

**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
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**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)  
.....  
.....  
.....
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.  
.....  
.....
11. The use to which it is proposed the subdivision(s) is/are to be put  
.....  
.....
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<br>10,000 sq. ft. | Minimum Frontage on Public Road<br>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.