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No. 17 of 2018

Third Session Eleventh Parliament Republic of
Trinidad and Tobago

HOUSE OF REPRESENTATIVES

BILL

AN ACT to amend the Planning and Facilitation of
Development Act, 2014 and to consequentially
amend the Environmental Management Act,
Chap. 35:05

THE PLANNING AND FACILITATION OF DEVELOPMENT
(AMENDMENT) BILL, 2018

Explanatory Notes

(These notes form no part of the Bill but are intended only to indicate its general purport)

The Bill seeks to amend the Planning and Facilitation of Development Act, No. 10 of 2014 and to consequentially amend the Environmental Management Act, Chap. 35:05.

Clause 1 would provide for the short title of the Act.

Clause 2 would provide for the interpretation provision of the Act.

Clause 3 would amend section 3 of the Act by inserting a new definition of “simple development”.

Clause 4 would amend section 11 of the Act. This amendment would remove from the Development Control Committee, representatives from the Occupational Safety and Health Agency, and the Chief Medical Officer in the Ministry with responsibility for health. This amendment would also provide for representatives from the Trinidad and Tobago Association of Local Government Authorities, and the Ministry with responsibility for physical planning and development of land to now be included on the Development Control Committee.

Clause 5 would amend section 13 of the Act by providing additional qualifications for a person employed as the Director of Planning, specifying the engineering qualifications required for the Chief Building Officer, and revising the post-qualification experience required for the Director of Planning, the Chief Building Officer and the Chief Enforcement Officer.

Clause 6 would amend section 15 of the Act by clarifying the functions of the Chief Building Officer and the Chief Enforcement Officer.

Clause 7 would amend section 31 of the Act by repealing subsection (4)(c). This provision is no longer necessary 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.

Clause 8 would amend section 60 of the Act by providing a person with the right to appeal to the Environmental Commission against a tree preservation order.

Clause 9 would amend section 73 of the Act by deleting the definition of “simple development application” because it is now provided under clause 3 of the Bill with the insertion of the new definition of “simple development”.

Clause 10 would amend section 89 of the Act by providing the Environmental Commission with the power to exercise jurisdiction over appeals of decisions made by a planning authority.

Clause 11 would amend section 90 of the Act.

Clause 12 would amend section 95 of the Act by repealing subsection (1)(g) and (h). These provisions are not necessary because failure to comply with the provisions of any compliance notice, compliance order or development repair order is extensively addressed under sections 54 and 57 of the Act.

Clause 13 would amend the First Schedule of the Act. This amendment would provide *inter alia* for the appointment of a Chief Executive Officer of the National Planning Authority, and the secondment of officers to the service of the National Planning Authority.

Clause 14 would consequentially amend the Environmental Management Act, Chap. 35:05 to provide for the members of the Environmental Commission to also have knowledge of, or experience in urban and regional planning.

THE PLANNING AND FACILITATION OF DEVELOPMENT
(AMENDMENT) BILL, 2018

Arrangement of Clauses

Clause

1. Short title
2. Interpretation
3. Section 3 amended
4. Section 11 amended
5. Section 13 amended
6. Section 15 amended
7. Section 31 amended
8. Section 60 amended
9. Section 73 amended
10. Section 89 amended
11. Section 90 amended
12. Section 95 amended
13. First Schedule amended
14. Consequential amendment

BILL

AN ACT to amend the Planning and Facilitation of Development Act, 2014 and to consequentially amend the Environmental Management Act, Chap. 35:05.

[, 2018]

ENACTED by the Parliament of Trinidad and Tobago as Enactment follows:

1. This Act may be cited as the Planning and Short title Facilitation of Development (Amendment) Act, 2018.

Interpretation
No. 10 of 2014

2. In this Act, “the Act” means the Planning and Facilitation of Development Act, 2014.

Section 3 amended

3. Section 3 of the Act is amended by inserting after the definition of “road”, the following definition:

“ “simple development” means development for which an application is made for—

- (a) billboards or advertising signs;
- (b) outline or final planning permission not requiring a certificate of environmental clearance;
- (c) change of use, residential or building developments or any additions thereto where the cumulative floor area with additions, if any, does not exceed a gross floor area of 500m²; or
- (d) land subdivisions, including engineering operations, comprising less than twenty plots, provided that each plot falls within the range of 465m² and 800m² inclusive;”.

Section 11 amended

4. Section 11(2)(b) of the Act is amended by deleting subparagraphs (vii) and (viii) and substituting the following subparagraphs:

- “(vii) the Trinidad and Tobago Association of Local Government Authorities;
- (viii) the Ministry with responsibility for physical planning and development of land;”.

Section 13 amended

5. Section 13(2) of the Act is amended—

- (a) by deleting paragraph (a) and substituting

the following paragraph:

“(a) the Director of Planning who shall have—

- (i) an undergraduate degree in the field of planning and a post-graduate qualification in planning or a related field, both of which are to have accredited status and have been granted by an institution accredited under the Accreditation Council of Trinidad and Tobago Act; and
- (ii) at least seven years’ post-qualification experience in urban and regional planning;”;

(b) in paragraph (b), by deleting the words “ten years’ post-qualification experience in engineering” and substituting the words “seven years’ post-qualification experience in civil engineering”; and

(c) in paragraph (c), by deleting the word “ten” wherever it occurs and substituting in each place the word “seven”.

6. Section 15 of the Act is amended by repealing subsections (2) and (3) and substituting the following subsections: Section 15 amended

“ (2) The Chief Building Officer shall—

- (a) establish inspection procedures for building and engineering operations;
- (b) forward breaches of building regulations referred to him from the National Planning Authority or a planning authority, to the Chief Enforcement Officer; and

(c) perform the functions under sections 62, 66, 67, 68 and 70 of the Act.

(3) The Chief Enforcement Officer shall take action against—

(a) breaches of building regulations referred to him by the Chief Building Officer; and

(b) breaches of planning control referred to him by the Director of Planning.”.

Section 31 amended **7.** Section 31(4) of the Act is amended—

(a) in paragraph (a), by inserting the word “or” at the end of the paragraph;

(b) in paragraph (b), by deleting the words “; or” at the end of the paragraph and substituting a fullstop; and

(c) by deleting paragraph (c).

Section 60 amended **8.** Section 60 of the Act is amended by inserting after subsection (9), the following subsection:

“ (9A) A person who has been served with a tree preservation order may appeal to the Environmental Commission against such an order in accordance with section 90.”.

Section 73 amended **9.** Section 73 of the Act is amended by deleting the definition of “simple development application”.

Section 89 amended **10.** Section 89(1) of the Act is amended by inserting after the words “National Planning Authority” the words “or a planning authority”.

Section 90 amended **11.** Section 90 of the Act is amended—

(a) in subsection (3)(c)(i), by inserting after the words “planning control” the words “or have been complied with”; and

(b) in subsection (4), by deleting the words “altered or revoked” and substituting the words “varied or set aside”.

12. Section 95(1) of the Act is amended by deleting paragraphs (g) and (h). Section 95 amended

13. The First Schedule of the Act is amended— First Schedule amended

(a) in clause 1—

- (i) in subclause (1)(b)(v), by deleting the words “sectoral interests” and substituting the words “sectoral private interests”; and
- (ii) by inserting after subclause (3), the following subclause:

“ (3A) The National Planning Authority shall appoint a Chief Executive Officer who shall—

(a) be an *ex officio* member; and

(b) be responsible for the day to day management of the National Planning Authority.”;

(b) in clause 14(2)—

- (i) by deleting the words “three months” and substituting the words “six months”;
- (ii) by deleting paragraph (b) and substituting the following paragraph:

“(b) be employed with the National Planning Authority on terms and conditions no less favourable than those enjoyed by him in the Public Service; or”; and

(iii) in paragraph (c), by deleting the words “date of the assent of this Act,” and substituting the words “date of commencement of this Act,”;

(c) by inserting after clause 14, the following clause:

<sup>“Transfer on
secondment</sup> 14A. (1) An officer or employee in the public service, a statutory authority, any domestic or foreign public or private body may, with the consent of the National Planning Authority and the approval of the appropriate service commission or the relevant body, consent to be transferred on secondment to the service of the National Planning Authority.

(2) Where a transfer on secondment is effected, such arrangements as may be necessary, shall be made to preserve the rights of the officer or employee transferred to any pension, gratuity or other allowance for which he would have been eligible had he not been transferred.”.

Consequential
amendment
Chap. 35:05

14. The Environmental Management Act is amended in section 82(3), by inserting after the words “engineering,” the words “urban and regional planning,”.

Passed in the House of Representatives this day
of , 2018.

Clerk of the House

I confirm the above.

Speaker

Passed in the Senate this day of , 2018.

Clerk of the Senate

I confirm the above.

President of the Senate

No. 17 of 2018

THIRD SESSION
ELEVENTH PARLIAMENT
REPUBLIC OF

TRINIDAD AND TOBAGO

BILL

AN ACT to amend the Planning and Facilitation of Development Act, 2014 and to consequentially amend the Environmental Management Act, Chap. 35:05

Received and read the

First time

Second time

Third time
