

**LAWS OF BRUNEI**

**REVISED EDITION 1984**

**CHAPTER 143**

**TOWN AND COUNTRY PLANNING  
(DEVELOPMENT CONTROL)**

**ARRANGEMENT OF SECTIONS**

**Section**

1. Short title and application
2. Interpretation
3. Declaration of Development Control Areas
4. Competent Authority
5. Regulations
6. Control of Development Control Areas and Penalties
7. Planning Schemes for Development Control Areas
8. Appeals
9. Further appeals
10. Financial provisions

**SCHEDULES**

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TOWN AND COUNTRY PLANNING  
(DEVELOPMENT CONTROL) ACT

An Act to make provision for the planning and control of development in town and country areas and for matters incidental thereto

S.131/72  
S.16/76  
of 1984,  
5th Sched.

Commencement: 19th September 1972

1. (1) This Act may be cited as the Town and Country Planning (Development Control) Act.

Short title and application

(2) This Act shall not apply to the Government.

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

Interpretation

“buildings” includes structures and erections;

“the Commissioner for Town and Country Planning” means the person appointed as Commissioner for Town and Country Planning under this Act by His Majesty the Sultan and Yang Di-Pertuan.

“the Competent Authority” means the authority appointed in terms of section 4(1) of this Act;

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

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

“land” includes land covered by water;

3. (1) The Minister may, if he is of the opinion that any area or areas should be subject to development control, by notification in the *Gazette* declare that area or those areas to be Development Control Areas.

Declaration of Development Control Areas  
UK 2  
S. 2/74  
S. 10/74  
S. 10/75  
S. 20/78  
S. 1/77

(2) The declaration shall come into operation on the date of its publication in the *Gazette*.

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Competent Authority

4. (1) The Minister shall simultaneously with the declaration of a Development Control Area appoint such person or persons, body or bodies, as he thinks fit to be the Competent Authority or Authorities responsible for any particular part or provision thereof in respect of the particular Development Control Area and shall in such notification specify the extent of the manner in which such responsibility is to be exercised.

(2) The Minister may make rules regulating the procedures of the Competent Authority.

Regulations

5. (1) The Minister may, by notification in the *Gazette*, make regulations for the purposes of carrying into effect this Act either generally or for any particular part or provision.

(2) In particular and without prejudice to the generality of subsection (1) of this section regulations may provide for any of the matters mentioned in the First Schedule.

Control of Development Control Areas and Penalties

6. (1) Where a notification declaring a Development Control Area has been published in the *Gazette* in terms of section 3(1) no person shall within the Development Control Area, except as provided in the Second Schedule, carry out any development of land, or any construction, demolition, alteration, extension, repair or renewal of any building, or make any vehicular access way onto a public road, or subdivide any land without first obtaining in writing the consent of the Competent Authority.

(2) Subject to the provisions of any approved Development Planning Schemes for the area the Competent Authority may approve an application made in terms of subsection (1) of this section subject to such conditions as it may deem necessary to impose, or may reject the application.

(3) Any person who contravenes any provision of subsection (1) shall be guilty of an offence: Penalty, a fine of

\$20,000, or in default of payment, to imprisonment for 12 months. Any person who continues an offence after he has been convicted therefor shall be liable to a further daily penalty of \$500 or to imprisonment for 6 months.

7. (1) The Minister may, if he thinks fit, require the Commissioner for Town and Country Planning to prepare a Development Planning Scheme in respect of any gazetted Development Control Area and submit it to him for approval.

Planning  
Schemes for  
Development  
Control  
Areas

(2) The Minister shall approve the Development Planning Scheme with or without modification or may disapprove the plan and require a fresh plan to be prepared, the approval of a Development Planning Scheme shall be notified in the *Gazette*.

(3) The Minister may at any time make modifications to an approved Development Planning Scheme.

(4) When the approval of a Development Planning Scheme in respect of a Development Control Area has been notified in the *Gazette* the Competent Authority shall ensure that all development in the area shall comply substantially with the approved plan.

(5) A Development Planning Scheme may in addition to planning proposals include proposals for the redevelopment of land and for the redistribution of land and control of ribbon development.

8. (1) 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 this Order may appeal to the Minister within such time as may be prescribed.

Appeals

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(2) The Minister may dismiss, or allow the appeal conditionally or unconditionally or may make such other order as he may deem fit. The decision of the Minister shall be final.

Further  
appeals

**9.** An appeal shall lie to His Majesty in Council from any decision of the Minister made under the provisions of section 8.

Financial  
provisions

**10.** Any expenditure incurred or payable by a Competent Authority or in settling any claims for compensation made against it under this Act shall be defrayed from the general reserve of the Government.

**FIRST SCHEDULE**

*(Section 5(2))*

Matters in regard to which the Minister may, inter alia, make regulations in respect of Development Control Areas —

1. The preparation, form and deposit of plans showing the extent of Development Control Areas;
2. The preparation, form, content, submission, approval, revocation and modification of Development Planning Schemes;
3. The holding of planning inquiries either public or private;
4. The control of development on land including subdivision and consolidation of land and procedures for making applications, prescription of forms and fees, and the period of validity of approvals;
5. The control of advertisements;
6. The preservation of trees, forests and woodlands;
7. The preservation and maintenance of buildings;
8. The maintenance of land and gardens;

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9. The rights in respect of existing buildings and land uses;
  10. The reservation of land for public purposes;
  11. The acquisition of land for planning purposes;
  12. Compensation for injurious affection, including procedures for making claims and for payment of compensation;
  13. The procedures for the closure, diversion and stopping up of roads;
  14. The procedures for the vesting of roads and other thoroughfares;
  15. The procedures for making of and determination of appeals;
  16. The legality of approvals and determination of conflict with other laws and by-laws;
  17. Miscellaneous matters including —
    - (a) Service of notices;
    - (b) Right of entry upon property;
    - (c) Obligation to give information to Competent Authority;
    - (d) Public notices;
    - (e) Amendment of schedules;
    - (f) Issue of circulars and bulletins;
    - (g) Interpretation of technical terms and expressions.

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**SECOND SCHEDULE**

*(Section 6(1))*

Operations or uses of land not requiring consent in terms of section 6(1) of the Act —

(a) The carrying out of works for the maintenance, improvement or other alteration of a building which do not materially affect the external appearance and do not increase the floor area;

(b) The carrying out by any Government, Local or Statutory Authority of any works required for the maintenance or improvement of a road where such works are on land within the road boundaries;

(c) The carrying out by any Government, Local or Statutory Authority of any works for the purpose of laying, inspecting, repairing, or renewing any sewers, mains, pipes, cables or other apparatus including the breaking open of any road or other land for that purpose;

(d) The use of any existing building or land within the curtilage of a dwelling-house for any purpose incidental to the enjoyment thereof;

(e) The use of any land and associated buildings for the purpose of agriculture or forestry;

(f) Any other class of development which may be added to this schedule by the Minister by notification in the *Gazette*.



**SUBSIDIARY LEGISLATION**

**Regulations under section 5**

- (1) Town and Country Planning (Control of Subdivision and Consolidation of Land) Regulations S.71/73
- (2) Town and Country Planning (Miscellaneous Provisions) Regulations
- (3) Town and Country Planning (Control of Development and Use of Land and Buildings) Regulations

**(1) TOWN AND COUNTRY PLANNING (CONTROL OF  
SUBDIVISION AND CONSOLIDATION OF LAND)  
REGULATIONS**

Arrangement of Regulations

**Regulations**

- 1. Citation
- 2. Interpretation
- 3. Applications for approval
- 4. Further particulars
- 5. Minimum sizes of subdivisions
- 6. Approval, conditional approval and refusal
- 7. Survey and registration
- 8. Competent Authority to give reasons for refusal
- 9. Competent Authority to keep a register

**SCHEDULES**

*Commencement: 12th May 1973*

- 1. These regulations may be cited as the Town and Country Planning (Control of Subdivision and Consolidation of Land) Regulations. Citation
- 2. In these regulations, unless the context otherwise requires — Interpreta-  
tion  

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

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“consolidation” means the consolidation in one document of title of 2 or more existing documents of title which relate to contiguous land areas;

“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 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;

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

“public purpose” means any land needed for the purposes of carrying out the provisions of an approved Development Planning Scheme and such land shall be deemed to be land for public purposes as provided in section 3 (1) (a) of the Land Acquisition Act;

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“subdivision” means the division of any lot of land or piece of State land —

(a) for the purpose of creating separate documents of title for all or any portion of such lot or land;

(b) for the purpose of parting with possessing or disposing of any portion thereof, either by way of lease, sale, gift or exchange or for the erection of a building or structure thereon;

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(c) the application to the Land Officer in terms of section 21 of the Land Code for the partitioning of land;

(d) any subdivision agreement for the purposes mentioned in (a), (b) or (c); and the expression “subdivide” shall be construed accordingly. For purposes of clarification, the lease of any portion of a building for a use approved in terms of section 6 of the Act or by a Municipal or Town Board shall not be deemed to be a subdivision.

“subdivision agreement” means any agreement whereby any person is given —

(a) a right, whether vested or contingent, to acquire, lease or obtain possession of any lot or piece of land, whether immediately or on the fulfilment of any condition or on the happening of any event or after the lapse of any period of

time or on the exercise of any option or on payment of any sum whether by instalments or otherwise; or

(b) a right to erect a building on any portion of a property belonging to some other person.

3. (1) Application for approval to the subdivision or consolidation of land 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 to a scale of 2 chains to one inch (unless otherwise authorised by the Competent Authority) showing —

- (i) the whole of the area of the lot being subdivided;
- (ii) the particulars of the position, number of, size and dimensions of the proposed subdivisions;
- (iii) all existing roads, road reserves, and other means of access, stormwater drains, waterways, plantations, buildings, public utilities and rights of way;
- (iv) all proposed roads and the width thereof, road widenings and other means of access, drainage proposals; and
- (v) if required by the Competent Authority, the contour levels of the land;

(b) 4 copies of a key plan showing the subdivision or subdivisions in relation to adjoining properties and indicating the means of access to the nearest public road, which may be incorporated in the plan required at (a) above if the details are sufficiently clear;

(c) the document of title or a certified copy thereof;

(d) the written consent of any mortgagee.

(2) The application shall also be accompanied by the prescribed fee.

4. An applicant for approval of the subdivision or consolidation of land shall, if so required in writing — Further particulars

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(a) cause the survey beacons of the land to be demarcated by flags or other devices to the satisfaction of the Competent Authority;

(b) cause the centre lines of any roads proposed to be demarcated to the satisfaction of the Competent Authority;

(c) notify the Competent Authority when the beacons and the centre lines of the roads have been demarcated and provide facilities for them to be inspected, and thereafter;

(d) submit to the Competent Authority longitudinal and cross sections with proposed finished levels of any such roads.

Minimum sizes of subdivisions

5. (1) Within a Development Control Area no individual subdivision shall be less than the area prescribed by the Competent Authority for that Area.

(2) Outside a Development Control Area no individual subdivision shall be less than the area prescribed in the Second Schedule.

Approval, conditional approval and refusal

6. (1) The Competent Authority shall in terms of section 6 of the Act approve the application for the subdivision or consolidation of land subject to such conditions it deems necessary to impose or may reject the application.

(2) The conditions which may be imposed may include —

(a) the construction of roads to the satisfaction of the Competent Authority;

(b) the reservation of land for public purposes;

(c) provisions for stormwater drainage;

(d) provision of conservation works;

(e) landscape planting.

(3) Where a subdivision or consolidation of land is approved by the Competent Authority and the land lies within a Development Planning Area the Land Officer shall endorse both the original document of the title and any new document(s) of title to the effect that the land is “Subject to the provisions of a Development Planning Scheme”.

7. (1) Within a period of 6 months from the date of the approval of an application for subdivision or consolidation of land by the Competent Authority the applicant shall take action to comply with the provisions of section 21 of the Land Code in respect of the survey and registration of the subdivision or consolidation.

Survey and registration

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(2) If the applicant fails to take such action within the said period of 6 months or within such further period as the Competent Authority may, at its discretion, allow the approval shall be deemed to have been revoked.

(3) The Land Officer shall inform the Competent Authority when the requirements of section 21 of the Land Code have been complied with.

8. Where an application for the subdivision or consolidation of land 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

9. The Competent Authority shall keep a register of all applications for the subdivision or consolidation of land and of the decisions made thereon.

Competent Authority to keep a register.

**FIRST SCHEDULE**

*(Regulation 3)*

**APPLICATION FORM**

Town and Country Planning (Development Control) Act, Cap. 142

Town and Country Planning (Control of Subdivision and Consolidation of Land) Regulations

To: .....

.....

.....

Application is hereby made for the approval of the subdivision(s)/consolidation of which particulars are given below.

(\*I/We authorise ..... of ..... to act as my/our agent for the subdivision of this application).  
(\*Delete if not applicable)

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Signature of registered owner(s) .....  
Postal address:  
Date:

**PARTICULARS**

1. District in which land is situated .....
2. E.D.R. number of land to be subdivided/consolidated .....
3. Lot number of land to be subdivided/consolidated .....
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.
6. Full name(s) of registered owner(s)
 

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.....

.....
7. Total Area of the Lot in acres .....
8. Area of each proposed subdivision .....
9. Particulars of any of the following affecting the property to be subdivided —
  - (i) wayleaves
  - (ii) encumbrances
  - (iii) mortgage bonds
  - (iv) mining leases.
10. Particulars of existing buildings and their uses.
 

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11. The use to which it is proposed the subdivision(s) is/are to be put
 

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.....
12. Particulars of any special conditions the owner wishes to impose in the Document of Title of the subdivision(s).
 

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13. Particulars of means of access from the land being subdivided to the nearest public road .....

14. Particulars of proposed water supply for each subdivision .....

.....

.....

This application must be accompanied by —	For official use only
<p>(a) 4 copies of a plan to a scale of 2 chains to one inch (unless otherwise authorised by the Competent Authority showing —</p> <p style="padding-left: 40px;">(i) the whole of the area of the lot being subdivided;</p> <p style="padding-left: 40px;">(ii) the particulars of the position, number of, size and dimensions of the proposed subdivisions;</p> <p style="padding-left: 40px;">(iii) all existing roads, road reserves, and other means of access, stormwater drains, waterways, plantations, buildings, public utilities and rights of way;</p> <p style="padding-left: 40px;">(iv) all proposed roads and the width thereof, road widenings and other means of access, drainage proposals; and</p> <p style="padding-left: 40px;">(v) if required by the Competent Authority the contours levels of the land.</p>	
<p>(b) 4 copies of a key plan showing the subdivision(s) 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 (a) above if the details are sufficiently clear).</p>	
<p>(c) the document of title or a certified copy thereof;</p>	
<p>(d) the written consent of the mortgagees(s) if any.</p>	

The following non-returnable fees shall accompany the application —

Up to 5 subdivisions — \$ 50.00

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5 to 20 subdivisions	—	\$200.00
Over 20 subdivisions	—	\$400.00

Cheques should be made payable to “The Government of Brunei”.

**SECOND SCHEDULE**  
*(Regulation 5 (2))*

The following Minimum Sizes of Subdivision for rural areas outside the general Development Control Areas are prescribed:

- (1) Agricultural Use, related to the crops to be grown
- | Predominant Crop or Use   | Minimum Subdivision<br>(In Acres)   |
|---------------------------|---|
| Padi                      | 7   |
| Tree Crops                | 16  |
| Vegetables                | 3   |
| Cattle or Buffalo Raising | 30  |
| Pineapples                | 3   |
| Other                     | To be determined on individual application by reference to the Director of Agriculture. |

(2) Residential Use

Type	Minimum Size of Subdivision	Minimum Frontage on Public Road
Single Dwelling House	12,000 sq. ft.	80 feet
Semi detached House	15,000 sq. ft.	100 feet
Flats or multiple dwellings	20,000 sq. ft.	135 feet
Other	To be determined by Competent Authority	

- (3) Shops
- |                             |                |                                 |         |
|-----------------------------|----------------|---------------------------------|---------|
| Minimum Size of Subdivision | 10,000 sq. ft. | Minimum Frontage on Public Road | 60 feet |
|-----------------------------|----------------|---------------------------------|---------|



- (4) Industrial Use  
Minimum Size of Subdivision  
6,000 sq. ft.
- Minimum Frontage on  
Public Road  
60 feet
- (5) Petrol Filling and Service Stations  
Minimum Size of Subdivision  
10,000 sq. ft.
- Minimum Frontage on  
Public Road  
120 feet
- (6) Other Uses  
The minimum size of subdivision to be determined on individual application.

(Subsidiary)

S.84/74

(2) TOWN AND COUNTRY PLANNING (MISCELLANEOUS  
PROVISIONS) REGULATIONS

Arrangement of Regulations

Regulation

1. Citation
2. Interpretation
3. Service of notices
4. Entry upon property
5. Obligation to give information to Competent Authority and Town and Country Planning Officer
6. Development Planning Scheme and approvals
7. Other approvals may be required
8. Competent Authority to give reasons for refusal
9. Public notice of applications
10. Competent Authority to keep a register
11. Penalties
12. Planning Standards

*Commencement: 25th May 1974*

Citation

1. These regulations may be cited as the Town and Country Planning (Miscellaneous Provisions) Regulations.

Interpretation

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

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

“regulation” means a regulation made by the Minister in terms of section 5 (1) of the Act.

Service of notices

3. Any notice, order or other document required by the Act, or any regulation made thereunder, to be served on any person shall be deemed to be effectively served if delivered personally to such person or left at his abode or place of business or sent by registered letter to his address or by affixing to a land owned by such person or if such person is absent from Brunei and has left no known representative, by notifica-

tion in the *Gazette*. Service upon a person authorised to represent another shall be deemed to be service upon the person he represents and, in the case of a company or syndicate having no domicile or office in Brunei, any person in charge of its property shall be deemed to be its representative.

4. (1) The Minister, the Competent Authority or the Commissioner for Town and Country Planning or any person acting under the authority of the Minister, the Competent Authority or the Commissioner for Town and Country Planning may after giving notice to the owner or occupier, enter upon any land at all reasonable times with such men, animals, vehicles and equipment as are deemed necessary and may enter and inspect any buildings or structures on such land and do all such acts thereon or therein as are necessary for surveys or investigations in connection with the preparation or execution of a Development Planning Scheme or for the carrying out of any thing authorised to be done by the Act or any regulation made thereunder.

Entry upon property

(2) Any person who prevents such entry upon land and buildings as is authorised by this section, or wilfully obstructs or hinders any person in the lawful exercise of his powers or duties under the Act or any regulations made thereunder shall on conviction be guilty of an offence.

5. (1) The Competent Authority or the Commissioner for Town and Country Planning may, by notice in writing, require the owner or occupier of any land or building within a Development Control Area to supply all reasonable information relating to that land or building as may be required for the preparation, modification, or execution of Development Planning Scheme.

Obligation to give information to Competent Authority or Commissioner for Town and Country Planning

(2) Any person so required to supply information who without reasonable cause fails or refuses to do so shall on conviction be guilty of an offence.

6. Where any by-law or regulation is in conflict with the requirements of an approved Development Planning Scheme or an approval given under a Development Planning Scheme or an approval given in terms of section 6 of the Act then in so far as such conflict is concerned such by-law or regulation shall be of no effect.

Development Planning Scheme and approvals

7. The granting of an approval by a Competent Authority in terms of the Act, or regulation made thereunder, or approved Development Planning Scheme does not relieve a person from having to make application for any other consent required by any other law or from complying with any relevant conditions of lease or title.

Other approvals may be required

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Competent Authority to give reasons for refusal

8. Where a Competent Authority refuses or rejects any application made to it in terms of section 6 of the Act or in terms of an approved Development Planning Scheme it shall when notifying the applicant of its decision set down in writing the reasons for the refusal or rejection.

Public notice of applications

9. (1) If it appears to the Competent Authority that any particular application should be brought to the notice of the public then in order to canvass public opinion on the application the Competent Authority may require the applicant at his own expense to —

(a) insert a notice giving particulars of the application in a newspaper circulating in the area on such occasions as the Competent Authority may determine; and/or

(b) cause written notice giving particulars of the application to be given to such adjoining owners and occupiers of land as the Competent Authority may determine; and/or

(c) cause a signboard or signboards of a specified size to be erected on the site giving the particulars of the application in such position and for such period as the Competent Authority may determine.

(2) Where the Competent Authority takes action under paragraph (1) of this regulation it shall in considering the application take into account any objections or representations made to it within such period as it may specify.

Competent Authority to keep a register

10. The Competent Authority shall keep a register of all applications made to it and of the decisions made thereon. Such register shall be available for inspection by the public.

Penalties

11. Any person who is convicted of an offence in terms of regulations 4 (2) or 5 (2) shall be guilty of an offence. Penalty, a fine of \$2,000 or, in default of payment, to imprisonment for 3 months.

Planning Standards

12. The Minister may issue to Competent Authorities bulletins in the form of Planning Standards setting out the recommended provisions for the control of specific classes of land use and/or building use for general application or application to particular areas or zones.

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

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Arrangement of Regulations

Regulations

1. Citation
2. Interpretation
3. Approval of buildings and land use in Development Control Areas
4. Applications for approval
5. Reservation of powers
6. Approvals to Lapse
7. Existing buildings, works and uses may be maintained and continued
8. Alteration and extensions to existing buildings
9. Appeals
10. Competent Authority to give reasons for refusal
11. Enforcement
12. Competent Authority to keep a register

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  
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(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".