



THE PARLIAMENT OF
TRINIDAD AND TOBAGO

BILL ESSENTIALS

Date introduced: 29 June 2018

House: House of Representatives

Minister: Minister of Planning and
Development

Bill No: 17 of 2018

Links: The links to the Bill, and its
progress can be found on the Bill's
home page through the Parliament's
website, www.ttparliament.org

BILL ESSENTIALS

BILL ESSENTIALS NO. 1, 2018–19

23 OCTOBER 2018

The Planning and Facilitation of Development (Amendment) Bill, 2018

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BACKGROUND

1. **The Planning and Facilitation of Development (Amendment) Bill, 2018** (hereinafter referred to as “**the Bill**”) seeks to amend the **Planning and Facilitation of Development Act, No. 10 of 2014**¹ (“the Planning and Facilitation Act”) and to consequentially amend the **Environmental Management Act, Chap. 35:05**² (“the Environmental Management Act”).
2. The Bill was introduced by the Minister of Planning and Development in the House of Representatives on Friday June 29, 2018³.
3. The **Planning and Facilitation of Development Act** was introduced to reform the town and country planning laws of Trinidad and Tobago by establishing a system for the preparation and approval of national and sub-national development plans and a system of planning and development approvals.
4. The **Planning and Facilitation of Development Act** was assented to in October, 2014, but to date has only been partially proclaimed.

KEY FEATURES OF THE BILL

Interpretation

5. **Clause 3** of the Bill proposes an amendment to **Section 3** of the **Planning and Facilitation of Development Act** by inserting the new definition for “*simple development*”.
6. As a result of the insertion of the definition in **Clause 3**, **Clause 9** of the Bill deletes the definition of “*simple development application*” in **Section 73** of the **Planning and Facilitation of Development Act**.

¹ <http://www.ttparliament.org/legislations/a2014-10.pdf>

² http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/35.05.pdf

³ The Bill was brought forward from the Third Session.

Appointment of Development Control Committees and Other Standing Committees

7. **Clause 4** of the Bill seek to amend **Section 11** of the **Planning and Facilitation of Development Act**, which provides for the appointment of Development Control Committees and Other Standing Committees. **Subsection (2)** details the persons and appropriate representatives of specific agencies which shall comprise the Development Control Committee.
8. **Clause 4** will remove representatives from the Occupational Safety and Health Agency and the Chief Medical Officer in the Ministry with responsibility for health, and would now provide for the following representatives to be included on the Development Control Committee:
 - representatives from the Trinidad and Tobago Association of Local Government Authorities; and
 - the Ministry with responsibility for physical planning and development of land.
9. The Development Control Committee is established under **section 11** of the **Planning and Facilitation of Development Act** to coordinate and expedite the development approval process and grant final approval and render binding advice on behalf of the National Planning Authority.
10. **Clause 5** of the Bill amends **Section 13(2)** of the **Planning and Facilitation of Development Act**, which details the qualifications for a person employed as the Director of Planning, Chief Building Officer and Chief Environment Officer. **Clause 5** would provide the following changes to the qualifications:
 - **Director of Planning:**
 - (a) An undergraduate degree in the field of planning and a post-graduate qualification in planning or a related field. Both levels of qualification are required to have accredited status and have been granted by an institution accredited under the Accreditation Council of Trinidad and Tobago Act.
 - (b) at least seven years' post-qualification experience in urban and regional planning.
 - **Chief Building Officer:**

The amendment will now require seven years post qualification experience in civil engineering.

- **Chief Environment Officer:**

The amendment will now require seven years post qualification experience in a profession relating to the built environment or be an Attorney-at-Law for at least seven years⁴.

Function of certain heads of department

11. **Clause 6** of the Bill seeks to amend **Section 15** of the **Planning and Facilitation of Development Act** by repealing **subsection (2)** and **(3)** of **Section 15**. This amendment will now clarify the functions of both the Chief Building Officer and the Chief Enforcement Officer.

Development Orders

12. **Clause 7** of the Bill proposes a change to **Section 31** of the Act by repealing **subsection (4)(c)**. The provision is no longer required because it is already provided under **subsection (3)** that development allowed by a Development Order may be subject to such conditions and limitations as may be specified in the Development Order.

Protection of Trees

13. **Clause 8** of the Bill seeks to amend **Section 60** of the **Planning and Facilitation of Development Act** by introducing a new **subsection (9A)**. It will provide for a person to appeal to the Environmental Commission against a tree preservation order.

Appeals to the Environmental Commission

14. **Clause 10** of the Bill will amend **Section 89(1)** of the **Planning and Facilitation of Development Act** by providing the Environmental Commission with the power to exercise jurisdiction over appeals of decisions made by a planning authority. **Clause 10** will insert the words *“or a planning authority”* after *“National Planning Authority”*.

Offences and penalties

15. **Clause 12** of the Bill amends **Section 95(1)** by deleting paragraphs (g) and (h). As a result, the following will no longer be offences under **Section 95(1)**:

- failure to comply with the provision of any development repair order or causing or permitting a contravention of the order to occur or to continue;

⁴ Section 13(c) of the Planning and Facilitation Act provides for 10 years.

- failure to comply with any order made by the Chief Building Officer or an inspector under Part VI of the **Planning and Facilitation of Development Act**⁵.

16. It should be noted that paragraphs (g) and (h) are no longer required under **section 95(1)** as it already provided for under **Sections 54 and 57** of the **Planning and Facilitation of Development Act**.

17. **Clause 13** of the Bill will amend the **First Schedule** of the **Planning and Facilitation of Development Act** which provides for the constitution and procedures of the National Planning Authority. Some amendments include:

- the appointment of a Chief Executive Officer of the National Planning Authority who will be an ex officio member of the Authority and will be responsible for the day to day management of the Authority [**New subclause (3A)**].
- the secondment of officers to the service of the National Planning Authority (**New Clause 14A**).
- amending the period from three to six months of the date of the clause takes effect for a public officer to exercise one of the three options stated in **clause 14(2)** (**See Clause 14- Options available to public officers**).

Environmental Management Act, Chap 35:05

18. **Clause 14** of the Bill proposes an amendment to the **Environmental Management Act** by providing for members of the Environmental Commission to also have knowledge of, or experience in, urban and regional planning.

REFERENCES

KEY LEGISLATION

- **The Environmental Management Act, Chap. 35:05**
http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/35.05.pdf
- **The Accreditation Council of Trinidad and Tobago**
http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/35.05.pdf

⁵ Part VII deals with List of Professionals

- **Planning and Facilitation of Development Act, No. 10 of 2014**
<http://www.ttparliament.org/legislations/b2013s03p.pdf>



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