

Circular No : URA/PB/2017/05-DCG
Our Ref : DC/ADMIN/CIRCULAR/PB_17
Date : 16 May 2017

CIRCULAR TO PROFESSIONAL INSTITUTES

Who should know

All Qualified Persons (QPs), including architects, engineers, surveyors, as well as developers and property owners.

Effective date

With immediate effect

Amendments to Planning Act (Cap. 232) - Duties of Developers/ Property Owners and Qualified Persons

1. Under current practice, owners or developers appoint Qualified Persons (QPs) to prepare the plans for submission to URA, as well as to supervise the works, with the exception of very minor works. The Planning Act (the Act) has now been amended to formalise the current practice and arrangements.
2. In the course of supervising the development or works, QPs should notify URA if the works deviate from the approved plans or planning conditions, take reasonable steps to prevent deviations, and submit reports or declarations as required by URA. These requirements are aligned with those under the Building Control Act.
3. With QPs tasked to oversee the key stages of the development process, the new provisions in the Act will ensure that proper professional standards are maintained in the course of development. This serves to safeguard the quality of our built environment.
4. Below is a summary of the responsibilities of developers/property owners and their QPs. An extract of the relevant provisions in the Act can be found [here](#).

Duties of Developers

5. QPs are already being appointed to prepare plans for the application to URA, in line with current procedure. The amended Act formalises the current procedure for the developer to appoint a QP to prepare plans, submit a development application on

his behalf, and supervise the development process or works unless the need to appoint a QP is exempted¹.

6. When there is a change of QP either in the midst of the submission preparation or during the supervision of works, the developer or person applying for permission for carrying out development or works is required to appoint another QP and notify URA within 7 days from the appointment of the new QP. The developer's QP may be delegated to make this notification to URA.

Duties of Qualified Persons

7. The amended Act provides for greater clarity in the roles and responsibilities of QPs. These provisions align with those required by the Building & Construction Authority (BCA) and are already part of the existing practices undertaken by QPs.

A) Duty to Prepare Plans with Correct Declarations

- i. Since 2005, QPs are required to provide declarations² to accompany submissions that the plans have been prepared in compliance with planning and development control guidelines and requirements. The QP who is appointed to prepare plans must exercise due diligence in the preparation of the submission of their plans. As a QP's declaration forms the basis for planning approvals or authorisations, the QP must ensure that the declarations in respect of the proposed works are correct based on information he is expected to know.
- ii. If the QP supervising the building works is different from the QP who prepared the plan, the latter should provide a copy of the approved plan(s) to the former.

B) Duty to Supervise

- i. Based on existing practices, QPs are appointed to supervise the development process or works, except for minor development or works where the appointment of a QP is exempted³.
- ii. The QP who is appointed to supervise the development or works has to take reasonable steps and exercise due diligence in supervising and inspecting the development or works to ensure that they are carried out in accordance

¹ The appointment of a QP is exempted for minor A&A to landed housing and single residential unit, change of use and renewal of planning permission. Details are in the First Schedule of the Planning (Qualified Persons) Rules 2017.

² This was required in the Planning (Declaration by Qualified Person) Rules 2005.

³ The appointment of a supervision QP is exempted for minor A&A to landed housing and single residential unit, as well as change of use. Details are in the Third Schedule of the Planning (Qualified Persons) Rules 2017.

with planning requirements, and the plans as approved in the Written Permission (WP). This will minimise the need for rectification, which can be painful and costly.

- iii. At the completion of the development or works, the QP has to declare to the URA that the development or works have been carried out in accordance with planning requirements, and the WP approved plans. This is similar to the current QP declaration provided to BCA at the application for Temporary Occupation Permit (TOP).
- iv. The QP is to take reasonable steps to cease building works that are not carried out in accordance with planning requirements and the approved plans, or regularise new works that may arise because of site conditions.

C) Duty to Notify URA

- i. The QPs who are appointed to prepare plans, as well as supervise the development or works, will have to notify the URA in writing of any contravention of the Act or any non-compliance with any condition or requirement imposed by the URA in the aforementioned permissions and guidelines.
- ii. If a QP resigns from the job or is terminated by the developer, the QP shall notify the URA of that fact within 14 days from the date when he ceases to carry out his QP duties. Please refer to **Annex A** for the Notification Form.

Implementation

- 8. With immediate effect, QPs/developers are to notify the URA if there are changes in the appointment of QP (using the form Annex A). Revised process for planning permission granted for non-conserved buildings take will take effect in 6 months' time (i.e. 16 Nov 2017) and are outlined in Table 1 :

Table 1

Proposals granted Conservation Permission and involve works to Conserved Buildings (no change)	Proposals granted Planning Permission for Non-Conserved Buildings (Revised Process)
QPs appointed to supervise works will continue to provide a declaration to the URA that the completed works to the conserved building(s) on site have been carried out according to the approved plans when making an application for TOP/CSC Clearance.	From <u>16 Nov 2017</u> onwards, QPs appointed to supervise will have to provide a declaration to the URA that the development has been built in accordance with the WP approved plans before applying to BCA for the Temporary Occupation Permit (TOP)*.

Proposals granted Conservation Permission and involve works to Conserved Buildings (no change)	Proposals granted Planning Permission for Non-Conserved Buildings (Revised Process)
	<p>In response to feedback from industry professionals, we have identified a list of key parameters for QPs to declare, that the key items of concern are built in accordance with the approved WP plans prior to TOP:</p> <ol style="list-style-type: none"> 1. Building footprint including the external walls, private enclosed spaces and private terraces 2. Setback from all site boundaries 3. Building height 4. 1st storey building and external platform levels, including height of basement protrusion where applicable 5. No. of floors (including basement, mezzanine, and attic) 6. Height of retaining wall(s) 7. Internal voids 8. Publicly accessible or communal areas that were given GFA exemption 9. The retention of any existing structures approved or required to be retained <p>A 3% construction tolerance will be given for minor deviations. Surveyed drawings of as-built structures may be provided in supporting the declaration by QP.</p> <p>The updated Electronic Development Application (EDA) form (incorporating the above declaration) will be released to the industry by 16 Sep 2017.</p> <p>* For developments approved with specific schemes e.g. night lighting and landscape replacement areas, the existing process for inspection/verification prior to TOP remains unchanged.</p>

9. The amendments to Planning Act (Cap. 232) formalises and provides clarity on the duties, responsibilities and liabilities of QPs, who are professionals such as architects, engineers and surveyors, as well as developers. Even with these provisions, we wish to assure QPs that action will only be taken against QPs for significant deviations detected on site or when there has been a deliberate and wilful attempt to deceive the authorities or blatant disregard of the authorities' requirements. For most cases with minor deviations, URA will continue to work with the QPs to rectify the deviations through plan amendments.
10. I would appreciate it if you could convey the contents of this circular to your members. For other information on the master plan, urban design guidelines, private property use and approval, car park locations and availability, private residential property transactions, and conservation areas and buildings, use [URA SPACE](#) (Service Portal and Community e-Services). This is an online portal packed with useful data and visualisation to help building professionals, business operators and the general public in their decision-making. It consolidates detailed information on land use and private property into a one-stop platform presented on geospatial maps. For feedback or enquiries, please [email](#) us.

Thank you.

GOH CHIN CHIN (MS)
AG GROUP DIRECTOR (DEVELOPMENT CONTROL)
for CHIEF EXECUTIVE OFFICER
URBAN REDEVELOPMENT AUTHORITY

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**NOTIFICATION OF TERMINATION OF APPOINTMENT AS QUALIFIED PERSON
UNDER SECTIONS 24A(2) & 24B(5) OF THE PLANNING ACT (CAP. 232)**

To : Chief Executive Officer
Urban Redevelopment Authority
as Competent Authority
under the Planning Act (Cap. 232)

Project Title:	_____		

	("the Project")		
DC Reference:	ES		
Name of Qualified Person :	_____		
Professional Registration No :	_____		
Name of Professional Firm :	_____		
Address :	_____		
Tel No :	_____	Handphone No :	_____
E-mail address :	_____	Fax No:	_____

Section 1

In respect of the development described above, I am notifying the Competent Authority that with effect from _____ (date), I have ceased to carry out my duties as the appointed qualified person:

- [] to prepare plans for in respect of an application for planning permission or conservation permission for the Project (under section 13 of the Planning Act).
- [] to supervise the carrying out of any development or works for the Project (under section 19A of the Planning Act).

Section 2

(To be completed by QPs appointed to supervise the carrying out of development or works for the Project)

I declare to the best of my knowledge and belief that:

- [] no development or works for the Project have commenced or been carried out at the site.
- [] development or works for the Project have commenced or been carried out at the site. I submit the required declaration at Appendix 1.

Signature of Qualified Person:	_____	Date:	_____
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**Declaration required under Section 24B(5)(b)
of the Planning Act (Cap. 232)**

The development or works of the Project listed below have been carried out in accordance with the provisions of the Act, any conditions and requirements imposed by the Competent Authority and where applicable, all relevant approved plans in granting the WP for this Project.

Where partial works have been carried out, please provide a description of the development or works carried out until the date of termination.

(To use separate sheets if space is insufficient)