

Physical Planning Division

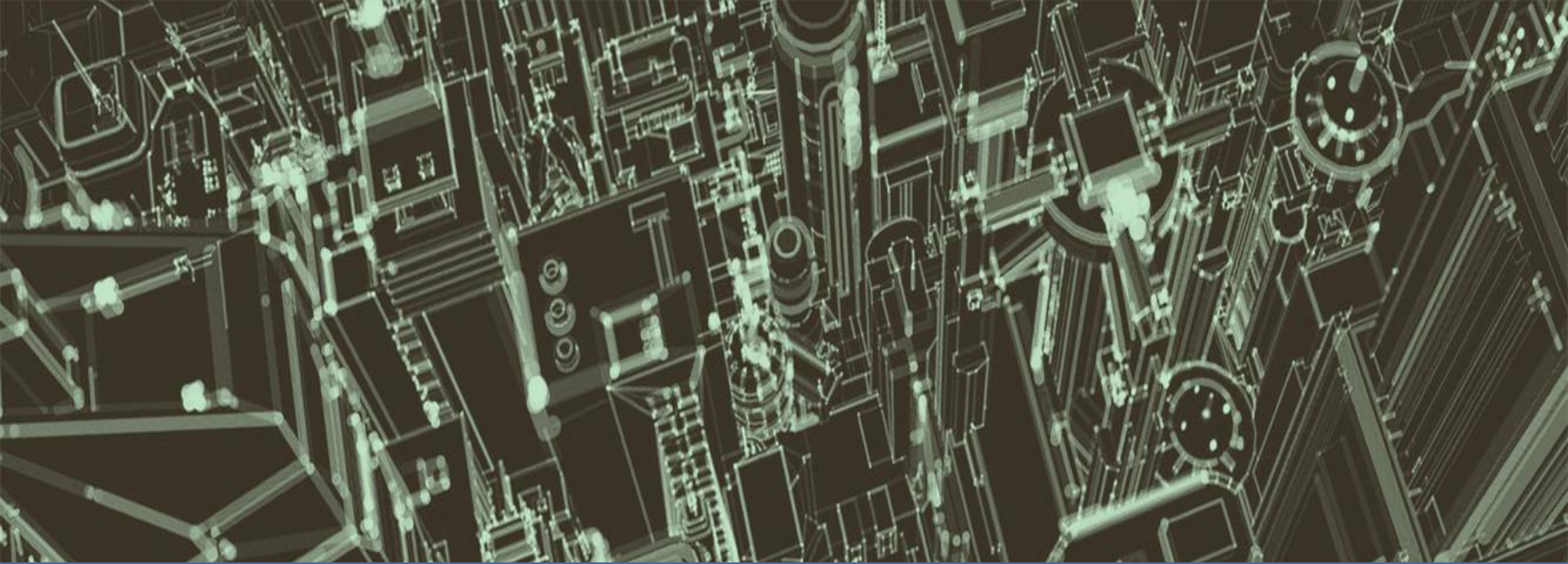
Ministry of Economic Affairs, Planning, Resilience, Sustainable Development, Telecoms and Broadcasting

Dr Genora Joseph, Chief Physical Planner



Presentation Outline

- About the Physical Planning Division
- The Physical Planning decision making process
- Role of PPD in Sustainable Development and construction of resilient homes
- Responsibilities of the contractor
- When things go wrong – non-compliance
- Some fundamental Planning rules - setbacks
- Group activity
- Close



About the Physical Planning Division

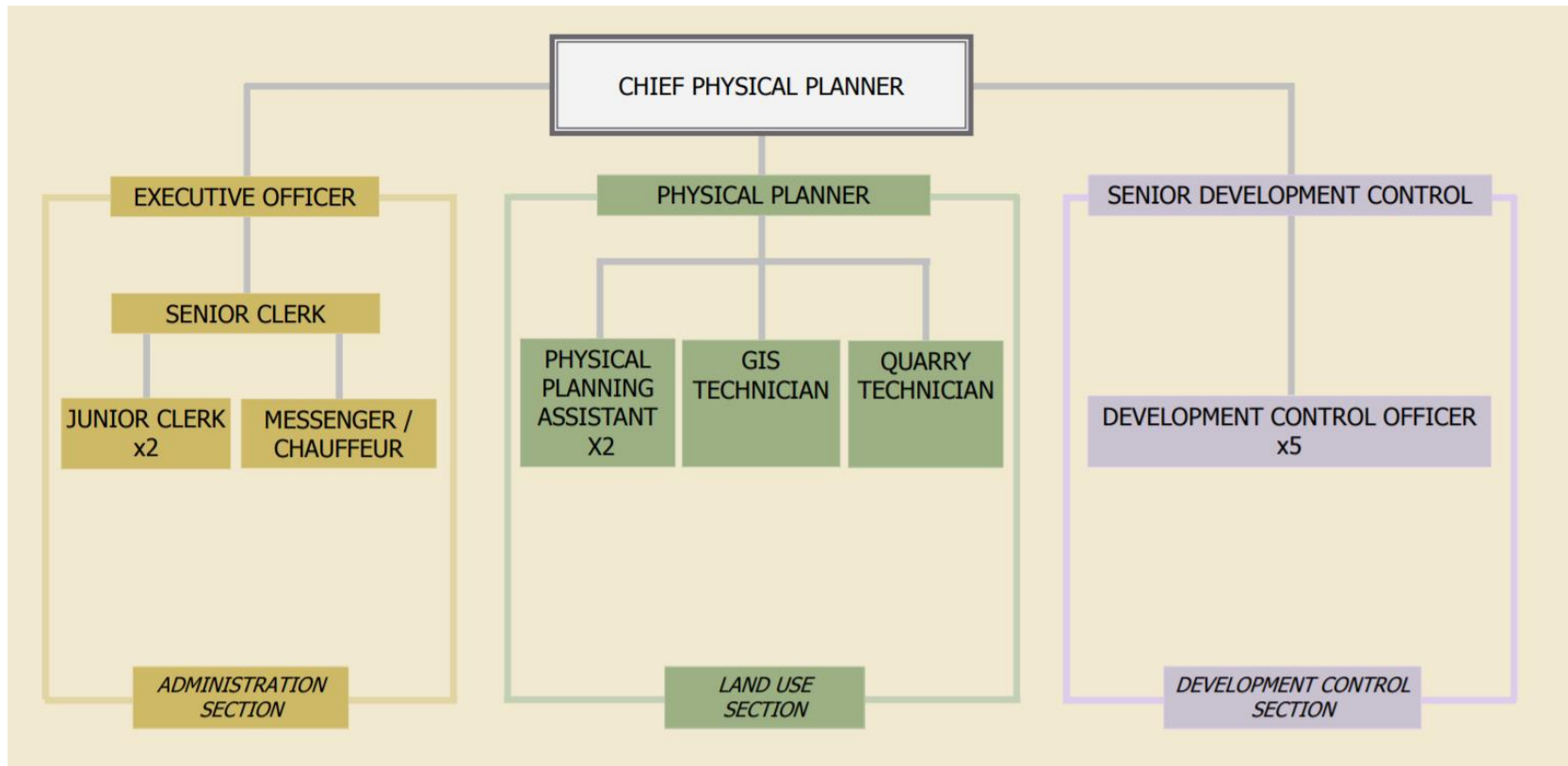
Who we are and what we do



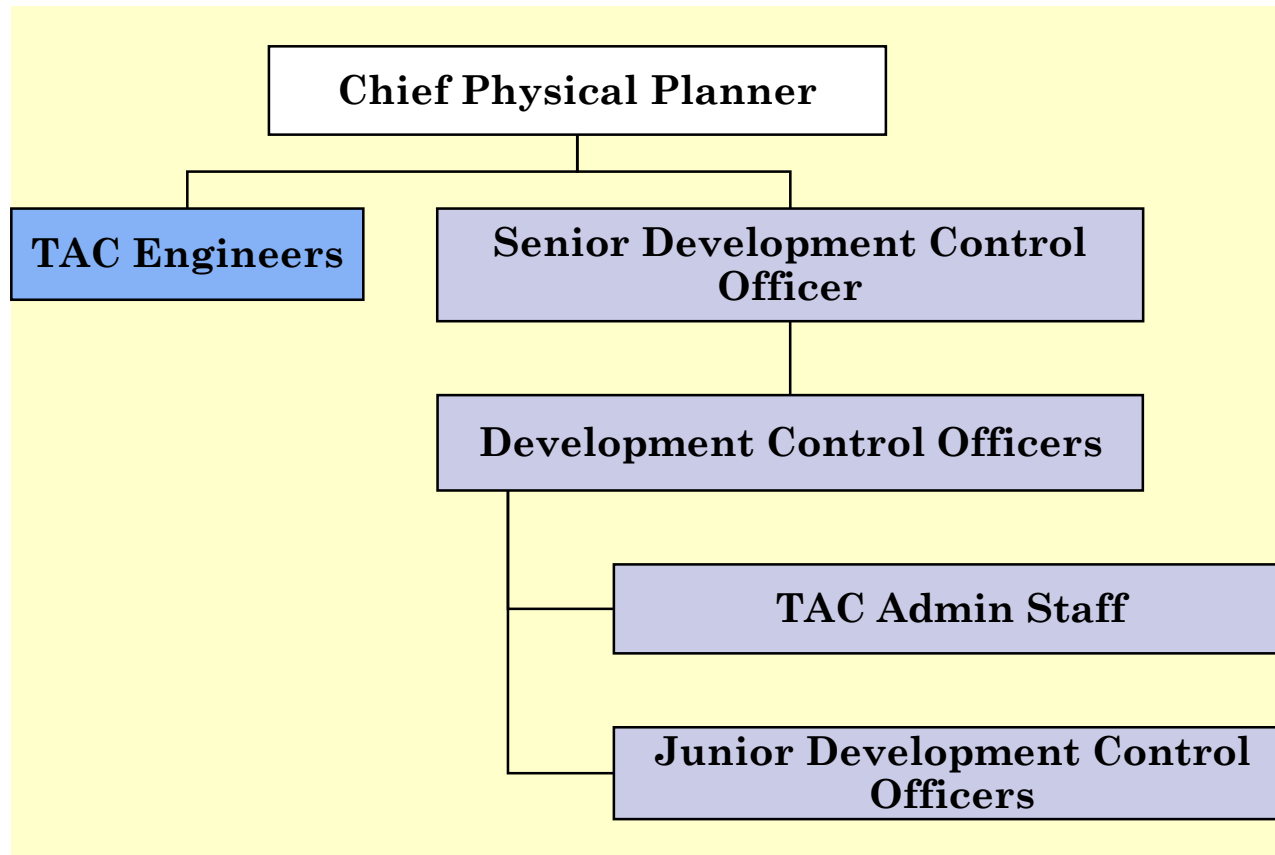
Introduction to the Physical Planning Division

- The Physical Planning Division (PPD) is the executing arm of the Planning Authority.
- The PPD is headed by the Chief Physical Planner and is responsible for the administration and operation of the Physical Planning system in Dominica, under the Physical Planning Act No. 5 2002.
- It is the point of contact of the Planning Authority with the Public, and the Government.
- The PPD is responsible for developing and administering the National Land Use Policy, National Physical Development Plan and Area Development plans.
- It is also responsible for implementing and administering the Building Code.

Physical Planning Division Structure – Present



Future changes to Development Control Section with launching of Technical Assistance Centres (TACs)



Physical Planning Division Sections and their respective functions

Administration

First point of contact of the public

Deals with correspondences and incident reports

Maintaining the Physical planning database

Land Use

Site investigations

Natural Hazard Risk assessment

Land use controls

Subdivision control

Development Control

Surveillance and building inspections

Review building plans and layouts

Issues Amendments

Investigating non-compliance

The Physical Planning Act (No. 5), 2002

- The Act makes provision for orderly and progressive development of land in Dominica.
- The Act regulates the construction of buildings and other types of development.
- The Act seeks to preserve and improve amenities of the land for present and future generations (Sustainable development).

Important definitions from the Physical Planning Act 2002

- **Developments**

Material changes to land, including building construction, mining, engineering, subdivision of land, placing of sign boards

- **Subdivisions**

Dividing a parcel of land into smaller parcels

- **Builder**

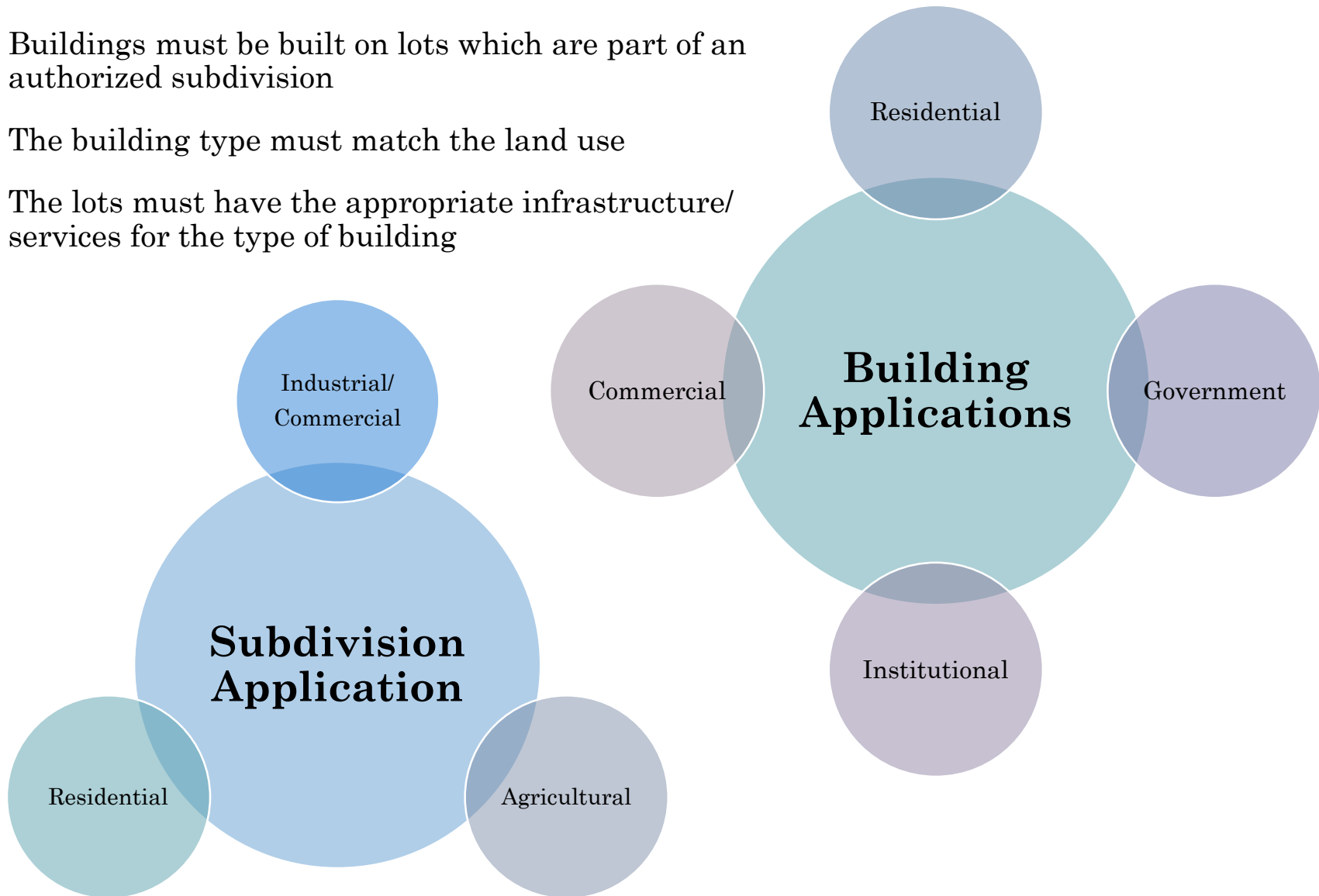
A person engaged as a contractor in the construction, alteration, improvement maintenance or repair of buildings or works associated with buildings

- **Unauthorized development**

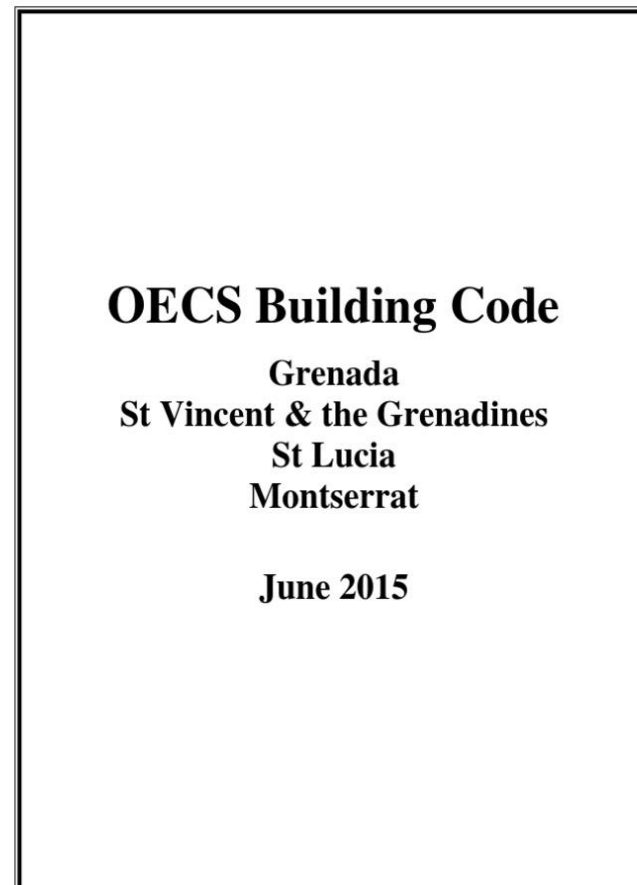
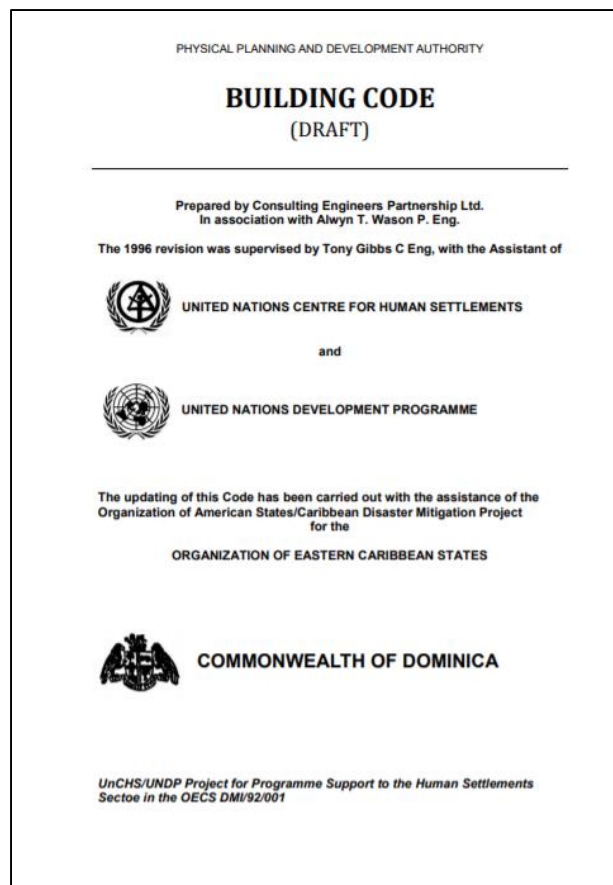
Any development which does not have planning permission, or which is not in accordance with the conditions of planning permission

Types of building applications and land use

- Buildings must be built on lots which are part of an authorized subdivision
- The building type must match the land use
- The lots must have the appropriate infrastructure/ services for the type of building

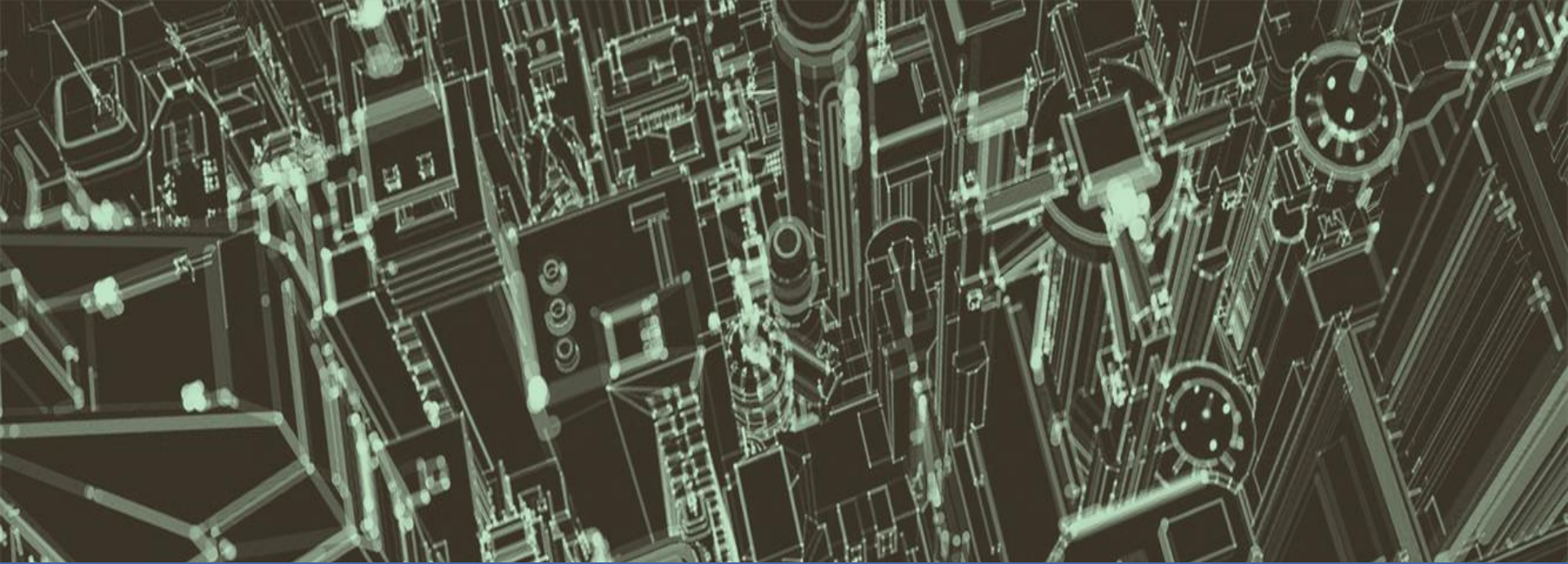


The Physical Planning Regulations – The Revised Building Code 2015 supersedes the 1995 Code



The Physical Planning Regulations – The Revised Building Code 2015

- The Revised Building Code has been approved by Cabinet; the Physical Planning Division is currently working with other Government Departments and Agencies to implement the Revised Building Code.
- The Code will have implications for Engineers, Architects, Draughts people and builders and owners of buildings (developers).
- It will introduce requirement for **Occupancy Certificate**
- It will require **9 points** of inspection by the Physical Planning Division

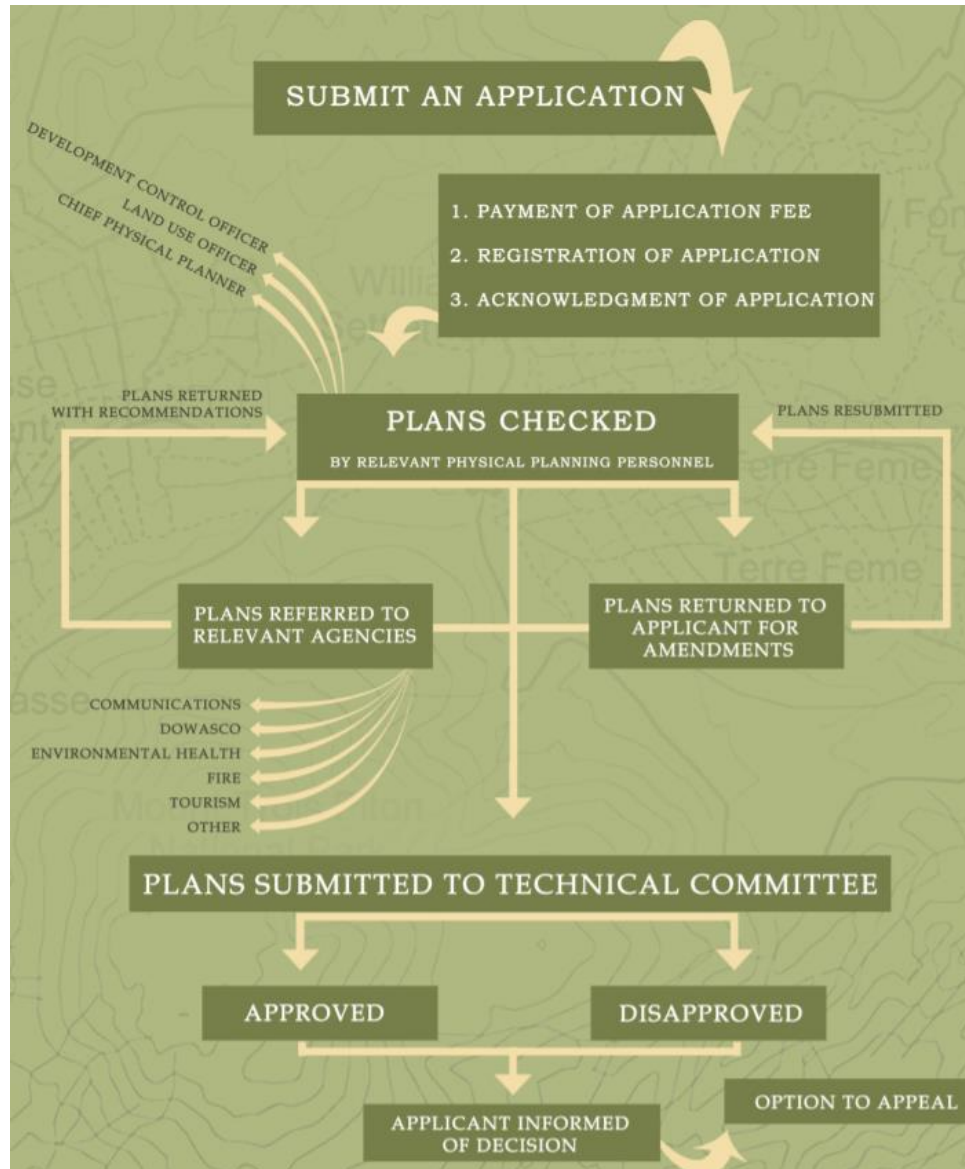


The Decision Making Process

From application to approval



The Application Process



Consulting External Agencies on Applications

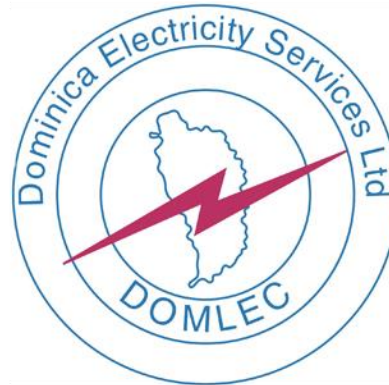
Almost every application



Dominica Fire and Ambulance Service



some applications



The Physical Planning Authority and Committees

The Authority

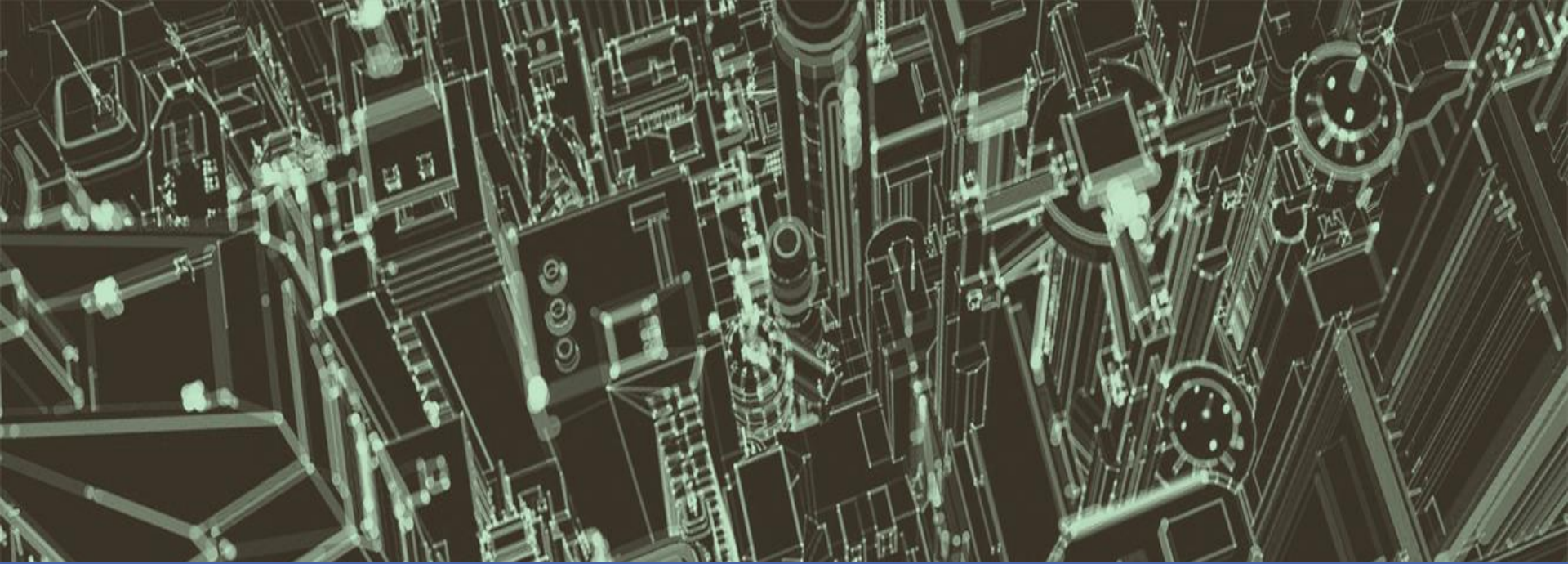
- The Minister of Planning
- The Physical Planning Board
- The Chief Physical Planner

Decision-making Committees

- Technical Staff Committee
- Technical Committee
- Physical Planning Board
- Appeals Committee

The Building Application Checklist

- Complete application form and payment of application fee
- Proof of land ownership documents
- All plans in triplicate including site layout and location plan
- Survey plan
- Engineer's certificate, and Engineer stamp on all structural drawings if required



Sustainable Development & Resilient Building

In accordance with the building codes



The Mission to be the World's First Climate Resilient Nation

Challenges

- Limited land space in Dominica for Development (less than 20%!)
- Land use constrained by topography and Dominica's susceptibility to natural hazards
- Poor settlement patterns of the past pose a challenge to resilient development



Sustainable development of Dominica, in keeping with UN SDGs



Dominica, Natural Hazard Susceptibility

Hurricanes



Storm surge



flooding



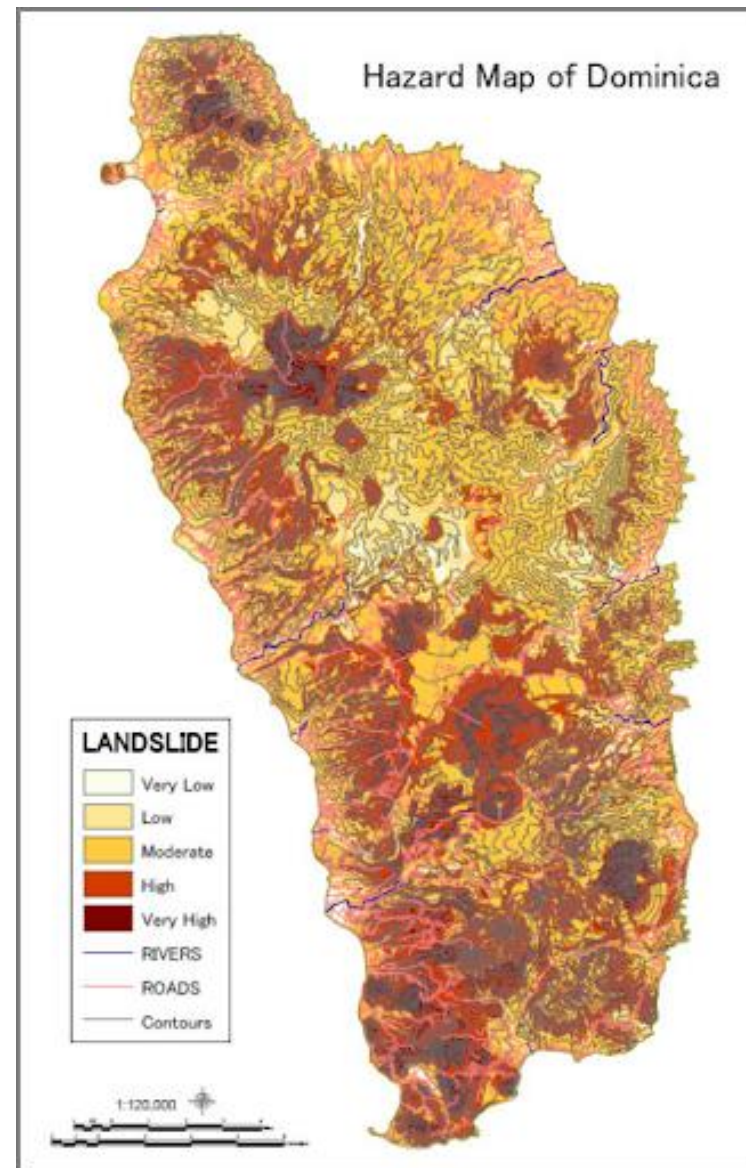
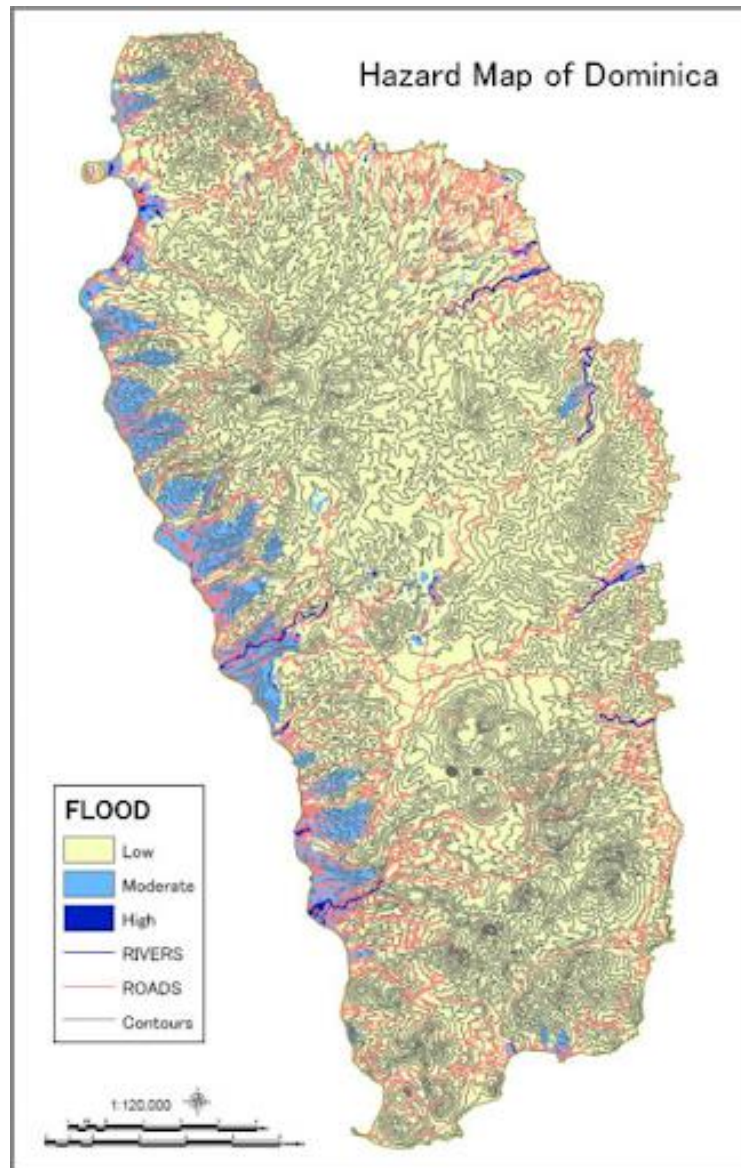
Landslide



Earthquakes



Land Use Section – Hazard Risk Assessment



Basics of Resilient Construction

- **Foundation**

Footings appropriately sized and reinforced for soil bearing capacity, Soil compacted, tie beams for isolated footings

- **Structural frame**

Members sized and reinforced properly (where applicable)

- **Roofs**

Waterproofing and Good drainage (concrete roofs); Collar ties; purlins, rafters, ridge beams are appropriately sized; Hurricane ties and straps; Roof sheeting of Gauge 24 or less (Timber roof)

- **Doors and Windows**

Lintel beams and appropriate framing and glazing, openings no more than 30% wall area no single opening > 10%

Doors and windows be designed to resist hurricanes (Building code)

- **Construction Materials**

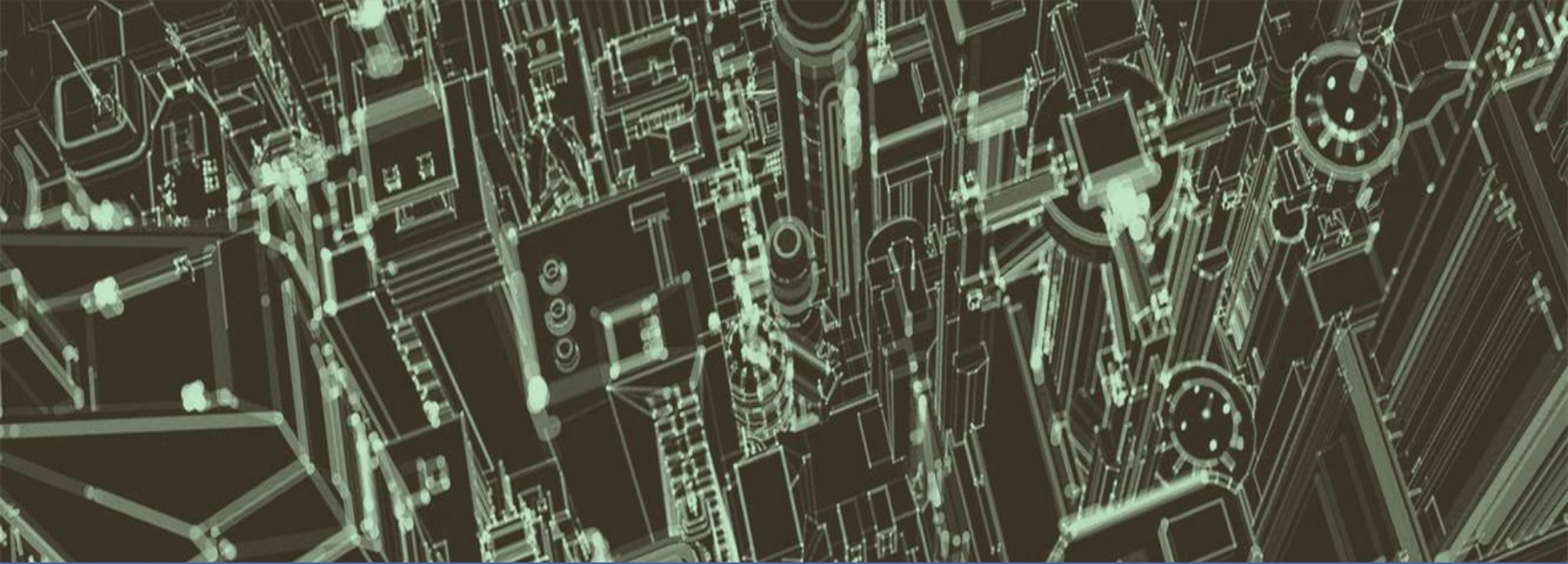
Correct material strength and specifications, sufficient cover to concrete. Appropriate treatments for weather conditions etc.

- **Site layout and risk management**

Sufficient setbacks, retaining walls, access, site drainage construction, managing topographic constraints,

Other Aspects of Building design reviewed by the PPD

- ✓ Functionality, comfort and sanitation
- ✓ Room sizes, layouts and floor heights
- ✓ Ventilation and natural light
- ✓ Electricals, plumbing
- ✓ Appropriate sewerage treatment system
- ✓ Fire safety



Responsibilities of the contractor

Making sure your construction remains compliant



Sticking to the Plan

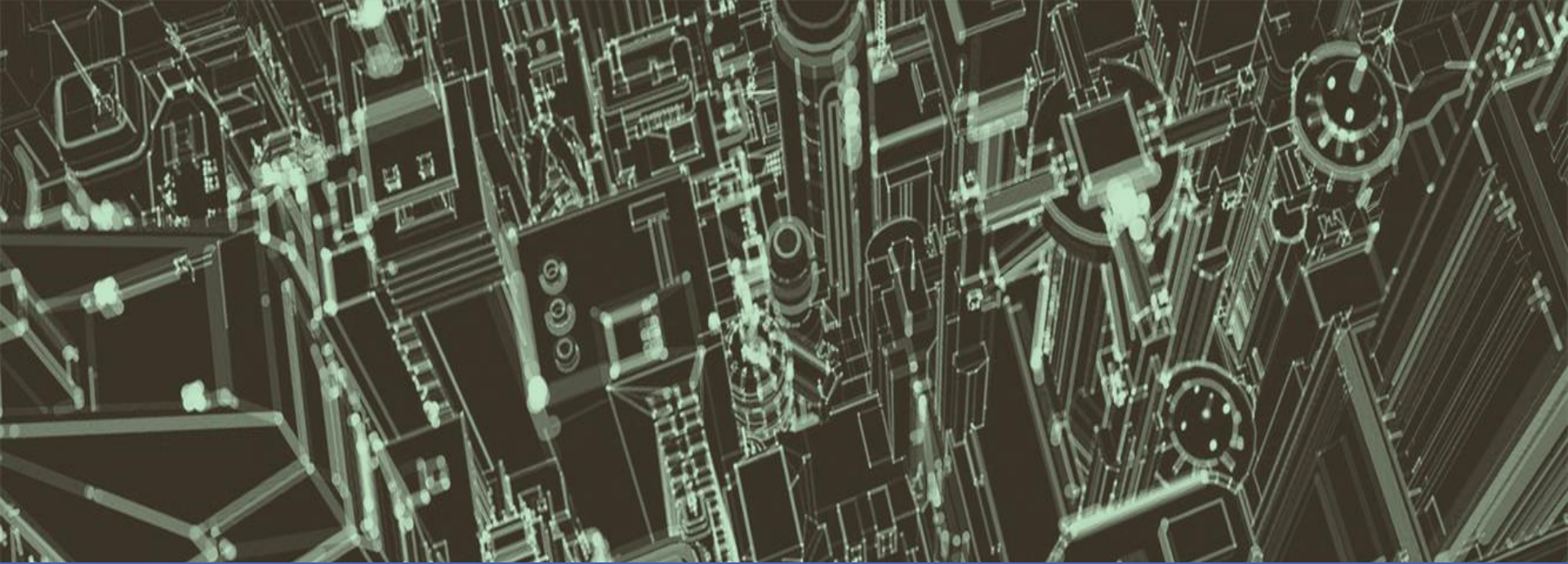
- The approved plan is part of a legally binding document.
- Constructed structure should match the approved plans
- Changes to building especially the structural aspects of the are not allowed
- If changes have to be made due to unforeseen circumstances, a revised plan should be submitted to the PPD for approval before any modifications can be incorporated in the construction
- Some modifications may require certification/re-certification by an engineer before they can be permitted
- Do not attempt to change the site layout or orientation of the building during construction. It may change the setbacks and siting of the sewage treatment system.

Obeying All conditions of the Approvals Letter

- The approvals letter requires you to notify the Division at specific points in the construction process, please do so 48 hours in advance, on weekdays.
- The approvals letter may have specific conditions, such as requirements to notify the traffic department before construction commences, please familiarize yourself with ALL the contents of the letter and follow the instructions.
- Your client may request changes to the structure that are not in keeping with the conditions of approval, if you make changes at the client's request remember you too can be held legally responsible for non-compliance.

PPD inspections at various stages of construction in accordance with revised Building Code

- Setting out
- Foundation BEFORE concreting
- Structural frame and roof
- Ring beams casing and reinforcement
- Plumbing and drains
- Electrical Works in association with Government Electrical Inspector (Electrical Division)
- Other inspections as the owner, builder or Chief Physical Planner may reasonably Require
- Special Inspections of all mechanical installations
- Final inspection for granting of an **Occupancy Certificate**



When things go wrong!

Non-compliance – the wrong side of the law



What is A Compliance Notice and when does the PPD issues them

- A Compliance Notice is a notice issued under Section 36 of the Physical Planning Act 2002 when developments are carried out without Planning Permission or contrary to the conditions of Physical Planning Permission
- Compliance Notices are issued for:
 - ✓ Unauthorized construction
 - ✓ Unauthorized subdivisions
 - ✓ Encroachment on setbacks or boundaries
 - ✓ Construction after Physical Planning Permission has expired
 - ✓ Extensions of buildings without Planning Permission
 - ✓ Change of use of building without planning permission
 - ✓ Construction that causes nuisance or threat to the public



Obeying All conditions of a Compliance Notice

- **The Specified Date:** all remedial action will need to be completed before this date
- **The Breach:** these are all the actions which are unauthorized and are in contravention of the Physical Planning Act 2002
- **The Remedy:** these are actions that the person(s) on whom the notice is served must take to correct the breach in development control (non-compliance)
- **The Right of Appeal:** In accordance with Section 43(1) of the Act; Any appeal against a Compliance Notice (Section 75) must be made on or before the specified date of the Notice.
- **The Penalties:** These are the penalties for the offence which will be enforced if the breach is not remedied by the specified date (In the case of no appeal or if the appeal fails).

Who can get a Compliance Notice

- Any person having a material interest in the land can be issued with a Compliance Notice, this includes:
 - The person who is carrying out the development (the developer)
 - The landowner
 - Persons authorized to represent the landowner or developer
 - Any person who is in control of a people carrying out (non-compliant) activities on the land – this includes builders and contractors

DEVELOPMENT AND PLANNING CORPORATION
THE PLANNING AUTHORITY CHAPTER 84:01 LAWS OF DOMINICA

COMPLIANCE NOTICE
PHYSICAL PLANNING ACT NO.5 2002

DATE OF ISSUE: **October 20, 2020**

SPECIFIED DATE: **December 8, 2020**

OFFENDER: Compliance notice can be sent to the land owner and/or occupier (Tenant); persons with material interest in land (Builder); Authorized Representative (Attorney, person known to oversee construction activity) and/or other persons carrying on activities on the land alleged to continue the breach.

Mr John Malcassay
Roseau
Commonwealth of Dominica

You have committed a breach of planning control under the Physical Planning Act No. 5 of 2002 in that,

- You have failed to comply with the conditions or limitations subject to which development permission was granted to you on August 27, 2020.

A. PARTICULARS OF DEVELOPMENT CONSTITUTING THE BREACH

The Authority notes that on lands & property situated on **20 Cork Street Roseau**; you have:

1. **Sited your building 4 feet from the front boundary as opposed to the 10 feet setback that was approved.**
2. **Begun construction works contrary to your approved plans, and;**
3. **Occupied the public road for storage of construction materials, causing a safety hazard.**

B. REMEDY

1. **Cease all construction works immediately;**
2. **Demolish the parts of your building that have encroached on your front set back**
3. **Remove all building material from the public road.**

This breach must be remedied on or before the specified date on this Notice. This Notice takes effect on the Specified Date.

C. DEFAULT

If you fail to take the steps required to remedy the breach within the specified time, the Authority may enter upon the land with assistance as may be necessary and take those steps to remedy the breach referred to in Section A of this Notice as it sees fit. The Authority may recover from you as a civil debt, those expenses reasonably incurred by it in the exercise of such power.

In addition, the Authority has the power to institute a civil action for an injunction to enforce this Notice, whether or not it has exercised or is proposing to exercise any of its other powers under the Act.

D. OFFENCE

Note that under Section 87 of the Act any person who, without reasonable excuse fails to comply with the requirements of a compliance notice issued under Section 36 commits an offence and is liable:

- (i) On summary conviction to a fine of five hundred dollars (\$500.00), and if in the case of a continuing offence, the contravention is after such conviction, he commits further offence and is liable to a fine of one hundred dollars (\$100.00) for each day on which the contravention continues; or
- (ii) On conviction on indictment, to a fine of ten thousand dollars (\$10,000.00), or to imprisonment for six months, or to both such fine and imprisonment.

E. APPEAL

Pursuant to Section 43(1) of the Physical Planning Act, if you are aggrieved by this Compliance Notice you may appeal the Authority's decision to issue this Compliance Notice under Section 75 of the Act on or before the Specified date in this Notice. An appeal should be directed to the Secretary of the Appeals Panel in care of the Honorable Minister responsible for the Physical Planning Division.

If you fail to make such an appeal you shall not be entitled in any proceedings to dispute the validity of the action taken by the Authority or the Chief Physical Planner upon any ground that could have been entertained on such an appeal.

For further information or clarification contact the Physical Planning Division at 20 Cork Street, Roseau or telephone 448-2401 Ext. 3751/2/3.

Yours sincerely,

**CHIEF PHYSICAL PLANNER/
SECRETARY TO THE AUTHORITY &
CHIEF EXECUTIVE OFFICER**

What are Stop Orders and Why are they issued

- A Stop Order is a notice issued when the Physical Planning Authority considers it to be necessary to preserve **public health, public safety or the integrity of the environment.**
- A stop order always relates to a Compliance Notice and can be served at the same time as the Notice or after the Notice has been served, but not without it.
- A stop order causes any development/building activity to stop immediately
- Like the Compliance Notice, the stop order can be served on any person with material interest in the land/development



DEVELOPMENT AND PLANNING CORPORATION
THE PLANNING AUTHORITY CHAPTER 84:01 LAWS OF DOMINICA

STOP ORDER
PHYSICAL PLANNING ACT NO.5 2002

DATE OF ISSUE: **October 20, 2020**

OFFENDER:

Mr. John Malcassay
Roseau
Commonwealth of Dominica

The Authority hereby refers to the Compliance Notice issued to you on **October 20, 2020** and annexed for ease of reference.

A. OFFENSE

The Authority notes that on lands & property situated at **20 Cork Street, Roseau**

- o You have threatened the safety of the public

By

1. **Occupying the public road for storage of construction materials, causing a safety hazard**
2. **Building contrary to your approved plans in a way which compromises the structural integrity and safety of your building.**

B. REMEDY

By virtue of this Stop Order being served on you, you are hereby prohibited and directed to immediately cease and desist from carrying out or continuing this activity noted above which constitute a breach of planning control or are so closely associated therewith as to constitute substantially the same activity.

This Stop Order shall take immediate effect on the date of its service and without prejudice to Section 40(8) shall cease to have effect when the Compliance Notice to which it relates is withdrawn or quashed; the compliance period expires or; notice of withdrawal of this Stop Order is served on you.

C. PENALTY

If you carry out, or cause or permit to be carried out, any operations prohibited by this Order, you commit an offense and are liable on summary conviction to a fine not exceeding Forty Thousand dollars (\$40,000.00) and if the offense is continued after conviction you are liable to a further fine not exceeding One Thousand dollars (\$1,000.00) for each day on which the offence continues.

D. APPEAL

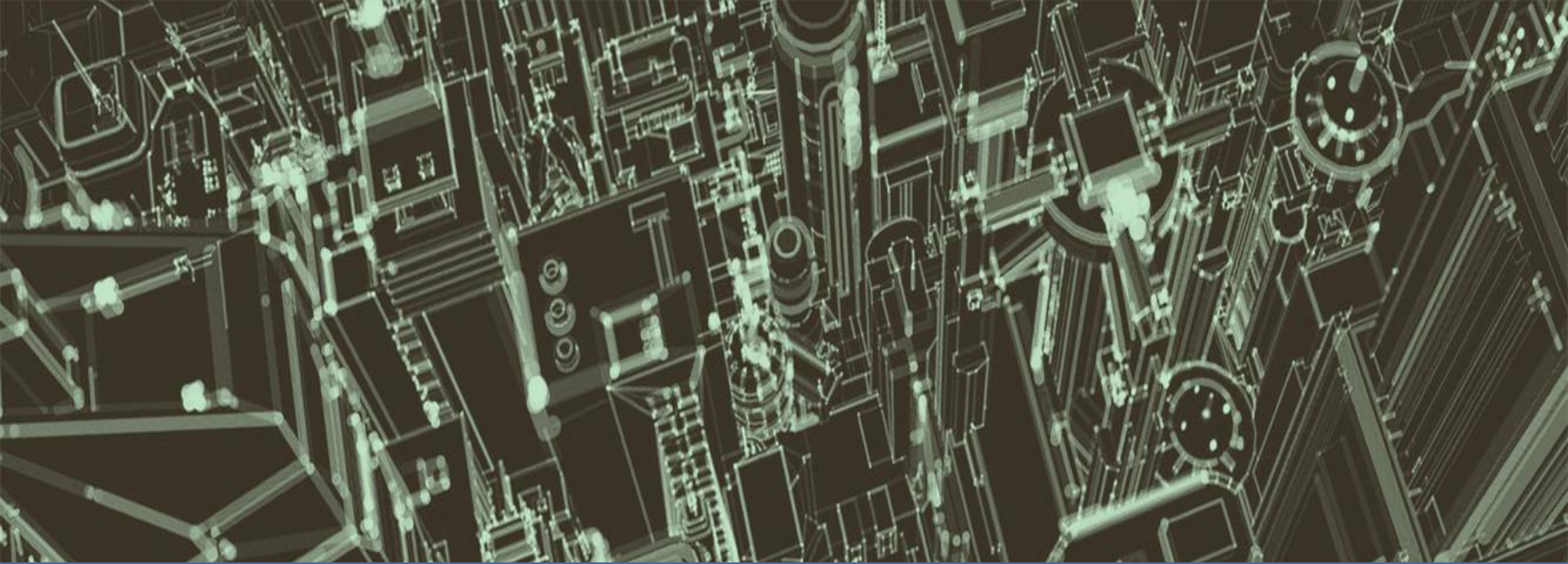
In keeping with Section 40 of the Act, you have no right of appeal to the Appeals tribunal against the making of this Order. An appeal against the Compliance Notice to which this Order relates shall not suspend the operation of a Stop Order.

You may appeal to the Court within 28 days of the service of the Stop Order and the Court may confirm the Stop Order with or without modification, or quash it in whole or in part. However, the making of the appeal referred to above shall not suspend the operation of the Stop Order, and the Stop Order shall remain in full force an effect pending the determination of the appeal.

For further information or clarification contact the Physical Planning Division at 20 Cork Street, Roseau or telephone 266- 3753 / 3752.

Yours sincerely,

SECRETARY/MANAGER
DEVELOPMENT & PLANNING CORPORATION



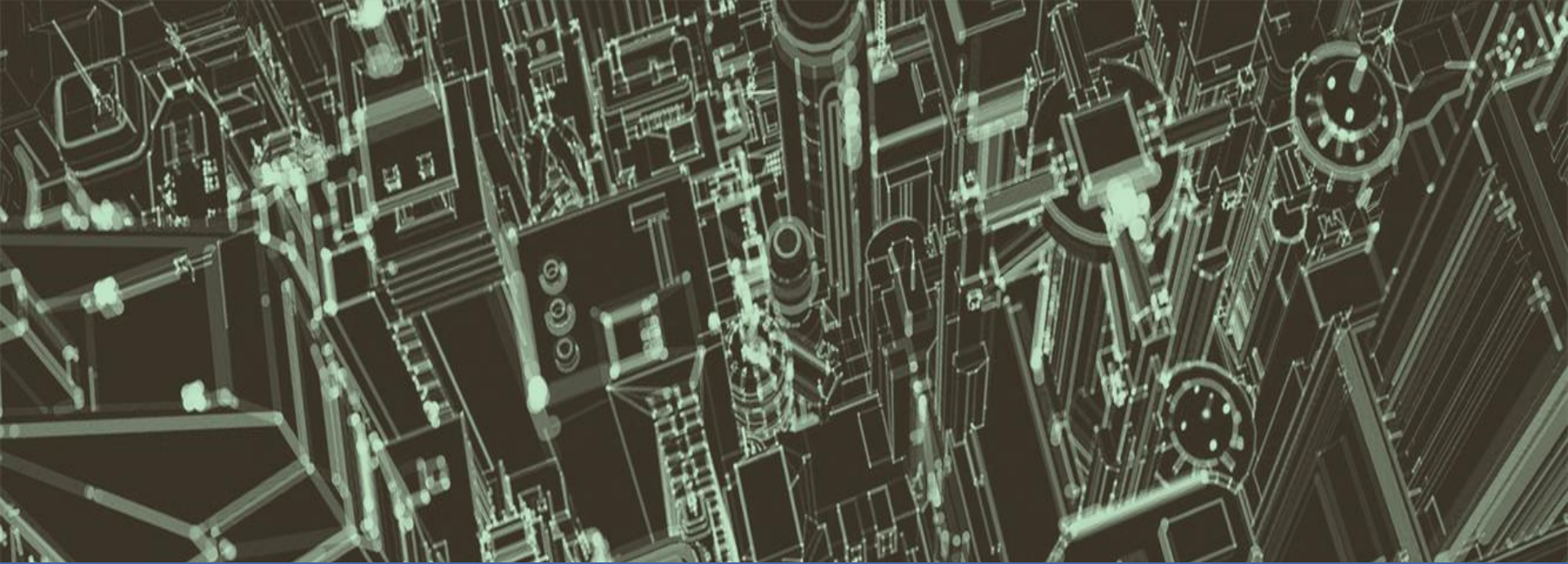
Planning Rules that contractors need to adhere to

Compliant Construction



Some Physical Planning rules on setbacks

- General Building Setbacks, 10 feet front and rear, 4 feet sides, in non-congested areas.
- Approved Subdivision Setbacks 10 feet front, 15 feet rear and 10 feet sides
- Congested Areas Setbacks (Roseau, Mahaut/Massacre, Portsmouth) 5 feet front or maintain building line, 5 feet 6 inches rear, 2 feet 8 inches back
- Setbacks from Highways, 60 feet from road centreline
- Secondary roads - greater than 10 feet from the edge of the road or 30 feet from the road centreline



Group Exercise



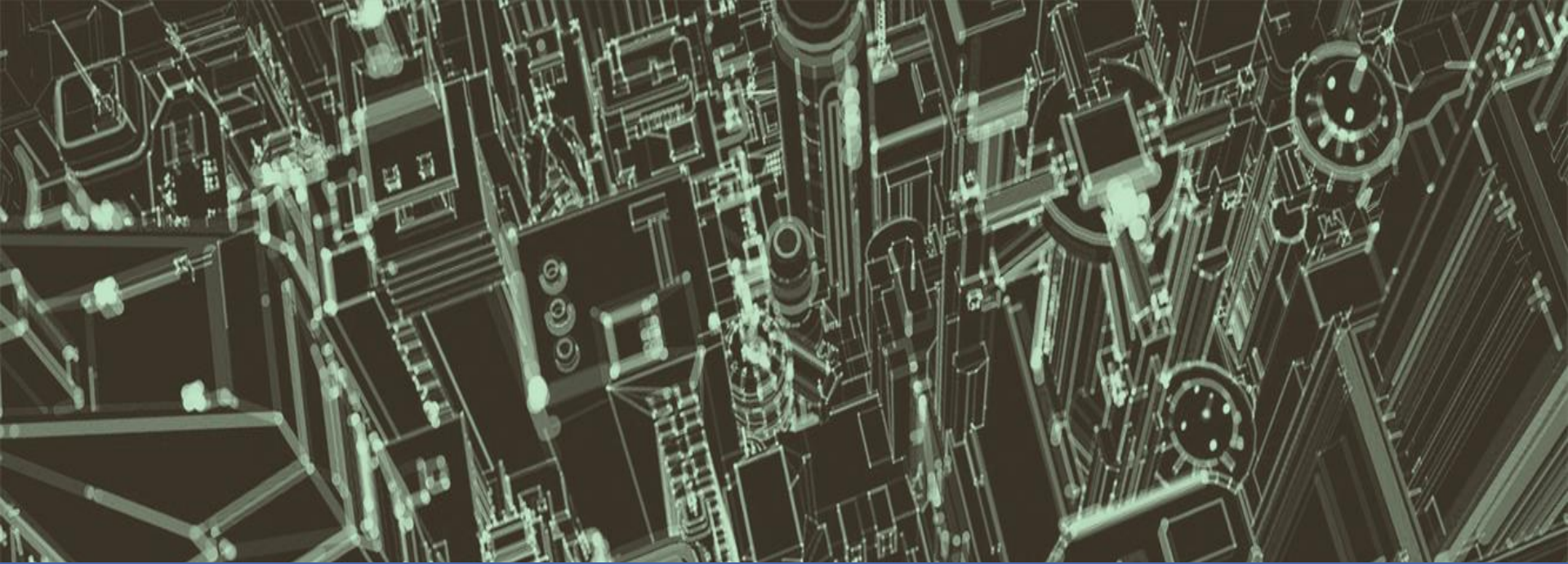
Non-Compliance Scenarios

The Client wants an extra room not on the plans

- The client notices that there is enough material to allow for the construction of an extra room and asks the builder to construct the room even though it is not included on the approved plan.
- What should the builder do?

A building near an overhead high-tension line

- A builder is building near an overhead electricity line, because the client is in a hurry to finish construction and did not want to wait for the utility company to relocate the line.
- What type of notices can Physical Planning Serve.
- Who can Physical Planning serve?



Thank You, the End!!!

