

Planning (Development of Land Authorisation) (Amendment) Notification 2009

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No. S 336

PLANNING ACT
(CHAPTER 232)

PLANNING
(DEVELOPMENT OF LAND AUTHORISATION) (AMENDMENT) NOTIFICATION
2009

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 (Development of Land Authorisation) (Amendment) Notification 2009 and shall come into operation on 20th July 2009.

Amendment of paragraph 2

2. Paragraph 2 of the Planning (Development of Land Authorisation) Notification (N 1) (referred to in this Notification as the principal Notification) is amended —

- (a) by deleting sub-paragraph (h) of sub-paragraph (1);
- (b) by deleting sub-paragraph (i) of sub-paragraph (1) and substituting the following sub-paragraph:

“(i) the change in use of any part of a commercial building or shophouse to a shop, where such part of the building or shophouse is authorised or approved under the Act for use as an office, a betting outlet, child care centre, commercial school, community building, motor vehicle showroom, showroom, sports and recreation building, laundry or dry cleaner’s shop, pet shop, bar, pub, restaurant, nightclub, health centre or an amusement centre, except that —

(i) the change in use of any part of a commercial building or shophouse to a shop shall be subject to the following conditions:

- (A) the change in use shall not result in an increase in the floor area of the commercial building or shophouse;
- (B) that part of the commercial building or shophouse shall not comprise works that are unauthorised under the Act;
- (C) where that part of the commercial building or shophouse is authorised or approved under the Act for use as a child care centre or community building, such part of the building or shophouse must have been previously authorised or approved under the Act for commercial use;
- (D) the change in use shall not be in relation to the whole of the commercial building; and

(E) any approval required from any other relevant authority for the change in use has been obtained prior to making the change in use; and

“(ii) the competent authority may, in any particular case prior to the change in use being effected, require the submission of an application for planning permission or conservation permission under section 13 of the Act for the purpose of imposing such other conditions in connection with the change in use to a shop as the competent authority may consider necessary;”;

(c) by deleting the full-stop at the end of sub-paragraph (m)(viii) of sub-paragraph (1) and substituting a semi-colon;

(d) by inserting, immediately after sub-paragraph (m) of sub-paragraph (1), the following sub-paragraph:

“(n) the change in use of any part of a building specified in the first column of the First Schedule, where such part of the building is authorised for use for a purpose in any Use Class or any use specified in the second column of that Schedule in relation to that building, to a use for any purpose in another Use Class or another use specified in the third column of that Schedule in relation to that building, except that —

(i) the change in use of the part of the building shall be subject to the following conditions:

(A) in the case of a building specified in item 1 of the first column of the First Schedule —

(AA) that part of the building is not within a shophouse; and

(AB) where the building is within a

development partly authorised or approved for residential use, that part of the building is within a podium of the building with no part thereof for residential use or is physically detached from any building used wholly or partly for residential use;

- (B) the change in use shall not result in an increase in the floor area of the building;
- (C) that part of the building shall not comprise works that are unauthorised under the Act;
- (D) the change in use shall not be in relation to the whole of the building;
- (E) in the case of a building specified in items 1 and 2 of the first column of the First Schedule, that part of the building must have been previously authorised or approved under the Act for commercial use;
- (F) in the case of a building specified in item 2 of the first column of the First Schedule, the written approval of the HDB for the change in use of that part of the building has been obtained prior to the making of the change in use; and
- (G) any approval required from any other relevant authority for the change in use has been obtained prior to making the change in use;