

Planning (Housing and Development Board Commercial Premises and Living Quarters Authorisation) Notification 2011

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No. S 81

**PLANNING ACT
(CHAPTER 232)**

PLANNING (HOUSING AND DEVELOPMENT BOARD COMMERCIAL PREMISES AND LIVING QUARTERS AUTHORISATION) NOTIFICATION 2011

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

Citation and commencement

1. This Notification may be cited as the Planning (Housing and Development Board Commercial Premises and Living Quarters Authorisation) Notification 2011 and shall come into operation on 23rd February 2011.

Definitions

2. In this Notification, unless the context otherwise requires —

“bar”, “pub” and “showroom” have the same meanings as in the Planning (Use Classes) Rules (R 2);

“commercial use” and “floor area” have the same meanings as in the Planning (Development Charges) Rules (R 5);

“HDB” means the Housing and Development Board established under the Housing and Development Act (Cap. 129);

“HDB commercial premises” means any building or premises, or any part of any building or premises, sold by or leased from the HDB for any commercial use;

“HDB living quarters” means the part of any shop premises, sold by or leased from the HDB, which was originally constructed with permission granted under the Act for the purpose of providing residential living quarters within the shop premises;

“Use Class” means any class of use of a building or land described in the Schedule to the Planning (Use Classes) Rules (R 2).

Authorisation for HDB commercial premises and HDB living quarters

3.—(1) Subject to paragraphs 4 and 6 and any other written law, any change in use of any HDB commercial premises to any purpose in any Use Class specified in the First Schedule, or to any use specified in that Schedule, is hereby authorised.

(2) Subject to paragraphs 5 and 6 and any other written law, any change in use of any HDB living quarters to any non-residential purpose not in any Use Class specified in the Second Schedule, or to any non-residential use not specified in that Schedule, is hereby authorised.

Conditions of authorisation for HDB commercial premises

4. The authorisation under paragraph 3(1) for any change in use of any HDB

commercial premises shall apply only if all of the following conditions are satisfied:

- (a) the written approval of the HDB for the change in use of the HDB commercial premises is obtained prior to the change in use;
- (b) the HDB commercial premises are authorised or approved under the Act for a commercial use prior to the change in use;
- (c) any other approval for the change in use of the HDB commercial premises required from any other relevant authority is obtained prior to the change in use;
- (d) no part of the HDB commercial premises comprise works that are not authorised under the Act;
- (e) the change in use of the HDB commercial premises does not result in an increase in the floor area of the HDB commercial premises; and
- (f) where the use of the HDB commercial premises will be changed to use as a child care centre, the aggregate of the floor area of the HDB commercial premises and the floor area of any other premises within the building in which the HDB commercial premises are located, used for the purposes of a child care centre, shall be less than 50% of the total floor area of the building.

Conditions of authorisation for HDB living quarters

5. The authorisation under paragraph 3(2) for any change in use of any HDB living quarters shall apply only if all of the following conditions are satisfied:

- (a) the written approval of the HDB for the change in use of the HDB living quarters is obtained prior to the change in use;
- (b) any other approval for the change in use of the HDB living quarters required from any other relevant authority is obtained prior to the change in use;
- (c) no part of the HDB living quarters comprises works that are not authorised under the Act; and
- (d) the change in use of the HDB living quarters does not result in an increase in the floor area of the HDB living quarters.

Authorisation not to apply in certain cases

6.—(1) The authorisation under paragraph 3(1) for any change in use of any HDB commercial premises shall not apply to any change in use of any HDB commercial premises, if the competent authority has imposed any condition on the grant of any