or building proposal does not comply with the code of practice mentioned in regulation 14 or any requirement specified by the Authority;
 - (d) the carrying out of the development or building works for which the development proposal or building proposal was approved contravenes the code of practice mentioned in regulation 14.
- (3) The Authority must, before revoking the approval for an approved proposal for a development or building works under a development —
- (a) give the developer and the qualified person appointed under regulation 11(1)(a) or (b)(i) to supervise the development written notice of the Authority’s intention to do so; and
 - (b) call on the developer or qualified person appointed under regulation 11(1)(a) or (b)(i) to supervise the development to show cause to the Authority why the approval should not be revoked.

Time that development or building works must start

8.—(1) A qualified person appointed under regulation 11(1)(a) or (b)(i) to supervise a development with an approved proposal must

ensure that the development or building works under the development start before the end of —

- (a) a period of 24 months after the date the Authority approves the development proposal for the development; or
- (b) any extension under this regulation of the period in sub-paragraph (a).

(2) The Authority may, on an application under paragraph (3), extend, or further extend, the period mentioned in paragraph (1)(a).

(3) A qualified person appointed under regulation 11(1)(a) or (b)(i) to supervise a development, seeking an extension or a further extension of the period mentioned in paragraph (1)(a), may apply to the Authority for such an extension no later than one month before —

- (a) the end of that period; or
- (b) where any extension is granted, the last extension lapses.

Obligations relating to engineering works

9.—(1) A person must not carry out, or permit or otherwise authorise the carrying out of, any engineering works within a railway corridor or railway protection zone as part of a development unless the engineering works are carried out in accordance with a valid permit granted by the Authority for the engineering works.

(2) A person shall be guilty of an offence if the person carries out, or permits or otherwise authorises the carrying out of, any engineering works, knowing that or rashly or negligently failing to ascertain whether the carrying out of the engineering works is in contravention of paragraph (1).

(3) A person who is guilty of an offence under paragraph (2) shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part of a day during which the offence continues after conviction.

Application for permit to carry out engineering works

10.—(1) An application to the Authority for a permit to carry out engineering works within a railway corridor or railway protection zone as part of a development that is required for the purpose of regulation 9(1) must —

- (a) be made and signed by a qualified person appointed under regulation 11(1)(a) or (b)(ii) to supervise the engineering works under the development; and
- (b) be accompanied by the following:
 - (i) where the engineering works are part of a development of land for which the written permission of the competent authority is required under the Planning Act, a copy of that valid written permission or provisional permission;
 - (ii) an engineering plan for the engineering works involved in the development;
 - (iii) the notice of approval given by the Authority in approving the development proposal for the development;
 - (iv) if the development involves building works — the notice of approval given by the Authority in approving the building proposal for the building works;
 - (v) any other declaration, information, instrument, plan or document that the Authority requires to decide on the application.

(2) The items mentioned in paragraph (1)(b) must be prepared and signed by a qualified person.

Supervision of development and engineering works

11.—(1) A developer of any development within a railway corridor or railway protection zone must —

- (a) if the development does not involve building works — appoint a professional engineer under the Professional

Engineers Act (Cap. 253) who has in force a practising certificate issued under that Act, as a qualified person to supervise —

- (i) the development; and
 - (ii) the engineering works under the development; and
- (b) if the development involves building works — appoint the following persons:
- (i) either —
 - (A) an architect under the Architects Act (Cap. 12) who has in force a practising certificate issued under that Act; or
 - (B) if the Authority so approves, a professional engineer under the Professional Engineers Act who has in force a practising certificate issued under that Act,as a qualified person to supervise the development;
 - (ii) a professional engineer under the Professional Engineers Act who has in force a practising certificate issued under that Act, as a qualified person to supervise the engineering works under the development.

(2) The Authority must not give an approval under paragraph (1)(b)(i)(B) unless the Authority is satisfied that having regard to the nature, scale and complexity of the building works in the development, practical experience in architectural work is not necessary to supervise the development.

(3) If —

- (a) a qualified person appointed under paragraph (1) ceases to carry out his or her duties under that paragraph; and

- (b) an application for the approval of the development proposal for the development has been submitted under regulation 4,

the developer of that development must, in accordance with paragraph (1) and without delay, appoint another qualified person to supervise the development or the engineering works under the development (as the case may be) and ensure that notice of the appointment is given in the form and manner specified by the Authority no later than 7 days after the appointment.

(4) A qualified person appointed under paragraph (1)(a) or (b)(i) to supervise a development must —

- (a) give to the Authority at least 7 days prior notice of the following:
- (i) the start of any development within a railway corridor or railway protection zone;
 - (ii) the resumption of any development that had been suspended;
- (b) exercise due diligence in supervising the development;
- (c) take all reasonable steps when supervising the carrying out of the development, to ensure that the development is carried out in accordance with —
- (i) these Regulations;
 - (ii) the approved proposal for the development and (if applicable) the approved proposal for the building works; and
 - (iii) any requirement or condition imposed by the Authority under regulation 16(a) or 19(2)(a), respectively;
- (d) notify the Authority of any contravention of —
- (i) these Regulations; or
 - (ii) any requirement or condition imposed by the Authority under regulation 16(a) or 19(2)(a), respectively; and

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- (e) keep and maintain at the premises at which the development is carried out, any document, book or record that the Authority requires.

Resignation or termination of appointment of qualified person, etc.

12. Where, at any time after the development proposal for a development is approved, an event specified in the first column of the Schedule occurs, the person specified opposite the event in the second column of that Schedule must ensure that the Authority is notified in writing of that event within 14 days after the date specified opposite the event in the third column of that Schedule.

General duties

13. In relation to a development within a railway corridor or railway protection zone, the developer of the development, each person carrying out the development and the qualified person appointed under regulation 11(1) to supervise the development or the engineering works under the development (as the case may be) must —

- (a) take all reasonable steps and exercise due diligence to ensure that the development is carried out —
- (i) in accordance with the following:
 - (A) these Regulations;
 - (B) the approved proposal for the development and (if applicable) the approved proposal for the building works;
 - (C) any requirement or condition imposed by the Authority under regulation 16(a) or 19(2)(a), respectively; and
 - (ii) in a manner that does not —
 - (A) endanger the safety of any person travelling in or on the railway or railway premises; or
 - (B) damage the railway or railway premises;

- (b) submit to the Authority any report, certificate or other document relating to the progress of the development or building works as specified by the Authority or in the code of practice mentioned in regulation 14; and
- (c) give any assistance that the Authority requires, and cooperate with the Authority in a manner required by the Authority, to ensure compliance with or to prevent the contravention of these Regulations.

Code of practice

14.—(1) The Authority may from time to time issue, amend or revoke a code of practice setting out standards, procedures, conditions and other requirements in relation to the carrying out of development or building works within a railway corridor or railway protection zone.

(2) If any provision in a code of practice is inconsistent with the Act or these Regulations, the provision, to the extent of the inconsistency, does not have effect.

(3) Where a code of practice is issued, amended or revoked by the Authority under paragraph (1), the Authority must —

- (a) publish a notice of the issue, amendment or revocation (as the case may be) in a manner that will secure adequate publicity for the issue, amendment or revocation;
- (b) specify in the notice the date of issue, amendment or revocation, as the case may be; and
- (c) ensure that, so long as the code of practice remains in force, copies of that code and of all amendments to it, are available free of charge to any person to whom the code applies.

(4) A code of practice has no effect until the notice relating to it is published in accordance with paragraph (3).

(5) A code of practice has no legislative effect.

PART 3

POWERS OF AUTHORITY

Applicability of powers

15.—(1) Regulations 16, 17 and 18 only apply in relation to a development within a railway corridor or railway protection zone if the Authority is of the opinion that the carrying out of the development or any engineering works under the development —

- (a) is in contravention of —
 - (i) these Regulations; or
 - (ii) the code of practice mentioned in regulation 14;
- (b) endangers or is likely to endanger the safety of any person travelling in or on the railway or railway premises;
- (c) causes damage to or is likely to cause damage to the railway or railway premises; or
- (d) disrupts or is likely to disrupt the operations of a rapid transit system.

(2) In this Part, “specified person”, in relation to a development, means any of the following persons:

- (a) the developer of the development;
- (b) a person carrying out the development;
- (c) a qualified person appointed under regulation 11(1) to supervise the development or the engineering works under the development, as the case may be.

Power to impose additional requirements

16. Subject to regulation 15, the Authority may by written notice require one or more specified persons to —

- (a) comply with any requirement that the Authority thinks fit to impose; and

(b) take any measures that may be necessary, in relation to the development or any engineering works under the development, to prevent, stop or remedy any damage to a railway or railway premises.

Power to require stoppage of development

17. Subject to regulation 15 and without affecting regulation 16, the Authority may, by written notice, require one or more specified persons to stop carrying out, or causing or permitting to be carried out the development or any engineering works under the development (in whole or in part) indefinitely or for any period specified by the Authority.

Power to require information on development

18. Subject to regulation 15, the Authority may by written notice, require one or more specified persons to provide to the Authority, any specified information or document in respect of the development or any engineering works under the development, in the form and manner and within the time specified by the Authority.

PART 4

MISCELLANEOUS

Application to Authority

19.—(1) An application submitted to the Authority under these Regulations must be in the form and manner specified by the Authority.

(2) Upon receipt of an application under these Regulations, the Authority may do any of the following:

- (a) approve the application subject to any conditions that the Authority may impose;
- (b) direct the qualified person who submitted the application to comply with any requirements specified by the Authority with respect to the subject matter of the

application and resubmit the application within the specified period;

(c) refuse to approve the application.

(3) The Authority may, without checking any document, information, instrument, report or plan, approve an application if the application is accompanied by a declaration by the qualified person making the application that —

(a) the information contained in every document, information, instrument, report or plan is true and correct in all material particulars;

(b) every document, information, instrument, report or plan has been completed or prepared in accordance with all requirements specified by the Authority; and

(c) the development proposal or building proposal (as the case may be) complies with all requirements specified by the Authority.

Revocation and saving

20.—(1) The Rapid Transit Systems (Development and Building Works in Railway Corridor and Railway Protection Zone) Regulations (Rg 4) are revoked.

(2) Despite paragraph (1), the revoked Rapid Transit Systems (Development and Building Works in Railway Corridor and Railway Protection Zone) Regulations continue to apply to the following, as if those Regulations had not been revoked:

(a) any development or building works within a railway corridor or railway protection zone if the application for the approval of any plans relating to the development or building works under regulation 4(1) of those Regulations was made before 27 September 2021 (whether the approval is given before, on or after that date);

- (b) any plans relating to any development or building works within a railway corridor or railway protection zone that was approved under regulation 4(4) of those Regulations before 27 September 2021 and is valid immediately before that date;
- (c) an application for the approval of any plans relating to any development or buildings works within a railway corridor or railway protection zone made under regulation 4(1) of those Regulations that is pending immediately before 27 September 2021;
- (d) a permit to carry out works within a railway corridor or railway protection zone that was granted under regulation 6(4) of those Regulations before 27 September 2021 and in force immediately before that date;
- (e) any application for a permit to carry out works within a railway corridor or railway protection zone under regulation 6(1) of those Regulations that is pending immediately before 27 September 2021.
- (3) These Regulations do not apply to any application, permit, plan, development or building works mentioned in paragraph (2).

THE SCHEDULE

Regulation 12

NOTIFICATION TO AUTHORITY OF EVENTS

<i>First column</i>	<i>Second column</i>	<i>Third column</i>
<i>Event</i>	<i>Person to ensure that Authority is notified</i>	<i>Date</i>
1. Resignation by qualified person (S) appointed to supervise development or engineering works under development (as the case may be)	S	The date on which the resignation becomes effective

THE SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>	<i>Third column</i>
<i>Event</i>	<i>Person to ensure that Authority is notified</i>	<i>Date</i>
2. <i>S</i> ceasing to be the type of qualified person who may be appointed to supervise development or engineering works under development	<i>S</i>	The date of cessation
3. Cancellation of the appointment of <i>S</i> by the developer	The developer	The date on which the cancellation becomes effective
4. Death of <i>S</i>	The developer	The date on which the developer first knows of <i>S</i> 's death
5. <i>S</i> becomes unable, for any reason, to carry out the duties of supervising development or engineering works under development (as the case may be)	The developer	The date on which the developer first knows of <i>S</i> 's inability to supervise development or engineering works under development (as the case may be)

Made on 10 September 2021.

CHAN HENG LOON ALAN
Chairman,
Land Transport Authority of
Singapore.

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