

Planning (Development Charge — Exemption) Rules 1996

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PLANNING ACT
(CHAPTER 232)

PLANNING (DEVELOPMENT CHARGE — EXEMPTION) RULES 1996

In exercise of the powers conferred by section 36(1)(b) 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 Charge — Exemption) Rules 1996 and shall come into operation on 15th July 1996.

Exemption in respect of land zoned for Commercial, Main Shopping, Local Shopping, Mixed Use or Hospital and Health Centre purposes

2.—(1) In respect of written permission or any amendment to such written permission granted under section 10 of the Act for any development of land for a purpose in an area that is zoned in the Master Plan for Commercial, Main Shopping, Local Shopping, Mixed Use or Hospital and Health Centre purposes, a person shall be exempted from liability under section 32 of the Act to pay any development charge —

- (a) where the development is in an area that has never been the subject of any addition or alteration to the Master Plan under section 6(2) of the Act, for any floor area which is the subject of the development that does not exceed the plot ratio specified in the Master Plan in relation to that area by more than 40%; or
- (b) where the development is in an area that has been the subject of any addition or alteration to the Master Plan under section 6(2) of the Act, for any floor area which is the subject of the development that does not exceed the floor area which has been permitted under section 10 of the Act to be developed on the land for the purpose, or in respect of which any other development charge has been paid.

(2) Paragraph (1)(b) shall not apply to any development in an area that is the subject of any addition or alteration to the Master Plan which comes into operation on or after 1st September 1989.

Exemption in respect of land within a conservation area

3.—(1) In respect of written permission granted under section 10 of the Act, whether before or after 15th July 1996, for any development of land within a conservation area

designated under section 7 of the Act, a person shall be exempted from liability under section 32 of the Act to pay any development charge if —

- (a) the development is for the conservation of the buildings on the land; and
- (b) all the requirements of the conservation authority for the purposes of conservation of the buildings on the land are fully complied with.

(2) The exemption in paragraph (1) shall cease to apply —

- (a) immediately upon the land being developed in a manner that is not in accordance with the written permission granted under section 10 of the Act for the conservation of the buildings on the land;
- (b) where conservation of the buildings on the land has not been completed within the period of validity of the written permission granted under section 10 of the Act or of any extension thereof expressly providing for the continued exemption from development charge, immediately upon the expiry of such period of validity of such written permission or any extension thereof; or
- (c) immediately upon the grant of written permission under section 10 of the Act to develop the land in a manner that is inconsistent with the conservation of the buildings on the land, unless such development is not carried out within the period of validity of such written permission or any extension or renewal of such period.

(3) Where the development comprises or includes the conservation of only a part of the buildings on the land, the exemption from liability to pay the development charge under paragraph (1) shall apply only to such part of the development.

Exemption in respect of land sold by Government or statutory board

4.—(1) In respect of written permission or any amendment to such written permission granted under section 10 of the Act, whether before or after 15th July 1996, a person shall be exempted from liability under section 32 of the Act to pay any development charge for any development of land sold —

- (a) Whether before or after that date by the Government or by a statutory body on behalf of the Government; or
- (b) before 1st January 1983, by the Urban Redevelopment Authority whether on its own behalf or as agent for the Housing and Development Board,

to such extent and in so far as the development is in accordance with the terms and conditions of the sale.

(2) For the purposes of this rule —

“Urban Redevelopment Authority” means the Urban Redevelopment Authority established under the repealed Urban Redevelopment Authority Act [Cap. 340, 1985 Ed];

“Housing and Development Board” means the Housing and Development Board established under the Housing and Development Act [Cap. 129].

Exemption in respect of development if premium is paid or payable to the President

5. A person shall be exempted from liability under section 32 of the Act to pay any development charge for written permission or any amendment to such written permission granted under section 10 of the Act, whether before or after 15th July 1996, for any development of land if land premium has been paid or is payable or required to be paid to the President for such development.

Exemption in respect of residential development of land previously used for industrial activities

6. In respect of written permission or any amendment to such written permission granted under section 10 of the Act, whether before or after 15th July 1996, for any residential development of land which is listed in the First Schedule and shown on the maps in the Second Schedule, a person shall be exempted from liability under section 32 of the Act to pay any development charge for any floor area for residential use that is the subject of the development and that does not exceed the plot ratio specified for the land in the First Schedule if the following conditions are satisfied:

- (a) industrial activities were being carried out on the land on 23rd February 1993;
- (b) the application for the development under section 10 of the Act is submitted to the competent authority after 23rd February 1993; and
- (c) industrial activities on the land have ceased —
 - (i) in the case of special industries, on or before 23rd February 1996; and
 - (ii) in the case of general or light industries, on or before 23rd February 1998.

Exemption in respect of single dwelling house on land

7.—(1) In respect of written permission or any amendment to such written permission granted for any development of land under section 10 of the Act, whether before or after

15th July 1996, a person shall be exempted from liability under section 32 of the Act to pay any development charge —

- (a) for any addition of floor area for residential use that is the subject of the development to a dwelling-house erected on one or more lots of land but such exemption shall not apply where there is more than one dwelling-house erected on such lot or lots of land;
- (b) if the development is for the erection of a single dwelling-house on one or more lots of land on which a single dwelling-house already exists at the time of the application for the development under section 10 of the Act or had existed at any time prior to the application, and where a single dwelling-house already exists on such lot or lots of land at the time of the application, such existing house is to be demolished.

(2) For the purpose of this rule, “dwelling-house” means any detached, semi-detached, linked or terrace house used wholly or mainly for the purpose of human habitation.

Exemption to allow offsetting for previous permissible development

8.—(1) In respect of written permission or any amendment to such written permission granted for any development of land under section 10 of the Act whether before or after 15th July 1996, a person shall be exempted from liability under section 32 of the Act to pay any development charge up to the amount determined in accordance with the formula $(X \times Y) - (P \times Q)$ where —

“P” is the floor area permitted to be used for a purpose in conformity with the provisions of the Master Plan pursuant to the last rezoning for the land;

“Q” is the rate specified in Part II of the First Schedule to the Planning (Development Charges) Rules [R 5] corresponding to the appropriate geographical sector of the land and the Use Group in Part I of that Schedule which relates to the purpose for which the land has been zoned in the Master Plan pursuant to the last rezoning for the land;

“X” is the floor area permitted to be used for a purpose in conformity with the provisions of the Master Plan immediately prior to the last rezoning for the land; and

“Y” is the rate specified in Part II of the First Schedule to the Planning (Development Charges) Rules [R 5] corresponding to the appropriate geographical sector of the land and the Use Group in Part I of that Schedule which relates to the purpose for which the land was zoned in the Master Plan immediately prior to the last rezoning for the land.