

(3) TOWN AND COUNTRY PLANNING (CONTROL OF
DEVELOPMENT AND USE OF LAND AND BUILDINGS)
REGULATIONS

S.85/74

Arrangement of Regulations

Regulations

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SCHEDULES

Commencement: 25th May 1974

1. These regulations may be cited as the Town and Country Planning (Control of Development and Use of Land and Buildings) Regulations. Citation

2. In these regulations, unless the context otherwise requires — Interpretation

“the Act” means the Town and Country Planning (Development Control) Act;

“buildings” include any structure or erection of whatever material and in whatever manner constructed or any part of a building and where the context permits, includes the land on, in, or under which the building is situate;

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“building line” means a line which fixes the minimum distance between any boundary of the lot and any building or proposed building; or between the centre line of the road and any building or proposed building;

“building operations” include levelling, filling, and road works preliminary to or incidental to the erection of buildings, and includes re-building of or structural alterations and additions to building;

“Competent Authority” means the authority appointed by the Minister in terms of section 4 (1) of the Act and where appropriate includes its officers and/or agents;

“development” means the carrying out of building, engineering, mining or other operations in, on, over or under any land or lot, the making of any material change in the use of any buildings or land, and “develop” shall be construed accordingly;

“Development Control Area” means any area so declared by the Minister in terms of section 3 (1) of the Act;

“Development Planning Scheme” means a scheme prepared and approved in terms of section 7 of the Act;

“existing building” and “existing development” mean respectively a building or development erected, constructed or carried out before the 1st January 1973, and include also a building or work begun before, but completed after that date —

Provided that —

- (i) the building or development shall be in accordance with the special conditions of land title; and
- (ii) a building erected or constructed in substitution for a previous building in accordance with regulation 8 shall be deemed to be an existing building; and
- (iii) a building shall not cease to be an existing building by reason of its alteration or extension in accordance with regulation 8, and such alteration or extension shall itself be deemed to be an existing building.

“existing use” means in relation to any building or land, a use of that building or land for any purpose of the same character and that for which it was last used before 1st January 1973 or in the case an existing building which has not been used before the date, the use for any purpose for which

it was designed provided that such use is in accordance with the special conditions of land title;

“lot” means any piece of land registered in the Land Office under a single document of title;

“owner” in relation to any lot means the owner as shown in the Land Register or his legally appointed representative.

3. Save as provided in the Second Schedule to the Act no person shall within a Development Control Area without first obtaining the approval of the Competent Authority —

Approval of
buildings and
land use in
Development
Control
Areas

(a) erect, alter, add to or demolish any building, or

(b) develop any land, or

(c) materially alter the character of the use of any land or building.

4. (1) Applications for approval of development and use of land and/or the erection of buildings or the carrying out of building operations shall be made to the Competent Authority on the form prescribed in the First Schedule and shall be accompanied by the following documents —

Applications
for approval

(a) 4 copies of a plan of all buildings to be erected, altered or added to; to a scale of 8 feet to one inch or larger (unless otherwise authorised by the Competent Authority) showing —

(i) plans of every floor level;

(ii) elevations of all sides of the building;

(iii) all alterations or additions coloured in red.

(b) 4 copies of a plan of the lot to a scale of 32 feet to one inch or larger (unless otherwise authorised by the Competent Authority) showing —

(i) the position of all proposed buildings;

(ii) the position of all existing buildings;

(iii) all proposed access roads and parking areas;

(iv) all proposed earth works;

(v) all drainage proposals;

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- (vi) all landscaping proposals;
- (vii) any other information required by the Competent Authority.

(c) 4 copies of a key plan showing the lot in relation to adjoining properties and indicating the means of access to the nearest public road (this may be incorporated in the plan required at (b) above if the details are sufficiently clear).

(2) The application shall be accompanied by the fee prescribed in the First Schedule.

(3) Subject to the provisions of any approved Development Planning Scheme and to any relevant regulations made in terms of the Act, the Competent Authority may approve an application for the development and use of land and/or the erection of buildings subject to such conditions as it deems necessary to impose, or may reject the application, or may approve the application with or without conditions for a specified period of time.

Reservation
of powers

5. Notwithstanding the provisions of regulation 3 the Minister may, if he considers it to be in the national interest, require that any particular application be referred to him for determination. The decision of the Minister in respect of any application so referred to him shall be final.

Approvals to
Lapse

6. An approval given in terms of regulation 3 or regulation 5 shall lapse if development or building operations have not commenced within a period of one year from the date of the notification of approval.

Existing
buildings,
works and
uses may be
maintained
and con-
tinued
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7. Save as provided in section 9 (5) of the Land Code and until action is taken by the Competent Authority in terms of an approved Development Planning Scheme —

(1) existing buildings may be maintained and their existing use continued;

(2) existing works may be maintained and their existing use continued;

(3) existing use of land may be continued.

Alteration
and exten-
sions to ex-
isting build-
ings

8. Save as provided in section 9 (5) of the Land Code and subject to any building lines or height restrictions laid down by the Competent Authority reasonable alterations, extensions and substitutions of existing buildings and works may be made provided that —

(1) the material design and external appearance of the building is not affected; and

(2) the total floor area of all extensions so permitted does not exceed one tenth of the total floor area of the existing building at the 1st January 1973; and

(3) the addition or extension does not seriously injure the amenity of the neighbourhood; and

(4) the use of the extended building is not of a noxious or offensive character; and

(5) the land occupied by the addition or extension is not part of a reservation for another purpose made in a Development Planning Scheme.

9. (1) As provided in section 8 of the Act any person who is aggrieved by any decision of a Competent Authority made in pursuance of any power which it may exercise under the provisions of these regulations may appeal to the Minister; Appeals

(2) Any appeal made in terms of paragraph (1) must be lodged with the Minister within a period of 6 weeks from the date of the notification of the decision to the aggrieved person by the Competent Authority.

(3) A copy of any appeal made in terms of paragraph (1) hereof shall be lodged with the Competent Authority.

10. Where an application for the development and use of land and/or the erection of buildings is rejected the Competent Authority shall, when notifying the decision, set down in writing the reasons for the rejection. Competent Authority to give reasons for refusal

11. (1) If any development, building, or alteration or extension to a building or other work is carried out in contravention of any decision made by or condition imposed by the Competent Authority in terms of regulation 3 or if any development building, or alteration or extension to a building, or other work is carried out without the written consent of the Competent Authority having been obtained the Competent Authority may cause such building, alteration, addition, or other work to be pulled down, demolished and the site thereof cleared and may recover the expenses thereby incurred by it from the owner of the land. Enforcement

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(2) Subject to the provisions of regulations 7 and 8 if any development, land or building is used for a purpose other than that approved by the Competent Authority the person so using the development, land or building shall be liable on conviction to the penalties laid down in section 6 (3) of the Act.

(3) If any person fails to carry out any works required by the conditions imposed by the Competent Authority on an approval of a subdivision in terms of regulation 6 (1) of the Town and Country Planning: Control of Subdivision and Consolidation of Land Regulations within a period of 2 years from the registration of the approved subdivision the Competent Authority may cause such works to be carried out and may recover the expenses thereby incurred by it from the owners of the land.

(4) Before taking action in terms of paragraphs (1) and (3) hereof the Competent Authority shall cause a notice in writing to be served on the owner giving 60 days notice of its intention to take such actions as are specified in the said notice.

Competent Authority to keep a register

12. The Competent Authority shall keep a register of all applications made to it in terms of regulation 4 and the decisions made thereon, which register shall be available for inspection by members of the public during normal office hours.

FIRST SCHEDULE

(Regulation 4)

APPLICATION FORM

Application for permission to develop and use land and/or for the erection of buildings shall be in the following form:

Town and Country Planning (Development Control) Act, Cap. 143

Town and Country Planning

(Control of Development and Use of Land and Buildings) Regulations

Application for permission to Develop and Use Land and/or for the Erection of Buildings.

To:

.....
.....
.....

Application is hereby made for the approval of —

- * 1) the development of land
- 2) the use of land and/or buildings
- 3) the erection of buildings
- 4) the alteration of or addition to buildings

* delete whichever is inapplicable.

† I/We authorise of
..... to act as my/our
agent in respect of this application.

† Delete if not applicable

Signature of registered owner(s)

Postal address:

Telephone:

Date:

Part 1 — General Information

1. District in which land is situated
2. E.D.R. number of plot
3. Lot number of plot
4. Survey Department Sheet Number
5. Particulars of any restriction in the Document of Title relating to —
 - (i) use of the land
 - (ii) the erection of buildings
 - (iii) if leasehold the date of expiry of lease
6. Full name(s) of registered owner(s)
.....
.....
7. Area of Lot in acres (or square feet)
8. Particulars of any of the following affecting the Lot —
 - (i) wayleaves
 - (ii) encumbrances
 - (iii) mining leases
9. Particulars of existing use(s) of the Lot
10. Particulars of existing buildings and their uses

N.B. Complete Part 2 or Part 3 or Part 4 whichever is applicable.

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Part 2 — Development Applications

- 11. Particulars of proposed development
.....
.....
.....
- 12. Estimated cost of proposed development

Part 3 — Application for Land and/or Building use

- 13. Particulars of proposed land and/or building use
.....
.....
.....

Part 4 — Applications for Erection of Building and/or Alterations or Additions to Buildings

- 14. Is the application for —
New Building/Extension/Alteration*
* Delete whichever is not applicable.
- 15. Estimated cost \$
- 16. Floor area of each floor of building in square feet
Ground floor
- First floor
- Second floor
- 17. Total floor area of all floors in square feet
.....

(N.B. Floor areas to be measured from outside of walls).

- 18. External Materials of Building and Colours of Materials

	Material	Colour
Walls
Doors
Roof
- 19. Provision for on-site car parking
- 20. Provision of vehicular loading and off-loading space (if applicable)
.....

This application must be accompanied by —

- (a) 4 copies of a plan of all buildings to be erected, altered or added to a scale of 8 feet to one inch or larger (unless otherwise authorised by the Competent Authority) showing —
 - (i) plans of every floor level;
 - (ii) elevations of all sides of buildings;

For Official use only

- (iii) all alterations or additions coloured in red.
- (b) 4 copies of a plan of the lot to a scale of 32 feet to one inch or larger (unless otherwise authorised by the Competent Authority) showing —
 - (i) the position of all proposed buildings;
 - (ii) the position of all existing buildings;
 - (iii) all proposed access roads and parking areas;
 - (iv) all proposed earth works;
 - (v) all drainage proposals;
 - (vi) landscaping proposals;
 - (vii) any other information required by the Competent Authority.

This application must be accompanied by —

- (c) 4 copies of a key plan showing the lot in relation to adjoining properties and indicating the means of access to the nearest public road (this may be incorporated in the plan required at (b) above if the details are sufficiently clear).

For Official use only

The following non-returnable fees shall accompany the application —

- (1) **New Buildings and Extensions to Buildings**
\$3.00 for every 100 square feet of new building or extension or part thereof with a minimum fee of \$15.00.
- (2) **Alterations to Buildings**
\$3.00 for every \$2,000 or part thereof of the estimated cost, with a minimum fee of \$15.00.

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- (3) **Development of Land and Use of Land and/or Buildings**
\$10.00 per application.

- (4) In respect of a building application in terms of (1) and (2) above the amount payable may be abated by the amount of any fee paid to the Municipal Authority in respect of the same application. Cheques should be made payable to "The Government of Brunei".