L.N. 106 of 1993

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

Building Levy Rates (Amendment) 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:—

Title.

1. These regulations may be cited as the Building Levy Rates (Amendment) Regulations, 1993 and shall be read and construed as one with the Building Levy Rates Regulations, 1993, hereinafter referred to as "the principal regulations".

L.N. 6 of 1993.

Amends regulation 2 of the principal regulations.

2. Regulation 2 of the principal regulations shall be amended as follows:—

(a) in the definition of "fresh plans application" or "amended application", for the words "granted, if such application is the first application made within twelve months from the date on which the original permission was granted:" there shall be substituted the word "granted:";

(b) immediately after the definition of "penthouse" there shall be inserted the following new definition:—

" "relevant Department" means, for the purposes of the main sewer contribution, the Drainage Department of the Works Division, and for the purposes of the street contribution, the Roads Department of the Works Division;"; and

(c) in the definition of "special building", there shall be inserted, immediately after the words "for the pursuit of its object," the words "including schools, hospices, homes for the elderly, hospitals and similar buildings or uses,".

Amends the First Schedule to the principal regulations.

3. The First Schedule to the principal regulations shall be amended as follows:—

(a) for sub-paragraph (1) of paragraph 1 thereof there shall be substituted the following:

	Lm
"(1) Outline Applications	
— in all cases, except special buildings, per 0.1 ha (1000 m^2) of site area or part thereof	50.00
Subject to a maximum of	2500.00
— in the case of special buildings	10.00":

(b) in item (a) of sub-paragraph (2) of paragraph 1 thereof, for the words "semi-detached villa with two dwelling units ..... 400.00" there shall be substituted the words:

	Lm
'semi-detached villa with two dwelling units, for each dwelling unit	200.00";

(c) for item (f) of sub-paragraph (4) of paragraph 1 thereof, there shall be substituted the following:

	Lm
"(f) Advertisements	
— for each advertisement, per square metre thereof	5.00
— for each illuminated advertisement, per square metre thereof	10.00
Subject to a minimum fee, for each advertisement applied for, of	10.00":

(d) immediately after item (k) of sub-paragraph (4) of paragraph 1 thereof, there shall be added the following new item:

	Lm
"(1) Vending machines	
— for each machine proposed in the application	10.00";

(e) immediately after sub-paragraph (4) of paragraph 1 thereof, there shall be added the following new sub-paragraph:

"(5) Where the Building Levy is calculated by the applicant or architect and is paid prior to or together with the submission of an application, the amount of the Development Permit Fee payable shall be reduced by Lm5 or 1% of the Development Permit Fee due, whichever is the greater, except where the Development Permit Fee payable is less than Lm60.";

(f) immediately after paragraph 1 thereof, there shall be inserted the following new paragraph:

"1A. Where an application submitted after the 1st January, 1993 is for new development on a site in respect of which there is in force a development permission (other than an outline development permission), and the proposed development is of the same character but of a different description, and the development so permitted has not begun or not been completed, the Development Permit Fee payable shall be calculated solely on the additional development proposed in the new application.";

(g) immediately at the end of paragraph 3 thereof there shall be added the following:—

"Where the development consists wholly of the construction of non-domestic garages, the fee shall be calculated at the rate established for commercial buildings."; and

(h) for paragraph 6 thereof there shall be substituted the following:

"6. In determining the Development Permit Fee to be paid with respect to the proposed development, for the purpose of ascertaining the number of floors to be erected or created, any basement and penthouse shall be counted as separate floors. Washrooms, liftshafts, and other structures on the roof of a building with a floor area of 50 square metres or less shall not be counted as a separate floor:

Provided that —

(i) any floors partly or wholly below the proposed ground level with a floor area of not more than 50% of the largest floor area shall not be counted as a floor; and

(ii) where a building or a site has a frontage on more than one street, any floor, whether partly or wholly below proposed ground level shall be calculated by reference to the lowest street on which the building or site has a frontage.".

Amends the Second Schedule to the principal regulations.

4. The Second Schedule to the principal regulations shall be amended as follows:

(a) in sub-paragraph (2) of paragraph 1 thereof, there shall be added the following proviso:

"Provided that the street contribution shall in no case be less than Lm30.";

(b) immediately at the end of paragraph 2 thereof there shall be added the following:—

"The length of the frontage shall be measured to the nearest whole metre. Where the development consists in an extension of an already existing building, the frontage of the site for the purposes of such extension means the length of the longest facade of the extension fronting onto the existing or proposed street; and where the extension does not directly front such a street, the frontage shall be calculated by reference to the nearest street.";

(c) for paragraph 3 thereof there shall be substituted the following:—

"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 to be erected or created, any basement and penthouse shall be counted as separate floors. Washrooms, liftshafts, and other structures on the roof of a building with a floor area of 50 square metres or less shall not be counted as a separate floor:

Provided that

(i) any floors partly or wholly below the proposed ground level with a floor area of not more than 50% of the largest floor area shall not be counted as a floor;

(ii) where a building or a site has a frontage on more than one street, any floor whether partly or wholly below proposed ground level, shall be calculated by reference to the lowest street on which the building or site has a frontage;

(iii) where the development includes the provision of car parking (whether garages or parking spaces) wholly or partly below ground level, only one of the basement floors devoted to parking shall be treated as a floor for the purpose of ascertaining the number of floors.";

(d) immediately after paragraph 3 thereof, there shall be inserted the following new paragraph:

"3A. Where an application submitted after the 1st January, 1993 is for a new development on a site in respect of which there is in force a development permission (other than an outline development permission) the infrastructure services contribution to be paid for the new development shall be decreased by the amount of the contribution previously paid (if any).";

(e) for sub-paragraph (a) of paragraph 5 thereof, there shall be substituted the following:

"(a) the alteration or extension of a building, provided the extension does not exceed $50m^2$ in floor area;";

(f) immediately after sub-paragraph (h) of paragraph 5 thereof, there shall be added the following new paragraphs:

"(i) the erection of a building of not more than 50 m^2 of floor area, provided that such erection shall not involve or create a new use of the site on which the building is to be located;

(j) the erection of a greenhouse;

(k) an application by a Government Department or a body corporate established by law, where the applicant gives an undertaking to the Planning Authority that the necessary infrastructure services will be provided by, or in conjunction with and with the approval of the relevant department and at the expense of the applicant, and that the necessary maintenance of those services will also be so carried out;

(l) an application for a change of use of any land or building.";

(g) for paragraph 7 there shall be substituted the following:—

"7. No main sewer contribution shall be payable in respect of applications for —

(i) the erection of buildings on HOS plots in all cases where these plots are advertised for allocation by the Housing Authority before the 1st January, 1993;

(ii) the erection of an agricultural building for the purposes of storage, not exceeding $50m^2$ in floor area;

and where —

(a) the applicant gives to the Authority an undertaking that the necessary infrastructure services will be provided by him, or in conjunction with and with the approval of the relevant department and at the applicant's expense and that the necessary maintenance of these services will also be so carried out, or

(b) the application relates to a site where the necessary infrastructure services have been provided at the expense of a private developer and an undertaking to maintain these services has been given,

the Infrastructure Services Contribution shall be reduced by 75%."; and

(h) in paragraph 8 thereof, immediately after sub-paragraph (iii), there shall be added the following new sub-paragraphs:

"(iv) if the application is one to which sub-paragraph (a) of paragraph 7 relates, and the applicant subsequently provides the appropriate services at his or her own expense and the relevant Department has certified that the works have been carried out to its satisfaction, a refund equal to 15% of the ISC shall be paid;

(v) if the application is one to which sub-paragraph (b) of paragraph 7 relates, and the relevant Department has certified that the works have been carried out to its satisfaction, a refund equal to 15% of the ISC shall be paid.".

Transitory provision.

5. Notwithstanding the provisions of paragraph 8 of the Second Schedule to the principal regulations, where a contribution payable under the said regulations prior to the coming into force of these regulations is higher than that payable in consequence of these regulations, the difference between the two contributions shall be refundable on an application by the applicant to the Planning Authority for this purpose.

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