Planning (Development Charges) (Amendment) Rules 2000

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No. S 82

PLANNING ACT
(CHAPTER 232)

PLANNING (DEVELOPMENT CHARGES) (AMENDMENT) RULES 2000

In exercise of the powers conferred by section 40 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 Charges) (Amendment) Rules 2000 and shall come into operation on 1st March 2000.

Amendment of rule 2

2. Rule 2 of the Planning (Development Charges) Rules (R 5) (referred to in these Rules as the principal Rules) is amended by inserting, immediately after the definition of "land area", the following definitions:

" "landed dwelling-house" means a detached house, semi-detached house, linked or terrace house or townhouse, whether or not comprised within a strata title plan registered under the Land Titles (Strata) Act (Cap. 158), that is or is to be used wholly or mainly for the purpose of human habitation;

"non-landed residential building" means a building other than a landed dwelling-house that is or is to be used wholly or mainly for the purpose of human habitation;".

Amendment of rule 4

3. Rule 4 (1) of the principal Rules is amended by deleting the words "subject to paragraph (2)" and substituting the words "subject to these Rules".

Deletion and substitution of rule 7

4. Rule 7 of the principal Rules is deleted and the following rule substituted therefor:

"**Special provision for residential developments**

7.—(1) Where any land is used or permitted to be used under the Act or the repealed Act (Cap. 232, 1990 Ed.) for a residential purpose only and the written permission granted for the use of that land for that purpose is expressed in terms of approved density of "persons per hectare" or "persons per acre" only, the formula in rule 3(1)(*c*) shall apply as if all references to the floor area in that formula were substituted with references to the area obtained by multiplying firstly, the approved density with a factor of 0.0056, and then multiplying that product with the area of the land as specified in the plans which form the subject of the written permission.

(2) For the purposes of paragraph (1), approved density, if expressed in terms of "persons per acre" shall be converted to be in terms of "persons per hectare".

(3) The following provisions shall apply for the purposes of determining the Development Baseline and the Development Ceiling in relation to any residential development comprising both landed dwelling-houses and non-landed residential buildings:

(*a*) the formulae in rule 3(1)(*c*) and (2) shall apply in the first instance as

if the floor area of the residential development that is permitted to be used —

(i) for the landed dwelling-houses;

(ii) for the non-landed residential buildings;

(iii) for non-residential use, if any; and

(iv) as the common property of the residential development,

are each separate and distinct developments, and then the respective values so derived shall be totalled;

(*b*) the formulae in rule 4(1)(*a*) and (*b*) shall apply as if the floor area of the residential development that was previously authorised or is to be authorised, as the case may be, by a written permission —

(i) for the landed dwelling-houses;

(ii) for the non-landed residential buildings;

(iii) for non-residential use, if any; and

(iv) as the common property of the residential development,

are each separate and distinct developments, and then the respective values so derived shall be totalled;

(*c*) where any part of the common property of the residential development is designed or constructed to be used exclusively or predominantly for the purpose of any of the landed dwelling-houses or non-landed residential buildings, the floor area of that part of the common property shall be reckoned as part of the floor area of the landed dwelling houses or non-landed residential buildings, as the case may be; and

(*d*) with regard to any part of the common property of the residential development not falling within sub-paragraph (*c*), the rate to be applied in the formulae prescribed in rule 3(1)(*c*) and (2) and rule 4(1)(*a*) and (*b*) shall be the average of the 2 rates for Use Groups B1 and B2 corresponding to appropriate geographical sector of the land on which the residential development is situated.

(4) For the purposes of paragraph (3), the common property of a residential development shall mean all floor area, which is neither —

(*a*) floor area permitted or previously authorised or to be authorised for

non-residential use; nor

(*b*) comprised within any landed dwelling-house or any unit in a non-landed residential building comprised in the residential development.

(5) Paragraphs (3) and (4) shall not apply to any proposed development of land where —

(*a*) the competent authority or the Minister, as the case may be, has before 1st March 2000 granted provisional permission to develop the land;

(*b*) the provisional permission is valid immediately prior to 1st March 2000 on account of not more than one extension granted before that date; and

(*c*) no order has been made or issued determining the development charge payable in respect thereof.".

Deletion and substitution of rule 17

5. Rule 17 of the principal Rules is deleted and the following rule substituted therefor:

"**Amendment of First or Second Schedule**

17.—(1) For the purpose of determining the development charge payable under section 35(2) of the Act in respect of any development of land authorised by any planning permission or conservation permission, the First and Second Schedules as in force at the following dates shall be used and applied despite any amendment thereto made after such dates:

(*a*) where provisional permission has been granted for the development, the date of the provisional permission; or

(*b*) where no provisional permission has been granted, the date of the interim order issued under section 38(2) of the Act.

(2) Notwithstanding paragraph (1), in any case under paragraph (1)(*a*) where the validity period of the provisional permission has been extended by the competent authority or the Minister, as the case may be, more than once and the second or any subsequent extension comes into effect on or after the date of commencement of any amendment to the First or Second Schedule, the First and Second Schedules as in force at the date when the last extension of the validity period comes into effect shall be used and applied to that case.

(3) For the purposes of this rule —

(*a*) an amendment to the First or Second Schedule shall include any amendment which inserts or deletes or deletes and substitutes any entry in any Part of the First Schedule or any map in the Second Schedule;

(*b*) where any Part of the First Schedule is re-enacted and any entry in the new Part is, immediately before the re-enactment of that Part, not specified in that Part, the re-enactment of that Part shall be deemed to be an amendment that inserts that entry in that Part of the First Schedule; and

(*c*) an extension of the validity period of the provisional permission granted by the competent authority or the Minister, as the case may be, shall be deemed to have come into effect on the day immediately after the expiry of the validity period of the provisional permission or a previous extension thereof.".

Amendment of First Schedule

6. The First Schedule to the principal Rules is amended —

(*a*) by deleting the entry relating to Use Group B in Part I and substituting the following entries:

"

B1	Residential (landed dwelling-house)	Residential (with a prescribed density not exceeding 185 persons per hectare or 75 persons per acre), Rural Centre and Settlement
B2	Residential (non-landed residential building)	Residential (with a prescribed density exceeding 185 persons per hectare or 75 persons per acre), Local Shopping.

"; and

(*b*) by deleting Part II and substituting the following Part:

"PART II