

BILL ESSENTIALS
THE PLANNING AND FACILITATION OF DEVELOPMENT BILL, 2013

BACKGROUND

The Town and Country Planning Act Chapter 35:01 was instituted in 1960 to:

- i. provide for the orderly and progressive development of land in both urban and rural areas and to preserve and improve the amenities thereof;
- ii. to allow for the grant of permission to develop land and for other powers of control over the use of land; and
- iii. to confer additional powers in respect of the acquisition and development of land for planning; and for purposes connected with the matters aforesaid.

The Act was proclaimed in 1969 and was based on 1947 British Town Planning Legislation. Although comprehensive in nature, the Act has however over the years, the Act has become outdated and thus inadequate in addressing modern development issues such as poverty, access to land, informal settlements, sustainable development, community participation and local government empowerment. As such, the overall credibility of the planning system remains low, with a significant percentage of construction taking place outside of the formal development control process.

There have been attempts to improve the national planning system through various reform initiatives including the following:

- a. In 1988, a comprehensive reform of the present Town & Country Planning Act Chapter 35:01 was the subject of Technical Assistance from the United Nations Centre for Human Settlements (UNCHS)/ UNHABITAT to the then Ministry of Planning and Mobilization, to strengthen the legal and administrative framework for urban and regional planning. Draft legislation was developed by internationally eminent Professor Patrick Mc Auslan and the Law Commission;
- b. In 1995 under the IDB-funded Agricultural Reform Programme, the Bill was further revised by a broad based committee of public officials and stakeholders. This committee had the support of drafting consultants;
- c. In 1996 the then Cabinet appointed the (Interim) *National Physical Planning Commission* which further reviewed the draft legislation and held extensive national consultations before producing the 1998 Draft Bill;
- d. On March 24th 2011, The *National Planning Task Force (NPTF)* was established by Cabinet Minute No. 746 of 2011 to:-
 - o review the Planning and Development of Land (PADL) Bill for reintroduction to Parliament; and
 - o advise on the preparation of the National Physical Development Plan, taking into consideration the 14 Municipal Plans produced by the Ministry of Local Government 2009-10.

In addition, the NPTF was mandated on the Minister's orders to:

- i. review the recommendations of the Committee to Develop a Model for the Control of Development; and

BILL ESSENTIALS
THE PLANNING AND FACILITATION OF DEVELOPMENT BILL, 2013

- ii. make recommendations on short-term improvements for the regulation of development.

The NPTF comprised key stakeholders in the area of Built Developments from the public and private and executed its work via a plenary and three subcommittees.

The NPTF employed additional participation on its sub-committees from the:

1. Trinidad and Tobago Society of Planners,
2. the JCC,
3. the Town and Country Planning Division,
4. Chief Parliamentary Counsel's Office,
5. Ministry of Food Production, Land and Marine Affairs,
6. Ministry of Housing and the Environment, and
7. Ministry of Energy and Energy Affairs.

A fourth Sub-committee, the *Codes and Standards Sub-Committee (CSS)* under the Chairmanship of the JCC, also met to *inter alia* review the Small Building Guide (Code), which provided regulatory guidance to municipal authorities on the unification of land use and built development into one coherent framework within the context of the PADL Bill.

The NPTF in performing its functions sought to update the planning reform of the Bill from its 1998 base and streamline and clarify its provisions in the context of current trends rather than query its planning reform foundation which was done in previous reform attempts as listed above (a. to c.)

The Planning and Development of Land Bill, 1998 sought to make physical planning more accessible to local communities and to render it more responsive both to changing circumstances and to policies of government.

The Bill was passed in both Houses of Parliament; however extensive amendments were made in the Senate which warranted the NPTF to choose to use the Bill as the basis for review as there were significant political inputs into the revisions of the Senate amendments, 2000.

However, the 2000 Senate amendments were retained as there were significant public consultation and input to the debate and these amendments were considered along with changes to current thinking on both physical planning and governance generally, both in Trinidad and Tobago and relevant comparator countries.

Hereunder are some of the Planning and Development legislation submitted to Parliament post 1998:

- **The Planning and Development of Land Bill, 1999**
This Bill was withdrawn from the Senate on 22 August 2000 and the Planning and Development of Land Bill, 2000 was introduced in the House of Representatives on 18 August 2000.
- **The Planning and Development of Land Bill, 2000**
This Bill lapsed upon the prorogation of the 5th Session of the 5th Parliament on 07 October 2000.

BILL ESSENTIALS
THE PLANNING AND FACILITATION OF DEVELOPMENT BILL, 2013

- **The Planning and Development of Land (No.2) Bill, 2000**
This Bill was referred to an informal Committee of the Senate on 19 October 2000. The Bill lapsed upon the dissolution of the 5th Parliament on 03 November 2000
- **The Planning and Development of Land Bill, 2001**
The Bill lapsed upon the dissolution of the 6th Parliament on 13 October 2001.

THE PURPOSE OF THE BILL

The **Planning and Facilitation of Development Bill, 2013** will seek to reform the town and country planning laws of Trinidad and Tobago by establishing:-

- a. a system for the preparation and approval of national and subnational development plans; and
- b. a system of planning and development approvals, which are designed to secure predictability, simplicity, promptness and transparency in the treatment of development applications.

To achieve these objectives, the Bill will provide for the establishment of a *National Physical Planning Authority (National Planning Authority)* that will collaborate with the Environmental Management Authority (EMA) to safeguard the preservation of the environment as an integral part of the planning process. The Bill also provides for the decentralisation of certain decision-making powers to local government.

The Bill will replace the Town and Country Act Chap 35:01¹.

KEY FEATURES OF THE PROPOSED LEGISLATION

The Bill consists of 114 Clauses which are divided into ten (10) Parts. There are also five (5) schedules and a Preamble in this Bill. The following is a summary of the provisions of the Bill:

Preliminary - Part I

- 1) Provides that the Act will have effect even though inconsistent with sections 4 and 5 of the Constitution;
- 2) To be enacted the Bill must be passed with a 3/5th majority in both Houses.

Interpretation and Purpose - Part II of the Bill

- 1) Outlines the objects and purposes of the Act as follows:
 - (a) to provide the framework whereby plans and related measures may be prepared and adopted;
 - (b) to foster awareness that persons owning, occupying and developing land are under a duty to use the land with due regard for the wider interests, both present and future, of society as a whole;
 - (c) to assist in the orderly, efficient and equitable planning, allocation and development of the resources of Trinidad and Tobago, taking account of all relevant social, economic, ecological and

¹ <http://www.ttplanners.org/pages/legislation/town-country.pdf>

BILL ESSENTIALS
THE PLANNING AND FACILITATION OF DEVELOPMENT BILL, 2013

cultural factors so as to ensure that the most efficient, equitable and environmentally sustainable use is made of land in the interests of all people of Trinidad and Tobago;

(d) to maintain and improve the quality of the physical environment, to improve the aesthetic quality of the built environment and to protect, conserve and promote the diverse cultural heritage of Trinidad and Tobago as it finds expression in both the natural and built environments;

(e) to provide for the orderly subdivision of land for residential as well as non-residential purposes in order to facilitate timely and efficient provision of infrastructure, works and public services, including transportation and utilities, and to ensure that parcels of land are not divided into under-sized or inappropriately shaped units that are unfit for rational development;

(f) to provide for the structural and fire safety of buildings and the safety, health and general welfare of persons occupying buildings or using land in proximity thereto;

(g) to provide for planning processes that are fair by making them open, accessible, timely and efficient; and

(h) to encourage cooperation and coordination among various interests for the purpose of achieving the foregoing objects and purposes.

General Administration -Part III

- 1) Vests the Minister with the responsibility for the administration of the Act and to frame comprehensive development policies and the implementation of such policies.
- 2) Provides for the establishment of a body corporate known as “the National Physical Planning Authority of Trinidad and Tobago” also referred to as the *National Planning Authority (NPA)*.
- 3) stipulates that the constitution and procedure of the NPA should be in accordance with the First Schedule.
- 4) Outlines the functions of the NPA as follows:

(a) to advise the Minister in accordance with Part A of the Second Schedule with respect to the framing of development policies referred to in clause 5(2) and, to ensure consistency and continuity in the implementation of policies adopted by the Minister in accordance with Parts IV, V, VI and VII;

(b) to prepare and keep under review a spatial development strategy for Trinidad and Tobago (hereinafter referred to as —the National Spatial Development Strategy) for the purpose of section 18(1);

(c) to develop regulations, standards and practices for building, engineering operations and land development and submit them for the approval of the Minister;

(e) to monitor and oversee the preparation of development plans by planning authorities to ensure consistency with the National Spatial Development Strategy;

(f) to ensure compliance of all development with the requirements of the National Spatial Development Strategy, the regulations, standards and practices;

(g) to co-ordinate the land development approval process and ensure timely determination of all applications for approvals required for plans requiring expert professional technical review;

BILL ESSENTIALS
THE PLANNING AND FACILITATION OF DEVELOPMENT BILL, 2013

- (g) to make recommendations to the Minister with respect to the devolutions of functions relating to development control, issuance of building permits, approvals for engineering operations and occupancy approvals to local authorities; and
- (h) to consider and determine applications for permission for the development of land under Part V in respect of any matter that is not:-
- (i) subject to the jurisdiction of the Tobago House of Assembly, by virtue of the Tobago House of Assembly Act;
 - (ii) subject to the jurisdiction of any other planning authority, by virtue of an Order made under section 31; and reserved for decision by the Minister in accordance with any directions given by the Minister under Section 48;
 - (iii) reserved for decision by the Minister in accordance with any directions given by the Minister under Section 48.
- 5) Mandates that in performing its functions the NPA will have to consult with the THA.
- 6) Enables the NPA to in addition to its functions to perform the following duties:
- (a) monitor and oversee the effectiveness and status of the National Spatial Development Strategy and make yearly recommendations for amendments to the National Spatial Development Strategy;
 - (b) prepare periodic evaluation and appraisal reports on the National Spatial Development Strategy and submit them to the Minister at least once every five years;
 - (c) make reports and recommendations to the Minister containing programmes for development and construction of such infrastructure as may be desirable;
 - (d) submit annually to the Minister, not later than three months before the beginning of each financial year, a list of recommended capital improvements, which in the opinion of the NPA are necessary or desirable for implementing the National Spatial Development Strategy or any element or portion of it; and
 - (e) perform such other duties as the Minister may from time to time direct.
- 7) Provides that the Minister can bestow to the NPA in writing general policy directives to be followed and the NPA must oblige.
- 8) Grants the NPA the power to appoint a committee and upon approval from the Minister to delegate to the committee any of its functions or powers.
- 9) Provides for non- members of NPA to be appointed to the committee once approved by the Minister.
- 10) Enables the NPA to appoint and delegate the following functions to Standing Committees:
- (a) to *prepare* and keep the National Spatial Development Strategy under review;
 - (b) to develop codes and standards;
 - (c) to effect development control; and
 - (d) to advise on national land policies including-
 - (i) legislative framework;

BILL ESSENTIALS
THE PLANNING AND FACILITATION OF DEVELOPMENT BILL, 2013

- (ii) policies relating to property taxation; and
 - (iii) policies in respect of land information systems.
- 11) Requires members of the NPA to disclose any personal interests which may come into conflict with their duties as members.
- 12) Specifies that the NPA employ suitable persons to fill the following positions among other officers and employees as it sees fit:
- Director of Planning;
 - Chief Building Officer; and
 - Chief Enforcement officer
- 13) Provides that the NPA may delegate functions and powers to the Director of Planning as it sees fit by written instrument who notwithstanding shall be responsible for development planning and development control.
- 14) Provides that the Chief Building Officer exercise oversight over all applications for building or engineering operations and the implementation of all approved plans for building or engineering operations as well as be responsible for:
- (a) ensuring compliance with all building regulations;
 - (b) monitoring all building and construction procedures to ensure compliance with approved designs;
 - (c) establishing inspection procedures for building and engineering operations;
 - (d) referring of flagrant breaches of building regulations to the Chief Enforcement Officer; and
 - (e) submitting of bi-annual and other reports to the National Planning Authority on the performance of his functions in a form specified by the National Planning Authority.
- 15) Provides that the Chief Enforcement Officer be responsible for enforcing the building regulations and assume action on matters referred to him by the Chief Building Officer.
- 16) Provides for the appointment of a Planning Authority by the Minister to:
- (a) prepare a development plan, other than a development plan for the whole of Trinidad and Tobago or for the island of Tobago; or
 - (b) determine applications for permission to develop land, except in relation to the island of Tobago; or
 - (c) discharge other development control functions under Part V, except in relation to the island of Tobago.
- 17) Allows for the appointment by the Minister of two (2) or more municipal planning authorities, to act as a joint planning authority.
- 18) Permits a municipal planning authority to delegate its functions relating to development control to a committee or an officer of the authority who in turn, can further delegate any of those functions to a subcommittee.
- 19) Authorizes two or more municipal planning authorities discharging any of their functions jointly to delegate those functions to a joint committee consisting of their member or one of their officers.

BILL ESSENTIALS
THE PLANNING AND FACILITATION OF DEVELOPMENT BILL, 2013

Development Plans -Part IV

- 1) Mandates that the NPA ensure that the National Spatial Development Strategy:
 - (a) is consistent with the social, economic, regional, environmental, cultural and other development policies of the Government;
 - (b) provides the policy framework within which regional and local planning can be undertaken;
 - (c) comprehensively draws together and links the functional plans prepared by individual sectoral agencies;
 - (d) has as its primary focus-
 - (i) issues of national policy and the co-ordination of functions;
 - (ii) the identification of problems and opportunities created by demographic change and industrial and other activity; and
 - (iii) the adoption of strategies for sustainable use, resources and opportunities and for the minimizing of environmental land use problems resulting from human activity.
- 2) Provides that the National Spatial Development Strategy inclusive of any amendments made comes into force upon approval by Parliament.
- 3) Mandates that the NPA ensures that the National Spatial Development Strategy is reviewed as often as necessary and in any event at least once every five (5) years which should include public consultations and take into account public comments upon approval by the Minister .
- 4) Allows for proposals submitted by the THA to be considered in preparing or reviewing the National Spatial Development Strategy.
- 5) Allows for other development plans for regions and areas and on subjects as necessary to be prepared and reviewed, to assist in the efficient and equitable planning and management of land with a primary focus on detailing, co-ordination and implementation of the National Spatial Development Strategy at the regional or local level.
- 6) Provides for the functions and content of development plans which must contain a land use plan showing areas designated for agriculture, forestry, residential, recreational, and other uses and any environmentally sensitive areas or buffer zones. Plans must state goals and objectives and indicate the measures intended to realize them.
- 7) Provides that a joint development plan be prepared upon notice by the Minister of no less than fourteen days (14) and upon consultation with the NPA by the two or more planning authorities which shall publish a notice in at least two daily newspapers in circulation in Trinidad and Tobago at least fourteen days before beginning to prepare the development plan, identifying the area to be considered, inviting public submissions and stating that further information may be obtained on an ongoing basis from persons identified in the notice.
- 8) Empowers the Minister to require the planning authorities to cease from preparing the plan upon notice by the Minister of no less than fourteen days (14) and upon consultation with the NPA and this termination is to be published in the *Gazette* and at least two (2) daily newspapers in circulation in Trinidad and Tobago by the Minister.

BILL ESSENTIALS
THE PLANNING AND FACILITATION OF DEVELOPMENT BILL, 2013

- 9) Provides that the procedure to be followed in the preparation of a development plan must include a notice published in the newspaper indicating:
 - ☑ When the plan commenced;
 - ☑ The area for which the plan is to be prepared; and
 - ☑ That the public is invited to attend to express their views.
- 10) Allows the NPA to approve the plan and to proceed to the stage of public examination and certification.
- 11) Empowers the Minister to instruct the NPA to prepare a development plan or a modification to a development plan where in his/her opinion the land is subject to compulsory acquisition
- 12) Requires that a notice be published in the Gazette and at least two daily newspapers in circulation in Trinidad and Tobago indicating that the land is proposed to be designated as being subject to compulsory acquisition for achieving the objectives of the development plan prior to the granting of the provisional agreement to a development plan by the Minister.
- 13) Requires that a written notice of the proposed destination to the owners and any known mortgagees or other holders of encumbrances of the land must be given.
- 14) Allows for submissions to be received from any person or entity within two (2) months of the publication in relation to the proposed compulsory acquisition.
- 15) specifies that upon receiving submissions/objections, the Minister may give provisional agreement to the proposed development plan or modification . Thereafter, pursuant to Section 25 of the Bill, the plan is certified against the National Spatial Development Strategy.
- 16) Provides that any designated land in an operative development plan can be acquired under the Land Acquisition Act Chap. 58:01²
- 17) Provides that land that has not been compulsorily acquired under the Land Acquisition Act subsequent to the expiration of five years from the date which the plan was approved, any owner of any interest in the designated land can request that such interest be acquired or that the development plan be amended by rescinding the designation in relation to the affected land by serving notice to the Minister.
- 18) Provides that if interests have not been acquired within six months after notice is served to the Minister, the development plan will have effect as if the land was not designated as subject to compulsory acquisition.
- 19) Outlines the procedure for certifying provisional development plans.
- 20) Provides for a notice to be published in the *Gazette* allowing a public hearing to be held where comments, representations or objections are received in relation to the provisional development plan.
- 21) Provides that the NPA may certify the plan with or without amendment.
- 22) Requires that the development plan once certified by the NPA to be given notice in the Gazette and two daily newspapers.

² http://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/58.01.pdf

BILL ESSENTIALS
THE PLANNING AND FACILITATION OF DEVELOPMENT BILL, 2013

23) Provides that in such event the National Spatial Development Strategy would be subject to affirmative resolution and any other plan to negative resolution of Parliament.

Development Control - Part V

- 1) Requires that permission be sought to develop land before any development commences except when the Act provides otherwise.
- 2) Provides that the Minister, by Order, may grant permission to develop land.
- 3) Allows for the NPA or a planning authority to grant permission in accordance with the Development Order where permission is not granted by the Minister except in cases as set out in Section 48.
- 4) Allows permission to be granted for certain routine development or minor types of development once a development order is in place which exempts the need for an application.
- 5) stipulates that a Development Order that allows for any development may:
 - (a) in case of the erection, extension or alteration of any building, require the approval of the National Planning Authority or a planning authority with respect to the design or external appearance of such building;
 - (b) in case of any development of any specified class, exclude development in any particular area or exclude any particular project; or
 - (c) impose any condition or requirement provided for in section 37.
- 6) Requires that a prescribed fee be charged for application for permission to develop land.
- 7) Regulates that in addition to the specific categories of applications that the Minister may request the following:
 - (a) that notice of the application may be forwarded to such person or class of persons as may be specified;
 - (b) that notice of the application shall be advertised in at least two daily newspapers in circulation in Trinidad and Tobago or on the land to which the application relates or both in such manner and for such period as may be specified;
 - (c) that the applicant shall furnish, at such times and to such persons, such information respecting the application as may be specified;
 - (d) that the application shall be determined only after the expiry of the period which may be specified and upon satisfactory proof of compliance with specified conditions respecting publishing of the application; or
 - (e) for such other matters as he thinks fit.
- 8) Mandates the Planning authority to maintain a register containing information regarding applications and the manner in which they have been dealt with.
- 9) Provides that registers would be open to public inspection.
- 10) Outlines the powers of the NPA or a planning authority to grant permission to develop land unconditionally or subject to condition or refuse permission to develop land and provides for written determination outlining the decision and information on any right of appeal.

BILL ESSENTIALS
THE PLANNING AND FACILITATION OF DEVELOPMENT BILL, 2013

- 11) Permits a person to make representations or objection to an application referred to in the Development Order to the NPA within twenty-eight (28) days of the date on which the notice of the application was advertised.
- 12) Sanctions that permission to develop land must be displayed while development is in progress.
- 13) Provides for the duration of permission to develop land as follows:
 - If permission was granted before the commencement of the Act and development did not start before 1st January 2014, development must commence no later than five years after the commencement of this Act
 - Permission granted after commencement of this Act is deemed to be subject to the condition that development must start on a date specified in the permission or within five years of permission being granted.
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- 14) Provides for the extension of the period of time during which the planning permission subsists.
- 15) Disallows the placing of markers, boundary stones, pegs or other similar devices or placing any material in on or above the land to demarcate the land or to indicate development of the land to signify development.
- 16) Provides that once permission to develop land has expired, it is deemed to have no force or effect and if developments persist, this will result in a breach of planning control.
- 17) Sets out that an outline development approval is required to erect a building or to subdivide land to enable applicants to confirm whether proposed development is permitted under any relevant development plan or policy without incurring the expense for full engineering or architectural design. Such approval does not permit the commencement of any building or other operations and is valid for one year unless extended.
- 18) Provides for planning agreements to be made between the NPA or a planning authority and a land owner to regulate the development or use of land. Such planning agreements are to be recorded and noted in the register of applications and would be enforceable against the owner and all subsequent owners or occupiers of the land.
- 19) Allows the NPA or a planning authority to take a bond to ensure security of performance of any agreement or any condition subject to which permission to develop land is granted.
- 20) Provides for permission to be granted to retain buildings or works and to continue any use of land carried out or instituted prior to the submission of an application for permission
- 21) Provides that the following applications be referred to the Minister through the NPA:-
 - ☑ Applications involving issues of national security,
 - ☑ Applications involving issues that are of more than local importance,
 - ☑ Applications that raises significant architectural or urban design issues giving rise to substantial regional or national controversy,
 - ☑ Applications that may conflict with national policy,
 - ☑ Applications that involves the interest of a foreign government,
 - ☑ Applications that affects the obligations of Trinidad and Tobago under any treaty or international convention
 - ☑ Applications that involves such other issues

BILL ESSENTIALS
THE PLANNING AND FACILITATION OF DEVELOPMENT BILL, 2013

- 22) Empowers the Minister to revoke or modify permission to develop land or outline development approval and for payment of compensation in certain circumstances
- 23) Provides for a provisional development completion notice to be issued where completion of development (other than a single-family unit) is unreasonably delayed.
- 24) Allows the provisional development completion notice to be valid for one year from the date of issue of the notice.
- 25) Provides for a compliance notice to be served by the NPA or planning authority where there is reasonable grounds to believe a breach of planning control has occurred. Such notice will allow a minimum of twenty eight days for implementation of corrective measures
- 26) Provides for a compliance order to be served by the NPA or Planning Authority where there is construction, demolition, or any material change to a building or any material change in the use of any building or land contrary to any permission to develop land or a where a breach of planning control exist. Such order is an immediate compliance order.
- 27) Allows NPA or a planning authority to at any time withdraw or modify a compliance notice or order
- 28) Provides that a person commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars and six months imprisonment and for a continuing offence ten thousand dollars each day after the first day during which such offence continues if the compliance notice or order are not adhered to.
- 29) Establishes that the NPA can at any time issue a development repair order where environmental hazard exists in relation to land subject to development.
- 30) Allows a person to whom a development repair order is served to appeal to the Environmental Commission (E.C).
- 31) Provides for a discontinuance order to be issued by the NPA or a planning authority to require the cessation of the use of land or impose conditions on such continued use or to require removal or alteration of any building works.
- 32) Provides that a person to whom an order was served is entitled to a hearing.
- 33) Provides that a discontinuance order only becomes effective when confirmed by the Minister.
- 34) Suggests that compensation is payable where a discontinuance order is confirmed by the Minister
- 35) Regulates outdoor display of advertisements and the maintenance and preservation of trees and woodlands.
- 36) Provides for an interim tree preservation order to be served by the NPA where a tree or woodland should in the interest of amenity or the proper development or conservation of land, be preserved. This suggests no cutting down, topping, lopping, digging up or willful destruction of the tree or woodland to which the interim tree preservation order has been made. Such order will be in force for forty-two days unless renewed for a further forty-two days.

Land and Building Codes- Part VI

- 1) Provides for a building code for Trinidad and Tobago which will be applicable to new construction of buildings and new additions to buildings only. Therefore, existing building or parts of buildings at the time of renovations or alterations will not be confined to the building code. The building code will comprise engineering and design standards relative to the construction of buildings for:

BILL ESSENTIALS
THE PLANNING AND FACILITATION OF DEVELOPMENT BILL, 2013

- structural and fire safety of buildings; and
 - safety, health and general welfare of persons within or in the vicinity of buildings.
- 2) Provides for the Minister to make regulations regarding:
- codes of additional necessary standards to ensure acceptable levels of sanitation and safety from the dangers of fires or other hazards for all class of existing buildings in addition to instituting timeframes within which buildings of any class are required to be brought into conformity to such standards.
 - Administrative procedures for securing approvals and timely provisions of utility services, and infrastructure in relation to the subdivision of land.
 - Codes, standards and practices with respect to infrastructure and engineering works specifying design criteria for the development of land inclusive of site preparation, building construction or landscaping and re-vegetation.
 - Other codes as required for safety.
- 3) Empowers the Chief Building Officer upon approval of the NPA and a planning authority to authorize in writing an officer of the planning authority to exercise functions of an inspector.
- 4) Provides that the Chief Building Officer approve the procedure for issuing and the method for authenticating any permit, notice or other instrument issued by an inspector.
- 5) Establishes that the inspector no later than three (3) days after he has decided on any application for a building permit to provide a copy of his decision to the planning authority or to its committee as the planning authority by resolution appoints.
- 6) Enables the inspector's decision to be automatically confirmed for twenty- one (21) days subsequent to it being provided to the planning authority unless the planning authority or its designated committee beforehand, furnishes any written objection to the inspector's decisions outlining the reasons for the disagreement. The objection and its reasons will then be referred to the Chief Building Officer for review.
- 7) Prohibits persons from constructing, demolishing or causing any building to be constructed or demolished unless a permit is obtained from the relevant planning authority.
- 8) Prohibits persons from developing land or constructing or causing a building to be constructed unless a permit is issued or any change is authorized with respect to plans, specifications, documents and any other information.
- 9) Prohibits persons from making a material change or causing a material change to be made to a plan, specification, document or other information other than for which the permit allows for prior to filing details of such change and obtaining authorization from a planning authority.
- 10) Outlines the conditions governing the issuance and revocation of permits
- 11) Permits persons to reapply for a permit subsequent to being revoked and be issued a permit once the conditions are satisfied.
- 12) Enables an occupancy certificate to be issued upon completion of any building or other development substantial compliance with the terms of a permit and upon payment of any prescribed fee.

BILL ESSENTIALS
THE PLANNING AND FACILITATION OF DEVELOPMENT BILL, 2013

- 13) Prohibits persons from occupying a new building or permitting any new building to be occupied unless and until an occupancy certificate has been issued.
- 14) Provides for a temporary certificate of occupancy, which is valid for ninety (90) days except where some other period is specified with the option to be renewed to be issued by an inspector where part of a building undergoing construction can be occupied without endangering public safety.
- 15) Empowers the inspector to issue a written notice where there is disregard for any provision in Part VI or of the building regulations.
- 16) Mandates that the notice should contain sufficient information to identify the nature of the contravention and its location in the building or in the construction and a copy is to be affixed to the construction site or demolition site which should not be removed except when authorized by the inspector or Chief Building Officer.
- 17) Permits that any non-compliance with a notice issued by an inspector within the specified period can result in the Chief Building Officer ordering that all or part of the construction or demolition cease and such order will be posted at construction or demolition site and shall not be removed except when authorized by the inspector or Chief Building Officer.
- 18) Empowers an inspector or the Chief Building Officer to issue an order prohibiting the covering or enclosing any part of building or other work pending inspection.
- 19) Stipulates that inspection is to be held within a reasonable time not exceeding two (2) weeks subsequent to a notice that the part of the building or other work is ready for inspection.
- 20) Stipulates that in the case where it is believed that any part of a building or other work has not been constructed in compliance with this part and the work is covered or enclosed contrary to an order made by an inspector or Chief Building Officer the inspector can order that work be uncovered for inspection.
- 21) Empowers the inspector to enter premises without a warrant to inspect any land, building, work or operation during normal working hours or while work is in progress whenever an imminent threat to safety occurs to determine whether such, land, building, work or operation is unsafe.
- 22) Empowers the inspector to serve a written order where any land, building, work or operation is unsafe outlining the reasons why it is unsafe and measures to be taken to render it safe and may require that such measures be carried out within such time as the order specifies, or where the Chief Building Officer considers it necessary for the safety of the public he can cause the building to be renovated repaired or demolished for the purposed of removing the unsafe condition or take whatever necessary action and whatever charges are to be recovered from the owner.
- 23) Provides that non-compliance with the written order within the period specified will result in:
 - The Chief Building Officer by order prohibiting the use or occupancy of the land or building or the continuation of the work in operation
 - A copy of the order prohibiting the use or occupancy of land or building or the continuation of the work in operation to be prominently displayed at the site of the work or operation or land or building which cannot be removed except when authorized by the inspector or chief building officer.
- 24) Outlines the powers of the inspector.

BILL ESSENTIALS
THE PLANNING AND FACILITATION OF DEVELOPMENT BILL, 2013

- 25) Provides the return of a document or thing relevant to the land, building, work or operation or part thereof together with a receipt to the owner or any person in possession of the land or building or in control of the work or operation within seven (7) days in cases where the inspector removes any document or thing.
- 26) Requires that a copy of any report on a sample that was taken is to be provided to the owner or any person in possession of the land or building or in control of the work or operation.
- 27) Prevents an inspector from entering any building or part thereof in actual dwelling use without consent of the occupier except under the authority of a warrant issued as a result of a Magistrates ruling.
- 28) Empowers the Chief Building Officer to review, amend, rescind, confirm any permit, notice, order or decision issued by an inspector and exercise any powers or perform any duties of an inspector.
- 29) Provides for appeals from decisions of the Chief Building Officer to the NPA where the NPA can appoint a person to hear the parties and prepare a report for the NPAs consideration and any appeal against any order or notice does not automatically stay the effect of the order or notice.

Listing of Professionals and Expedition and co-ordination of development approvals - Part VII

- 1) Requires that (with the exception of simple plans) all plans for building construction or other developments must be submitted to the relevant planning authority.
- 2) Permits the Chief Building Officer to refer an approval submissions to the Development Control Committee in order to co-ordinate and expedite the development approval process.
- 3) stipulates that the Development Control Committee or any of its subcommittee to which the review of such approval submissions has been delegated must comprise of representatives from the following agencies which must be published in the Gazette and two daily newspapers in Trinidad and Tobago:
 - a. the Water and Sewerage Authority;
 - b. the Environmental Management Authority;
 - c. the Chief Designs Engineer in the Ministry with responsibility for works;
 - d. the Highways Division of the Ministry with responsibility for works;
 - e. the Drainage Division of the Ministry with responsibility for drainage;
 - f. the Chief Fire Officer ;
 - g. the Occupational Safety and Health Agency;
 - h. the Chief Medical Office in the Ministry with responsibility for health; and
 - i. the Trinidad and Tobago Electricity Commission; and
 - j. such other agencies and officers as may be designated by the Minister in writing for any particular category of development
- 4) Appoints a professional organization to:
 - a. set minimum levels of professional competence required,
 - b. grant certificates of competence accordingly
 - c. forward the certificate holders names, address and particulars of the certificate of competence to the NPA.
 - d. No later than March 1st each year to prepare and submit an updated list of all certificate of competence holders.

BILL ESSENTIALS
THE PLANNING AND FACILITATION OF DEVELOPMENT BILL, 2013

- 5) Mandates the NPA to maintain a comprehensive register of all listed professional showing the nature and category of applications for which each listed professional was granted a certificate of competence as well as outlining any limitations or restrictions to which the certificate is subject.
- 6) Establishes that all rights, privileges or benefits granted to a listed professional is terminated upon their death, ceasing to be a member in good standing, upon written request by the NPA for the professional's removal, upon decision of a professional governing body that the professional is no longer qualified based on lack of knowledge, inability to work , failure to honour any obligation imposed by Section 79 or by the lapse, cancellation or other impairment of any professional liability insurance coverage pursuant to Section 79.
- 7) Allows for a professional's name to be removed from the NPAs list upon complaint as outline in Section 83.
- 8) Enables the NPA to permit a listed professional to undertake distribution of the approval submission to concerned agencies which will be attached to a signed professional certificate of the listed professional. This will assist in accelerating applications.
- 9) Empowers the NPA to issue a building permit in reliance on the professional certificate of a listed professional in cases where expert technical review has not been completed subsequent to thirty (30) days after all approval for submission has been presented.
- 10) Allows for special building permits to be issued under secure arrangement where permission to develop land has been granted and the applicant is unwilling or unable to satisfy any requirement specified in writing and applies to the NPA.

Planning and Development Appeal - Part VIII

- 1) Empowers the (Environmental Commission (EC)) to exercise jurisdiction over appeals from decisions made by the NPA.
- 2) Requires that all appeals be filed, heard and determined in accordance with Part VIII of the Environmental Management Act³
- 3) Establishes that an applicant for permission to develop land or to retain or continue any unauthorized development or use of land or any person entitled pursuant to provisions of section 33 (a) has to be notified within twenty-eight (28) days of the date on which notice of the decision objected to was delivered or served.
- 4) Allows for any owner or occupier of land, or any other persons with a financial interest in the land to appeal within twenty-eight days of the date on which the order or notice objected to was delivered or served.
- 5) Establishes that the E.C. determines whether objection of an appellant to an order notice or decision can be allowed in whole or in part and the decision reversed, varied or withdrawn or rejected and the decision confirmed.
- 6) Provides that any cost awarded by the E.C. against the NPA is charged to the Consolidated Fund.
- 7) Allows persons aggrieved by a development repair order, a compliance notice or an immediate compliance order or a tree preservation order to appeal to the E.C once made within twenty-eight days of the service of the order or notice. However, such appeal must be based on grounds as

³ http://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/35.05.pdf

BILL ESSENTIALS
THE PLANNING AND FACILITATION OF DEVELOPMENT BILL, 2013

outlined in section 91 (3) of the bill and the E.C will determine whether such order or notice under appeal should be confirmed, altered or revoked.

- 8) Enables the E.C. to extend the period during which a person is permitted to give notice of appeal and to correct any errors as it may determine.
- 9) Provides that the procedures of the E.C. to be informal and allow the E. C. to:
 - Require the appellant to provide notice of the appeal to persons owning or occupying lands as the appeal relates by publication in at least two daily newspaper at the expense of the appellant;
 - Allow any person interested in the matter to give evidence before the E.C. makes any decision;
 - Inquire into any matter and receive any complaint as the E.C. in its discretion deems appropriate.
- 10) Disallows an appellant to challenge any portion of the order, notice, decision or other determination on any ground not stated in the notice of appeal unless leave is granted by the E.C.
- 11) Provides that the filing of a notice of appeal does not stay the carrying out of the provisions of a development repair order or immediate compliance order or any requirement specified in any other order, notice, decision or other determination or any requirement that the development of land cease but the EC may order a stay on appropriate terms.
- 12) Grants that if stay is granted the hearing of the appeal may be adjourned until the disposition of an application to retain or continue unauthorized development or use of land.
- 13) Disallows a stay to be granted by the E.C. where the stay might result in:
 - a. danger to the health or safety of any person;
 - b. impairment or serious risk of impairment to the quality of the environment for any use that can be made of it; or
 - c. Injury, damage or serious risk of injury or damage to any property or to plant or animal life.
- 14) Disallows the E.C. from ordering the payment of damages to any appellant who has been successful or partially successful in an appeal against an immediate compliance order, a compliance notice or a development repair order, but provides that the E. C. can order the payment of such compensation as it may determine.
- 15) Allows the E.C. to determine the compensation to be paid to the applicant where:
 - a. no development hazard existed or could reasonably have been believed to exist at the time the development repair order was issued;
 - b. the requirements of the development repair order exceeded what was reasonably necessary to prevent or limit the development hazard or to restore the environment; or
 - c. there were no reasonable grounds for the issue of the compliance notice or immediate compliance order or, having regard for the provisions of this Act prescribing the circumstances in which any such order may be issued and the facts found by the E.C. on the requirements stated therein were unreasonable.

BILL ESSENTIALS
THE PLANNING AND FACILITATION OF DEVELOPMENT BILL, 2013

- 16) Disallows compensation to be awarded by the EC where it considers that the issue of development repair order or immediate compliance order and the measures required thereby were reasonable based on information from the NPA.
- 17) Requires the NPA to report on any trends or recurring situations and to report yearly to the Minister on the volume and progress of its work and recommend in the report the review and modification of any development plan or policy as it deems necessary.
- 18) Requires the Minister to lay the report in Parliament within six weeks of receipt of the report from the NPA.

Offences and Penalties Part IX

- 1) Clause 96 identifies the offences to which a person convicted will be liable on summary conviction to a fine of twenty thousand dollars and imprisonment for six months.
- 2) Provides that any director or officer of a corporation who knowingly concurs in the commission of the offence by such corporation also commits an offence and is liable to the same penalties above.
- 3) Provides that any person who accepts any gratuity, bribe, promise or other inducement, prevents or influences, or attempts to prevent or influence the due performance of the duty of an officer or person acting under the authority of the Act commits an offence and is liable on conviction on indictment to a fine of two hundred and fifty thousand dollars and to imprisonment for five years.
- 4) Provides that persons continuing offences except as otherwise specified is liable on conviction to a fine prescribed for that offence for each day or part of a day on which the offence occurs or continues.
- 5) Provides that any proceedings for an offence against the Act will commence no more than one year after that the day on which the offence was committed or the day evidence of the offence was received by the NPA, any planning authority, Director of Planning or Chief Building Officer.
- 6) Sets out that penalties and offences are in addition to any expenses recoverable by the NPA or any planning authority in respect to steps undertaken in Section 53 to effect compliance.

Supplemental - Part X

- 7) Allows any person who is duly authorized in writing by the Minister or NPA and any Inspector or Chief Building Officer under Section 67 or 70 to enter upon land for the purpose of inspecting or surveying land or estimating its value once evidence of his authority is produced and if required forty eight hours' notice is given to the occupier once the land is occupied.
- 8) Provides for a duly authorized officer to view land where:
 - a. preparation, approval or amendment of a development plan including the preparation of any survey under Part IV is required;
 - b. application under Part V for any permission, consent or determination to be given or made in relation to that land or any other land to which Part V applies;
 - c. proposal by the Minister, the National Planning Authority, or a planning authority to make or serve any notice or order under Part V;

BILL ESSENTIALS
THE PLANNING AND FACILITATION OF DEVELOPMENT BILL, 2013

- d. any claim for compensation payable under this Act; or
 - e. requirement for acquisition of land under this Act.
-
- 9) Provides that any person who willfully obstructs a duly authorized person is liable on summary conviction to a fine of ten thousand dollars (\$10,000.)
 - 10) Prohibits a person from entering a factory, workshop or work place and disclosing to any other person any confidential information respecting any manufacturing process or trade secret as this act is liable on summary conviction to a fine of twenty thousand dollars or imprisonment for a term of three months unless the disclosure is made in the course of performing a duty connected with such entry.
 - 11) Provides that compensation for damages can be recovered from the State under the State Liability and Proceedings Act Chapter 8:01⁴ in cases where land is damaged in the exercise of a power of entry.
 - 12) Grants that power to survey land includes the power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals provided that notice of intention to do so was included in the notice.
 - 13) Empowers the Minister, the NPA or a planning authority when making or serving an order, notice or other document authorized or required by the Act to demand information and failure to so do or to produce any misstatement will be considered an offence and on summary conviction a fine of ten thousand dollars will be in effect.
 - 14) Enables the Minister, NPA or a planning authority to inspect any document, plan or other record relating to land (including adjacent and contiguous land) and to copy such document, plan or other record provided that no less than seven days' written notice specifying the nature and purpose of the intended inspection is given to the person in possession of the document, plan or other record.
 - 15) Provides that failure to produce such documents subsequent to the written notice being served will result in an offence being committed and a fine of ten thousand dollars will be applicable on summary conviction.
 - 16) Allows the Minister to issue grants to any organization or body principally concerned with encouraging citizens to understand and value or take active steps to protect and conserve the built and natural environment.
 - 17) Establishes that the organization or body receiving the grant should :-
 - a. prepare a proposal and budget outlining how the organization or body intends to spend the grant and
 - b. agree to submit accounts at the end of the year after the grant was spent, in order to detail how grant was spent.
 - 18) Requires that the organization or body repay the grant in whole or in part where it fails to comply with the conditions as set out in the Act.

⁴ http://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/8.02.pdf

BILL ESSENTIALS
THE PLANNING AND FACILITATION OF DEVELOPMENT BILL, 2013

- 19) Permits the NPA or planning authority to obtain an *ex parte* Restraining Order or other temporary or permanent or equitable relief to remedy or prevent any breach or further breach of planning control where a compliance order is served under Section 51(6).
- 20) Allows the NPA to obtain an *ex parte* restraining order or other temporary or permanent injunctive or other equitable relief to prevent any activity by any person in order to avert or ameliorate any development hazard or restore the environment.
- 21) Provides that the provisions of this Act shall supercede any contrary provision of any prior enactment relating to the development of land.
- 22) Provides for saving of certain appeals.
- 23) Repeals the Town and Country Planning Act chap 35:01.
- 24) Allows the Town and Country Planning (Chaguaramas) Development Order⁵ as made under the former Act to *mutatis mutandis* continue in force and may be amended or repealed under Section 31.

First Schedule

- 1) Outlines the composition of membership of the NPA, the Meetings and Procedures of the NPA, the funds and resources of the NPA and its borrowing powers.

Second Schedule

- 2) Outlines the connotations of the following expressions:
 - Part A “advising on the framing of development policies.”
 - Part B “securing consistency and continuity in the implementation of policies.”
 - Part C “ensuring compliance with the requirements of the development plan and the codes and standards.”

Third Schedule

- 3) Outlines the template of the Professional Certificate as prescribed in Section 84.

Fourth Schedule

- 4) Outlines the existing laws to be amended under the Act and the extent of such amendments.

Fifth Schedule

- 5) Identifies the Public Offices to be created further to the Establishment of the Urban and Regional Planning Division

COMPARISON OF SIMILAR LEGISLATION IN OTHER JURISDICTIONS

COUNTRY	SIMILAR LEGISLATION	REMARKS
United Kingdom	<i>Town and Country Planning Act 1990</i> ⁶	<i>This Act seeks to consolidate certain enactments relating to town and country planning (excluding special controls in respect of buildings and areas of special architectural or historic interest and in respect of hazardous substances) with amendments to give</i>

⁵ http://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/35.01.pdf

⁶ <http://www.legislation.gov.uk/ukpga/1990/8/contents>

BILL ESSENTIALS
THE PLANNING AND FACILITATION OF DEVELOPMENT BILL, 2013

	<p><i>Planning and Compensation Act 1991</i>⁷</p> <p><i>Planning and Compulsory Purchase Act 2004</i>⁸.</p> <p><i>Planning (Listed Buildings and Conservation Areas) Act 1990</i>.⁹</p> <p><i>Town And Country Planning (Scotland) Act 1997</i>¹⁰</p>	<p><i>effect to recommendations of the Law Commission.</i></p> <p><i>This Act was instituted to amend the law relating to town and country planning; to extend the powers to acquire by agreement land which may be affected by carrying out public works; to amend the law relating to compulsory acquisition of land and to compensation where persons are displaced from land or the value of land or its enjoyment may be affected by public works; to provide, in the case of compensation payable in respect of things done in the exercise of statutory powers, for advance payments and payments in interest; and to repeal Part X of the Highways Act 1980.</i></p> <p><i>The purpose of this Act is to make provision relating to spatial development and town and country planning; and the compulsory acquisition of land.</i></p> <p><i>This Act seeks to consolidate certain enactments relating to special controls in respect of buildings and areas of special architectural or historic interest with amendments to give effect to recommendations of the Law Commission.</i></p> <p><i>The purpose of this Act is to consolidate certain enactments relating to town and country planning in Scotland with amendments to give effect to recommendations of the Scottish Law Commission.</i></p>
Australia		
Northern Territory	<i>Planning Act, 2009</i> ¹¹	<i>This Act provides for appropriate and orderly planning and control of the use and development of land, and for related purposes</i> ²⁴
Queensland	<i>Sustainable Planning Act 2009</i> ¹² <i>The Sustainable Planning And Other Legislation Amendment Act (No. 2) 2012 No. 34</i> ¹³	<i>The Sustainable Planning and Other Legislation Amendment Act 2012</i> ²⁵ <i>replaces the former Sustainable Planning Act, 2009</i>
Western	<i>Planning and Development Act 2005</i> ¹⁴	<i>The Planning and Development Act, 2005 seek to</i>

⁷ <http://www.legislation.gov.uk/ukpga/1991/34/contents>

⁸ <http://www.legislation.gov.uk/ukpga/2004/5/contents>

⁹ <http://www.legislation.gov.uk/ukpga/1990/9/contents>

¹⁰ <http://www.legislation.gov.uk/ukpga/1997/8/contents>

¹¹ http://www.lands.nt.gov.au/__data/assets/pdf_file/0019/8524/A24_notice.pdf

¹² http://www.google.tt/url?sa=t&rct=j&q=&esrc=s&source=web&cd=10&ved=0CF4QFjAJ&url=http%3A%2F%2Fwww.ashurst.com%2Fdoc.aspx%3Fid_Content%3D8274&ei=IJAnUqqSI5KE9gSM64HoDA&usg=AFQjCNHVmP34uGtIVsZbaU3QjKvuBP-tDQ&bvm=bv.51495398,d.eWU&cad=rjt

¹³ http://www.austlii.edu.au/au/legis/qld/num_act/spaolaa22012n34535/

BILL ESSENTIALS
THE PLANNING AND FACILITATION OF DEVELOPMENT BILL, 2013

Australia	<i>Town Planning Regulations 1967</i> ¹⁵	<i>provide for a system of land use planning and development in the State and for related purposes.</i>
Southern Australia	<i>Development Act 1993</i> ¹⁶ <i>Development Regulations 2008</i> ¹⁷	<i>The Development Act, 1993 seeks to provide for planning and regulate development in the State; to regulate the use and management of land and buildings, and the design and construction of buildings; to make provision for the maintenance and conservation of land and buildings where appropriate; and for other purposes.</i>
Tasmania	<i>Land Use Planning and Approvals Act 1993</i> ¹⁸ <i>Land Use Planning and Approvals Regulations 2004</i> ¹⁹	<i>This Act makes provision for land use planning and approvals.</i>
Australian Capital Territory	<i>Planning and Development Act 2007</i> ²⁰ <i>Planning and Development Regulation 2008</i> ²¹	<i>The object of this Act is to provide a planning and land system that contributes to the orderly and sustainable development of the Act:- (a) consistent with the social, environmental and economic aspirations of the people of the ACT; and (b) in accordance with sound financial principles.</i>
Commonwealth, for Australian Capital Territory	<i>Australian Capital Territory (Planning and Land Management) Act 1988</i> ²² <i>Australian Capital Territory (Planning and Land Management) Regulations 1989</i> ²³	<i>The Act provides for the planning of the Australian Capital Territory and the management of land in that Territory, to repeal the National Capital Development Commission Act 1957, and for related purposes.</i>
Antigua and Barbuda	<i>Land Development and Control Act CAP 235.</i> ²⁶ <i>The Barbuda Land Act, 2007</i> ²⁷	<i>The Act provides for a Developmental Control Authority to institute the Development Plan.</i> <i>The Barbuda Land Act, 2007 was established to confirm that all land in Barbuda is owned in common by the people of Barbuda, to provide for the</i>

¹⁴ http://www.austlii.edu.au/au/legis/wa/consol_act/pada2005236/

²⁴ [http://notes.nt.gov.au/dcm/legislat/legislat.nsf/2afcb7bfe1e1348e6925705a001697fb/3eb34a4b0792c2b669257bd7001f14a5/\\$FILE/ATT04EIB.pdf/Repp029.pdf](http://notes.nt.gov.au/dcm/legislat/legislat.nsf/2afcb7bfe1e1348e6925705a001697fb/3eb34a4b0792c2b669257bd7001f14a5/$FILE/ATT04EIB.pdf/Repp029.pdf)

²⁵ <http://www.dsdip.qld.gov.au/resources/factsheet/planning/spola-overview-factsheet.pdf>

¹⁵ http://www.austlii.edu.au/au/legis/wa/consol_reg/tpr1967277/

¹⁶ <http://www.legislation.sa.gov.au/LZ/C/A/Development%20Act%201993.aspx>

¹⁷ <http://www.legislation.sa.gov.au/LZ/C/R/Development%20Regulations%202008.aspx>

¹⁸ http://www.austlii.edu.au/au/legis/tas/consol_act/lupaaa1993296/

¹⁹ http://www.austlii.edu.au/au/legis/tas/consol_reg/lupaar2004405/

²⁰ http://www.austlii.edu.au/au/legis/act/consol_act/pada2007236/

²¹ http://www.austlii.edu.au/au/legis/act/consol_reg/padr2008327/

²² <http://www.comlaw.gov.au/Details/C2005C00010>

²³ <http://www.comlaw.gov.au/Details/F2004C00197>

²⁶ <http://www.laws.gov.ag/acts/chapters/cap-235.pdf>

²⁷ <http://www.laws.gov.ag/acts/2007/a2007-23.pdf>

BILL ESSENTIALS
THE PLANNING AND FACILITATION OF DEVELOPMENT BILL, 2013

		<i>administration and development control of land in Barbuda, to provide for the confirmation or otherwise of certain leases of land in Barbuda, and for incidental and connected purposes.</i>
Barbados	Town And Country Planning Act, Cap 240 1985 ²⁸	<i>The purpose of this Act is to make provision for the orderly and progressive development of land in both urban and rural areas and to preserve and improve the amenities thereof, for the grant of permission to develop land and for other powers of control over the use of land, to confer additional powers in respect of the acquisition and development of land for planning, and for purposes connected with the matters aforesaid.</i>
Canada Ontario	Planning Act R.S.O. 1990, CHAPTER P.13 ²⁹	<i>The Planning Act sets out the ground rules for land use planning in Ontario and describes how land uses may be controlled, and who may control them. The purposes of this Act are, (a) to promote sustainable economic development in a healthy natural environment within the policy and by the means provided under this Act; (b) to provide for a land use planning system led by provincial policy; (c) to integrate matters of provincial interest in provincial and municipal planning decisions; (d) to provide for planning processes that are fair by making them open, accessible, timely and efficient; (e) to encourage co-operation and co-ordination among various interests; (f) to recognize the decision-making authority and accountability of municipal councils in planning. 1994, c. 23, s. 4.</i>
Quebec	Quebec- An Act Respecting Land Use Planning and Development ³⁰	<i>This Act provides for land use planning and development.</i>
Manitoba	The Planning Act ³¹	<i>This Act seeks to respecting land use planning and development</i>
Ireland	Planning And Development Act, 2000 ³²	<i>The Purpose of this Act is to Revise and Consolidate The Law Relating to Planning and Development by Repealing and Re-Enacting with Amendments</i>

²⁸ <http://www.townplanning.gov.bb/legislation/CAP240.pdf>

²⁹ <http://www.mah.gov.on.ca/Page1760.aspx>

³⁰ http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=/A_19_1/A19_1_A.html

³¹ <http://web2.gov.mb.ca/laws/statutes/ccsm/p080e.php>

³² <http://www.irishstatutebook.ie/pdf/2000/en.act.2000.0030.pdf>

BILL ESSENTIALS
THE PLANNING AND FACILITATION OF DEVELOPMENT BILL, 2013

	Planning Act (Northern Ireland), 2011 ³³	<p><i>The Local Government (Planning and Development) Acts, 1963 To 1999; to Provide, in the interests of the common good, for proper planning and sustainable development including the provision of housing; to provide for the licensing of events and control of funfairs; to amend The Environmental Protection Agency Act, 1992, The Roads Act, 1993, The Waste Management Act, 1996, and certain other enactments; and to provide for matters connected therewith.</i></p> <p>This Act was instituted to make provision in relation to planning; and for connected purposes.</p>
Jamaica	<p>Town and Country Planning Act³⁴</p> <p>The Land Development and Utilization Act³⁵</p>	<p>Provides for:</p> <p>6) Preparation, confirmation and Modification of development orders;</p> <p>7) Contents and effects of development orders; and</p> <p>8) The revocation and modification of permission to develop and enforcement of planning control.</p> <p>This Act provides for:</p> <p>9) The Development and Utilisation of Land;</p> <p>10) Dispossession of Owners or Occupiers; and</p> <p>11) Land Development and Utilization Commission.</p>
New Zealand	<p>Land Act 1948³⁶</p> <p>Resource Management Act 1991³⁷</p> <p>Building Act, 2004³⁸</p>	<p>Provides for the purchase and development of lands</p> <p>The purpose of this Act is to promote the sustainable management of natural and physical resources.</p> <p>This Act has the following purposes:</p> <p>(a) to provide for the regulation of building work, the establishment of a licensing regime for building practitioners, and the setting of performance standards for buildings to ensure that:</p> <p>(i) people who use buildings can do so safely and without endangering their health; and</p> <p>(ii) buildings have attributes that contribute appropriately to the health, physical independence, and well-being of the people who use them; and</p> <p>(iii) people who use a building can escape from the building if it is on fire; and</p> <p>(iv) buildings are designed, constructed, and able to</p>

³³ <http://www.legislation.gov.uk/nia/2011/25/contents>

³⁴ <http://www.moj.gov.jm/laws/town-and-country-planning-act>

³⁵ <http://faolex.fao.org/docs/pdf/jam22487.pdf>

³⁶ <http://www.legislation.govt.nz/act/public/1948/0064/latest/DLM250586.html>

³⁷ <http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM230269.html>

³⁸ <http://www.legislation.govt.nz/act/public/2004/0072/latest/DLM306045.html>

BILL ESSENTIALS
THE PLANNING AND FACILITATION OF DEVELOPMENT BILL, 2013

		<p>be used in ways that promote sustainable development:</p> <p>(b) to promote the accountability of owners, designers, builders, and building consent authorities who have responsibilities for ensuring that building work complies with the building code.</p>
South Africa	Spatial Planning and Land Use Management Act, 2013 ³⁹	<p>The Objects of this Act are to:</p> <ol style="list-style-type: none"> a. Provide for a uniform, effective and comprehensive system of spatial planning and land use management for the Republic; b. Ensure that the system of spatial planning and land use management promotes social and economic inclusions; c. Provide for development principles and norms and standards; d. Provide for sustainable and efficient use of land; e. Provide for cooperative government and intergovernmental relations amongst the national, provincial and local spheres of government; and f. Redress the imbalances of the past and to ensure that there is equity in the application of spatial development planning and land use management systems.

CONSIDERATIONS

- The Act will have effect even though inconsistent with sections 4 and 5 of the Constitution and requires a three-fifths majority to be passed. In particular, the right to the enjoyment of property enshrined in section 4(a) of the Constitution will be infringed;
- More concise and detailed piece of legislation to treat with planning and development than what was instituted previously.
- The Bill would reduce the lag time between applications and approvals as there will be improved application processes for land use development.
- The Bill does not define what is a “Minor” or “Complex” development
- The Bill does not identify categories of bodies or agencies that may be exempted from certain provisions as a result of their status.
- The Bill allows for forceful entering on premises that are deemed hazardous.
- The Bill will allow for proposals submitted by the THA in preparing or reviewing the National Spatial Development Strategy.
- The provisions of the Urban and Regional Planning Profession Bill, 2013 bear some association with the provision of this Bill.
- The Bill makes no mention of where compensation payable under section 59(6) will come from

³⁹ <http://www.sacplan.org.za/documents/SpatialPlanningandLandUseManagementAct2013Act16of2013.pdf>

BILL ESSENTIALS
THE PLANNING AND FACILITATION OF DEVELOPMENT BILL, 2013

Please take the opportunity to access the Bill via the link provided <http://www.ttparliament.org/legislations/b2013h11.pdf> and feel free to submit your comments and concerns to the Parliament via our website.

REFERENCES

<http://www.ttplanners.org/pages/legislation/town-country.pdf>
http://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/35.05.pdf
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