

Planning (Subdivision of Building — Authorisation) Notification 2005

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No. S 700

PLANNING ACT (CHAPTER 232)

PLANNING (SUBDIVISION OF BUILDING — AUTHORISATION) NOTIFICATION 2005

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 (Subdivision of Building — Authorisation) Notification 2005 and shall come into operation on 7th November 2005.

Definitions

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

“architect” means a person who is registered as an architect under the Architects Act (Cap. 12) and who has in force a practicing certificate issued under that Act;

“common property” means such part or parts of the land or buildings comprised in a development of land as may be specified or described in the planning permission or conservation permission granted for the development of land or the plans approved by the competent authority in the grant of such permission to be common property or communal open space;

“common recreational facilities” means such parts of the common property in a residential development providing common recreational facilities such as swimming pool, club house, tennis court, squash court, playground and gymnasium;

“floor area” has the same meaning as in the Planning (Development Charges) Rules (R 5);

“lot” has the same meaning as in the Land Titles (Strata) Act (Cap. 158);

“registered surveyor” means a person registered as a land surveyor under the Land Surveyors Act (Cap. 156) and who has in force a practicing certificate issued under that Act;

“residential development” means any development of land specified in items (a) to (e) and (j) in the First Schedule;

“strata subdivision” has the same meaning as in the Land Titles (Strata) Act.

Authorisation for strata subdivision

3. Subject to paragraphs 4 and 5 and any other written law, the strata subdivision of land and buildings comprised in any development of land specified in the First Schedule is hereby authorised.

Conditions of authorisation

4. The authorisation under paragraph 3 shall apply only if —

- (a) the planning permission or conservation permission granted by the competent authority for the development of land does not contain any condition which prohibits the strata subdivision of the development;

- (b) except and to the extent as provided in sub-paragraph (c), the plans for the strata subdivision of the development of land referred to in sub-paragraph (i)(i) are in compliance with —
- (i) the planning permission or conservation permission granted for the development of land, including any condition imposed on such permission, and the plans approved by the competent authority in the grant of such permission;
 - (ii) the plans for the building works approved by the Commissioner of Building Control under section 6 of the Building Control Act (Cap. 29); and
 - (iii) all relevant planning guidelines, including guidelines on subdivision of land and building, issued by the competent authority;
- (c) any deviation in the setback of any building comprised in the development from the boundary of the land shall not exceed 3% of the relevant setback approved by the competent authority in the planning permission or conservation permission granted for the development;
- (d) the floor area of the development of land shall not exceed the quantum of floor area approved by the competent authority in the planning permission or conservation permission granted for the development;
- (e) the building or buildings comprised in the development of land have been constructed up to the roof level;
- (f) where the development of land is a residential development, the erection or construction of the common recreational facilities have been completed;
- (g) no part of the common property of the development of land shall be included in any lot in the strata title plan of the development referred to in sub-paragraph (i);
- (h) where the development of land is one that is specified in item (f) or (g) in the First Schedule, all floor area of the development approved or authorised for worker dormitory use in the planning permission or conservation permission granted for the development shall be comprised within one lot in the strata title plan of the development referred to in sub-paragraph (i); and
- (i) before the submission of the strata title plan of the development of land to the Chief Surveyor for approval under section 11D of the Boundaries and

Survey Maps Act (Cap. 25), the following are lodged with the competent authority at the same time together with a fee of \$500:

- (i) the plans for the strata subdivision of the development of land, prepared by a registered surveyor in such manner and scale as the competent authority may require;
- (ii) a declaration by the registered surveyor referred to in sub-paragraph (i) that —
 - (A) sub-paragraphs (b), (c), (g) and (h) are complied with;
 - (B) the development of land is one which is specified in the First Schedule; and
 - (C) the land is not within any conservation area as shown in the maps in the Second Schedule;
- (iii) a declaration by an architect that sub-paragraphs (a), (d), (e) and (f) are complied with; and
- (iv) where the person making the lodgment is not the owner of the land, a declaration to be signed by that person that the written consent of the owner of the land has been obtained for the lodgment of the plans for the strata subdivision of the development of land referred to in sub-paragraph (i).

Authorisation not to apply in certain cases

5. The authorisation under paragraph 3 shall not apply to any development of land within any conservation area as shown in the maps in the Second Schedule.

FIRST SCHEDULE

Paragraphs 2, 3 and 4

Any development of land which is or is to be lawfully used for any of the following uses:

- (a) condominium;
- (b) residential flats;
- (c) townhouse;
- (d) cluster housing;
- (e) strata-bungalow;

- (f) flatted factories;
- (g) flatted warehouse;
- (h) office;
- (i) shopping;
- (j) any combination of office, shopping and residential flats uses.

THE SCHEDULE

Paragraphs 4 and 5

