

L.N. 115 of 1999

**DEVELOPMENT PLANNING ACT
(ACT NO. I OF 1992)**

Building Levy Rates (Amendment) Regulations, 1999

IN exercise of the powers conferred by sections 41, 42 and 60 of the Development Planning Act, 1992, the Planning Authority, with the concurrence of the Minister for Home Affairs and of the Minister of Finance, has made the following regulations :

Citation.

1. These regulations may be cited as the Building Levy Rates (Amendment) Regulations, 1999 and shall be read and construed as one with the Building Levy Rates Regulations, 1996, hereinafter referred to as "the principal regulations".

L.N. 112 of 1996.

Amends regulation
2 of the principal
regulations

2. Paragraph (1) of regulation 2 of the principal regulations shall be amended as follows:

(a) in the definition of "bungalow", for the words "whether detached or semi-detached", there shall be substituted the words "whether detached or semi-detached (where appropriate),";

(b) immediately after the definition of "demolition of a building", there shall be added the following new definitions:

" "designated officer" means such officers of the Planning Authority designated by it to formally endorse Development Permit Application Report, who shall normally be the Managers of the Area Teams and the Manager of the Development Control Unit;

"Development Permit Application Report" means the report prepared on an application for development permission which is submitted to a designated officer or to the Development Control Commission;";

(c) immediately after the definition of "dwelling", there shall be added the following new definition:

" "endorsement" means the formal acceptance of a Development Permit Application Report by a designated officer such that the application is then forwarded for determination by the Development Control Commission or determined by a designated officer under the powers so delegated by the Planning Authority;";

(d) immediately after the definition of "terraced house", there shall be added the following new definition:

" "validation" means the acknowledgment by the Planning Authority of the receipt of a valid application for development permission, that is an application in respect of which all the requirements for the submission of an application have been fulfilled;"

3. Schedule One to the principal regulations shall be amended as follows :

Amends Schedule One to the principal regulations.

(a) in item (e) of sub-paragraph (3) of paragraph 1 thereof, immediately after the words "- subject to a maximum of Lm5000.00", there shall be added the following:

"- vertical extensions to quarries Lm200.00";

(b) in item (b) of sub-paragraph (4) of paragraph 1 thereof, immediately after the words "per garage Lm10.00" there shall be added the following:

"except that 2 garages per residential unit shall be exempt";

(c) immediately after item (x) of sub-paragraph (5) of paragraph 1 thereof, there shall be added the following new item:

"(y) Local Plan amendments initiated by the private sector

- per 150 m² site area or part thereof Lm100.00";

(d) immediately after paragraph 2A thereof, there shall be added the following new paragraph 2B:

"2B. Where the application is for development of the same general character and description on a site in respect of which there is or has already been a development permission, whether or not still in force, the Development Permit Fee payable on the new application shall be calculated by subtracting the Development Permit Fee paid on the original application from that due on the new application. Where the original application was submitted prior to the coming into force of the Building Levy Rates Regulations, 1993, the Development Permit Fee deemed

to have been paid on that application shall be the Development Permit Fee due on that development calculated at the rates set out in these regulations.”;

(e) in item (ii) of sub-paragraph (b) of paragraph 7 thereof, for the words “50% of the Development Permit Fee” there shall be substituted the words “25% of the Development Permit Fee”;

(f) sub-paragraph (c) of paragraph 7 thereof shall be substituted as follows:

“(c) When an application is withdrawn by the applicant, the percentage of the Development Permit Fee which shall be refunded shall be as follows:

(i) when the application is withdrawn within one week of its validation, 100% of the Development Permit Fee shall be refunded;

(ii) when the application is withdrawn after its validation but prior to the endorsement by the designated delegated officer of the Development Permit Application Report on the application, 75% of the Development Permit Fee shall be refunded;

(iii) when the application is withdrawn after the Development Permit Application Report has been endorsed as set out in item (ii) above but prior to the determination of the application, 50% of the Development Permit Fee shall be refunded;

subject to a maximum of Lm 2,500, except that the Development Permit Fee shall not be refunded where —

(i) the Development Permit Fee paid is Lm 10 or less; or

(ii) a notice in terms of sections 50, 51, 52, 53 or 58 of the Act has been served on the applicant or on the site to which the application relates; or

(iii) unless the applicant agrees that this proportion of the Development Permit Fee may be transferred to a subsequent applicant in relation to an application on the same site.”.

(a) in item B of sub-paragraph (1) of paragraph 1 thereof, immediately after the words “New development per 50m² floor area or part thereof”, there shall be added the following:

“such floor area being the result of the floor area of the largest floor multiplied by the number of floors”;

(b) In item B of sub-paragraph (2) of paragraph 1 thereof, immediately after the words “New development per 50m² floor area or part thereof”, there shall be added the following:

“such floor area being the result of the floor area of the largest floor multiplied by the number of floors”;

(c) immediately after paragraph 2 thereof, there shall be added the following new paragraph 2A:

“2A. Where the application is for development of the same general character and description on a site in respect of which there is or has already been a development permission, whether or not still in force, the Infrastructure Services Contribution payable on the new application shall be calculated by subtracting the Infrastructure Services Contribution paid on the original application from that due on the new application. Where the original application was submitted prior to the coming into force of the Building Levy Rates Regulations, 1993, the Infrastructure Services Contribution deemed to have been paid on that application shall be the Infrastructure Services Contribution due on that development calculated at the rates set out in these regulations, except where the development permitted by the original application has not started, when the Infrastructure Services Contribution payable on the new application shall be calculated by subtracting the Infrastructure Services Contribution paid on the original application from that due on the new application.”;

(d) in item (m) of paragraph 5 thereof for the words “change of use of any land or building;”, there shall be substituted the words “change of use of any land or building, except where the change of use involves the creation of a dwelling unit, in which case the Infrastructure Services Contribution shall be calculated according to the type of dwelling created;”; and

B 870

(e) in paragraph 11 thereof, for the words “on the site of the development shall be Lm 900” there shall be substituted the words “on the site of the development shall be Lm 900, except for the commuted parking payment scheme for Mosta, where the fee shall be Lm 800, and for St. Paul’s Bay, where the fee shall be Lm 500.”.