

L.N. 6 of 1993

**DEVELOPMENT PLANNING ACT, 1992
(ACT NO. 1 OF 1992)**

Building Levy Rates Regulations, 1993

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 the Environment and of the Minister of Finance, has made the following regulations:—

1. (1) These regulations may be cited as the Building Levy Rates Regulations, 1993. Title and commencement.

(2) These regulations shall be deemed to have come into force on the 1st January, 1993.

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

“the Act” means the Development Planning Act, 1992;

“application” means an application for development permission;

“Authority” means the Planning Authority established by section 3 of the Act;

“Building Levy” means such charges and contributions levied and referred to under sections 41 to 44 of the Act;

“bungalow” means a single family dwelling unit, whether detached or semi-detached, consisting of not more than one habitable floor, and having a site area of at least one twentieth of a hectare and a maximum site coverage of 40 per centum;

“commercial building” means a building to be used for any non-residential or non-domestic use (other than a farm building and a greenhouse) and includes a hotel, guest-house or similar establishment;

“contribution” means an Infrastructure Services Contribution;

“domestic garage” means a garage or parking space used for garaging a private car or for purposes incidental to the enjoyment of a dwelling, including domestic storage, but excluding habitation, and having a floor area not exceeding 50m²);

“dwelling” means any building or unit thereof used for residential purposes, but excludes a hotel, guest-house or similar establishment;

“farmhouse” means a single family dwelling used as habitation by a farmer or a farmworker;

“farm buildings” means buildings used as accommodation for livestock, for the storage of fodder or implements or other agricultural purposes, but do not include farmhouses and greenhouses;

“flat” means a single family dwelling unit occupying the whole or part of one floor of a building which contains several similar units none of which has its own separate entrance from the street but share a common access therefrom;

“fresh plans application” or “amended application” means an application in respect of the same site and involving development of the same character and description as those in respect of which permission has already been granted, if such application is the first application made within twelve months from the date on which the original permission was granted:

Provided that the site area may be larger or smaller than the original area if the Authority has so required;

“HOS” means a single family dwelling unit in a housing scheme so designated by the Housing Authority;

“maisonette” means a single family dwelling unit on one or more floors in a building consisting of more than one such unit, each unit having a separate entrance from the street;

“non-domestic garage” means a garage or parking space of more than 50m²) of floor area, irrespective of its use and of the level at which it is constructed;

“outline application” means an application submitted specifically for outline development permission and in which one or more of the specified matters are reserved for further submission and approval;

“penthouse” means a separate single family dwelling which consists of one floor constructed on the roof of a building, set back from the facade of the building by not less than 3 metres, and which does not occupy the whole of the roof area;

“renewal application” means an application for the renewal of a development permission granted or deemed to be granted by the Authority in respect of the same site and development as that previously granted permission and which is submitted before such permission expires;

“site area” means the total area of land which is the subject of the application;

“special building” means a building providing an institution, club, society or other organization of a religious, cultural,

philanthropic, sporting or social nature with the facilities necessary for the pursuit of its objects, unless the activities carried out in such building are subject to income tax;

“terraced house” is a single family dwelling unit consisting of one or more storeys in a row of three or more dwellings and includes the dwellings at the ends of the terrace;

“villa” means a detached or semi-detached single family dwelling of not more than two habitable floors.

(2) In either the First Schedule or the Second Schedule, any expression defined in the Act has the same meaning as it has in the Act.

3. There shall be charged by the Authority a Development Permit Fee as the charge to be paid in respect of an application for permission to carry out development, at the rate set out in the First Schedule to these regulations.

Development
Permit Fee.

4. There shall be charged by the Authority an Infrastructure Services Contribution as the rate of contribution to be paid in respect of applications for development permission by way of contribution towards the cost of infrastructure services and other services or facilities arising from any permission to develop land, at the rates set out in the Second Schedule to these regulations.

Infrastructure
Services
Contribution.

FIRST SCHEDULE

Development Permit Fee

1. Except as otherwise provided, the Development Permit Fee at the rates specified in this Schedule shall be paid in respect of applications for development permission according to the nature of the development and calculated as herein provided:—

Lm

(1) Outline Applications

per 0.1ha (1000m ²) site area, or part thereof	50.00
subject to a maximum of	2500.00

(2) Applications for non-commercial development

(a) Fee per unit consisting of

— bungalow	1000.00
— villa	750.00
— farmhouse	750.00
— semi-detached villa	500.00
— semi-detached villa with two dwelling units	400.00
— penthouse	150.00

— flat	60.00
— terraced house	60.00
— maisonette	60.00
(b) Alterations and extensions to dwellings	10.00
(3) Applications for Commercial development	
(a) Commercial buildings	
per every 25m ² of floor area of the building or part thereof, such floor area being the result of the floor area of the largest floor multiplied by the number of floors . plus	20.00
per every 25m ² site area or part thereof, including the built up area	20.00
(b) Extensions and alterations to commercial buildings	
— Extensions and alterations up to 50m ² floor area	10.00
— Extensions and alterations exceeding 50m ² floor area, per every 25m ² or part thereof	20.00
(c) Farm buildings	
— up to 50m ² floor area	10.00
— exceeding 50m ² per every 25m ² or part thereof	10.00
(d) Greenhouses	
— up to 100m ² floor area	10.00
— exceeding 100m ² , per 100m ² or part thereof	10.00
(e) Quarries	
— per 100m ² of site area or part thereof	25.00
— subject to a maximum of	5000.00
(f) Waste disposal	
— per 100m ² of site area or part thereof	25.00
— subject to a maximum of	5000.00
(4) Other applications	
(a) Garages exceeding 50m ² floor area, per 50m ² or part thereof	20.00
(b) Engineering operations — per 0.1ha (1000m ²) site area	50.00
— subject to a maximum of	2500.00
(c) Change of use	
— to residential use	30.00
— to non-residential use per 25m ² of floor area or part thereof	20.00
(d) Demolition of buildings or structures	20.00

(e) Development not otherwise covered, including boundary walls	10.00
(f) Advertisements — per every advertisement proposed in the application	10.00
(g) Satellite dishes or telecommunication antennae	10.00
(h) Renewal applications	10.00
(i) Fresh plans or amended applications	25.00
(j) Approval of conditions other than those imposed in an outline development permission	20.00
(k) Special buildings or uses	10.00

2. No Development Permit Fee shall be paid where the application is —

(a) in respect of a domestic garage;

(b) an amended or fresh plans application for development of the same character or description on the same site and by the same applicant made within twelve months from the withdrawal by the applicant; of an application submitted after 1st January 1993:

Provided that this sub-paragraph shall apply to one only such amended or fresh plans application

3. Where the application includes the construction of domestic garages in excess of one such garage for each dwelling unit, the fee for each such garage in excess shall be that established for a garage exceeding 50m² floor area.

4. Where an application involves or includes the demolition of an existing building, the floor space area of any such building shall not be taken into account in calculating the fee to be paid.

5. Where an application involves more than one use or type of development, the Development Permit Fee to be paid shall be calculated by adding together the rates applicable to each type of development, except that where the application includes commercial development, the fee for the commercial development shall be calculated by reference to the rate for the commercial floor area only.

6. In determining the amount of Development Permit Fee to be paid with respect to the proposed development, for the purpose of ascertaining the number of floors proposed to be erected or created, any basement and penthouse shall be counted as separate floors, but washrooms, liftshafts and similar structures on the roof of a building shall not be counted as separate floors.

7. The amount of floor space within a building shall be determined by the external measurements of the building, that is including the thickness of the external walls and half the thickness of dividing or party walls, and shall include any staircase, lift, shafts, internal yards, verandahs, terraces, balconies, canopies and other spaces.

8. All rates shall be paid at rates calculated by reference to the development proposed in the application, and no fees properly paid shall be refundable except in the following cases:

- (i) if the permission applied for has not been granted; or the application has been refused on the grounds that it was individually made;
- (ii) if the application is withdrawn before it is determined by the Authority;
- (iii) and when an application is refused by the Authority, half the Development Permit Fee shall be refunded, unless the appeal or the request for reconsideration is upheld by the Appeals Board or the Authority

SECOND SCHEDULE

Infrastructure Services Contribution

1. Save as otherwise provided, the Infrastructure Services Contribution at the rates specified in this Schedule shall be paid in respect of applications for development permission by way of contribution towards the cost of the services hereinafter indicated:

- (1) A main sewer contribution at the rate of
 - Lm12 per floor, per metre run of site frontage, for the first two floors,
 - and
 - Lm8 per floor, per metre run of the site frontage, for the remaining floors;Provided that a minimum charge of Lm60 shall be paid in all cases.

- (2) A street contribution of Lm5 per floor per metre run of the site frontage.

2. The frontage of a site means the length of the boundary of the site fronting onto an existing or proposed street; and where a site has more than one such frontage, the site frontage shall be the whole of the frontage of the site onto such streets.

3. In determining the amount of contribution to be paid with respect to the proposed development, for the purpose of ascertaining the number of floors proposed to be erected or created, any basement and penthouse shall be counted as separate floors, but washrooms, liftshafts and similar structures on the roof of a building shall not be counted as separate floors.

4. Where the appropriate contributions have been paid in full in respect of an original application, no further contribution shall be in respect of an application for the renewal of the permission granted upon such application, whether or not such permission has expired, or in respect of a fresh plan or amended application, if the development proposed in the application is the same, or substantially the same, as that granted in the original permission.

5. No Infrastructure Services Contribution shall be paid when the application relates solely to:—

(a) the alteration or extension of a building, provided that in the case of an extension this is more than 3 metres back from the facade of the building and does not exceed 25m² floor area;

(b) permission to display advertisements;

(c) the erection of satellite dishes or other telecommunication antennae;

(d) the erection of a boundary wall, fence or other means of enclosure;

(e) the approval of matters reserved by conditions other than those imposed in outline development permission;

(f) the demolition of an existing building or structure;

(g) the carrying out of engineering operations;

(h) an application for out line development permission.

6. No Infrastructure Services Contribution shall be payable in respect of an application, if the applicant has paid the fees and contributions payable in respect of development covered by a permission to which paragraph (iii) of subsection (2) of section 63 of the Act applies, on condition that the applicant submits together with the application the receipt issued in respect of the fees and contributions so paid.

7. No main sewer contribution shall be payable in respect of applications for the erection of buildings on HOS plots in all cases where these plots are advertised for allocation by the Housing Authority before 1st January 1993.

8. All Infrastructure Services Contribution shall be levied at rates calculated with reference to the development proposed in the application and no contribution shall be refundable except in the following cases:

(i) if the permission applied for has not been granted; or the application has been refused on the grounds that it was invalidly made;

(ii) if the application is withdrawn before it is determined by the authority;

(iii) if it is made in respect of an application for a class of development for which such permission is not required by or under any provision of the Act or any regulations or orders made thereunder, and the application is returned by the Authority to the applicant.

9. Where the Authority considers that in order to meet the extraordinary or exceptional demands which, in the opinion of the Authority, the nature, location or scale of the proposed development is likely to place on the infrastructure services and other services or facilities, as well as to secure the proper planning of the area and regulate the

use of land in accordance with the policies and proposals in the Structure Plan and any subsidiary plan, the contribution earlier specified in this Schedule is insufficient, the Authority shall determine the contribution to be levied to meet the cost of the services and facilities arising from the permission applied for, and may also enter into agreement with the applicant to ensure the payment of the contribution so determined and the proper carrying out of the development according to the permission of the Authority.