



Department of Planning

Physical Address:

58 Court Street, Dame Lois Browne-Evans Building (Fifth Floor), Hamilton, Bermuda HM 12

Mailing Address:

58 Court Street, Dame Lois Browne-Evans Building (Fifth Floor), Hamilton, Bermuda HM 12

Telephone/Facsimile

(441)295 5151 / Fax (441)295 4100

Website:

www.planning.gov.bm

ACCESS TO INFORMATION STATEMENT

Department of Planning

December 24, 2020

TABLE OF CONTENTS:

Introduction	3
Description of general purpose of Public Access to Information Act 2010	3
Structure Organization and Legislation	4
Legislation Governing Department of Planning	4
Legislation Governing Department of Planning cont'd	5
Development Applications Board	5
Historical Building Advisory Committee	5
Architectural Advisory Committee	5
Functions, Powers, Duties, and Obligations	5
Mission Statement	5
About Us	5
Obligations Under the PATI Act	6
Services and Programs	7
Department of Planning Contact List	8
Contact List cont'd	9
Classes of Records	10
Administrative and Operational Manuals	11
Application Forms	11
Manuals, Policies, Guidelines, used by Employees to make Recommendations and Decisions	11
Submission of Requests for Information	12
Information That Cannot Be Released	12
Information Officer	12

Introduction

Description of General Purpose of Public Access to Information Act 2010:

The Public Access to Information Act became law on the 10 August 2010. It is intended to foster a culture of openness in government. The Act establishes a right of access to all types of "recorded" information held by public authorities and imposes obligations on public authorities to disclose information, subject to a range of exemptions. The Act must be brought into full force by the 1 April 2015.

The purpose of this Act is to—

Give the public the right to obtain access to information held by public authorities to the greatest extent possible, subject to exceptions that are in the public interest or for the protection of the rights of others;

Increase transparency, and eliminate unnecessary secrecy, with regard to information held by public authorities;

Increase the accountability of public authorities;

Inform the public about the activities of public authorities, including the manner in which they make decisions; and

Have more information placed in the public domain as a matter of routine.

As legislatively required to do under the Public Access to Information Act 2010, we will:

- a. Acknowledge receipt of a request within five (5) working days after receipt of the request and inform the requester of the process for dealing with the request and of the requester's rights under the Act;
- b. No later than 6 weeks after receipt of the request, decide whether to grant or refuse the request in whole or in part;
- c. Notify the requester of any extensions if responding within the original 6 week period is not reasonably practicable.

Structure Organization and Legislation

Legislation Governing Department of Planning

Development and Planning Act 1974

Development and Planning (Amendment) Act 1998

Development and Planning (Application Procedures) Rules 1996

Development and Planning (Appeals to the Minister) Rules 1974

Development and Planning (Tribunal Procedure) Rules 1992

Development and Planning (General Development Order) 1999

Development and Planning (Use Classes) Order 1975

Development and Planning (Wells and Boreholes) Order 1976

Development and Planning (Base Lands) Act 1996

Development and Planning (Tree Preservation Order) Regulations 1975

Building Act 1988

Building Authority Act 1962

Building Code (Supplementary Provisions) Regulations 1976

Building Code Regulations 1991

Building Authority (Elevators and Lifts) Regulations 1962

Liquefied Petroleum Gases (Handling, Storage, Supply and Transport) Regulations 1988

Building Authority (Fire Precautions) Regulations 1962

Building Authority (Petroleum) Regulations 1962

Building Authority (Public Buildings) Regulations 1962

Town of St George (Protection of Buildings of Special Interest) 1950

Advertisements Regulations Act 1911

Govt Fees Amendment Regulations

Zoning Orders

Special Development Orders

Section 34 Agreements

PLEASE SEE ORGANIZATION CHART APPENDED AT END OF INFORMATION STATEMENT

Functions, Powers, Duties, and Obligations

The Minister responsible for Planning (“Minister”) and the Permanent Secretary (the “Head” per the Schedule of the Development and Planning Act).

Development Applications Board (DAB)

The body is appointed by the Minister and consists of lay members whose functions (under the Development and Planning Act), is responsible for making decisions on development applications

Advisory Architectural Panel

The body of professional architects/draftsmen is appointed by the Minister and provides recommendations to the DAB as requested on matters of design

Historical Buildings Advisory Committee

The body is appointed by the Minister and is composed of persons with a historic interest to advise the DAB on matters involving developments affecting Listed Building Sites, and Historical Protection Areas

MISSION STATEMENT

Responsibly serving the people of Bermuda to ensure the sustainable management of the natural and built environment

About Us:

Under the direction of the Director of Planning, the Department is comprised of 33 staff positions assigned to six (6) core/operations divisions, which include Forward Planning, Development Management, Development Applications Services, Building Control, Enforcement and Administration. The combined functions, powers and duties of these sections are as follows;

To plan for the environmental, economic and social needs of Bermuda through the preparation and implementation of land use plans, regulations and policy guidelines, to ensure that development is accommodated in a sustainable way.

To enhance and protect the environment of Bermuda while at the same time encouraging appropriate development necessary for a successful community and sustainable economy.

To give advice and information to the public in a helpful and efficient manner. To ensure all applications have the required information for processing and to assist in the facilitation and maintenance of all applications.

To ensure building operations in Bermuda are carried out in compliance with the current building codes and regulations for the safety and welfare of the public.

To investigate and report on unauthorized development in Bermuda in an efficient and timely manner and to research and report on approved development. To enforce planning policy and building codes to ensure the health, safety and welfare of the public

Obligations Under The PATI Act

To provide **an information statement** for the public and promulgate it [s.5],

- To provide **other information** to the public so that the public needs only to have minimum resort to the use of the Act to obtain information [s.6]. This includes:
 - General information, e.g., activities of the Authority
 - Log of all information requests and their outcome
 - Quarterly expenditure (upon request) [s.6(5)]
 - Contracts valued at \$50,000 or more

- To **respond to information requests** in a timely manner [s.12-16]
- To **track information requests**, and provide this data to the Information Commissioner
- To respond to requests from the Information Commissioner [s.9]
- To **amend personal information** held by the Authority that is wrong or misleading
 - following a written request by the person to whom the information relates [s.19]
 - To conduct an **internal review** if formally requested [part 5]
 - To give evidence **for review by the Information Commissioner** [part 6, 47(4)], or
 - for **judicial review** [s.49], if required
- To provide an **annual written report** to the Information Commissioner of the status
 - of information requests [s.58(3)]
 - **To do anything else as required** under the PATI Act and subsequent Regulations [s.59, 60], including:
 - **Fees** for Requests for information
 - Management and maintenance of **records**

- **Procedures** for administering the Act
 - **To train staff and make arrangements** so as to facilitate compliance with the Act [s.61]
 - **To designate one of its officers** to be the person to whom requests are directed [s.62]

Services and Programs

The Forward Planning Section prepares the policies, regulations and guidelines used in managing the on-going development of the Island. This includes the preparation of development and local plans. Forward Planning also monitors development trends, provides advice on major development applications, prepares land use surveys, provides advice on the conservation of historic buildings, maintains and develops a Geographic Information System (GIS) and the preparation of supplementary planning guidance.

Development Management is responsible for the review of planning and subdivision applications to ensure compliance with the Development and Planning Act 1974, the Bermuda Plan and local plans. All applications are advertised in the Official Gazette on either Wednesdays and Fridays of each week. The public are given a two week period from the date of the advertisement within which to submit comments on any application. After consultation with relevant agencies and assessment of an application, the application is presented to Development Application Board for a decision.

The Development Applications Service Office is the Planning Department's front office and is the first point of contact with members of the public. DASOs also manages the Department's applications record system, from the time they are submitted to the time they are archived. They also input application data in the Department's information management system (BEMIS) and conduct all planning application referrals

Building Control consults with other government agencies, reviews building permit applications for compliance with Building Codes and may require professional engineer certification of structures before issuance of building permits. Building Control building and electrical inspectors visit the sites where construction is underway to inspect work and determine if work is in accordance with the planning approval and the building permit. It is the responsibility of the property owner to ensure inspections are requested and the owner may be required to obtain a professional engineer certification of works which have not been inspected. Requests for Certificates of Completion/Occupancy, whether partial or final, must be made in writing.

The Enforcement Section investigates development that has been carried out illegally or not in accordance with the planning or building approval. The Enforcement Section investigates such activity and makes recommendations on works required to be undertaken to bring the development into conformance and or may proceed with enforcement action. The types of complaints received range from the establishment of illegal dwelling units to the erection of animal enclosures. Other complaints include the unauthorized construction of buildings, establishment of business, excavation and failure to comply with conditions of a planning permission and other acts which contravene the Development and Planning Act 1974 and Building Act 1988 as amended.

DEPARTMENT OF PLANNING CONTACT LIST

Government offices: 295-5151 - Planning Reception: 297-7756 - Planning Fax: 295-4100

ADMINISTRATION

Victoria Pereira	Director of Planning	vpereira@gov.bm	X1283
Vacant	Administrative Officer		X1752
Vacant	Administrative Assistant		X1651

FORWARD PLANNING

Julie Marshall	Senior Planner	jamarshall@gov.bm	X1403
Kenneth Campbell	Planner	kdcampbell@gov.bm	X1781
Matthew Trott	Planner	mltrott@gov.bm	X1647

Amanda Shailer	Information Systems Officer	mlshailer@gov.bm	X1361
Kenneth Campbell	Planner	kdcampbell@gov.bm	X1781

Frozen	Assistant Director- Forward Planning		
Frozen	Graphic Designer		

Larry Williams	Assistant Director – Dev. Management, DASO, Enforcement	lqwilliams@gov.bm	X1724
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DEVELOPMENT MANAGEMENT

Paul McDonald	Acting Snr Development Management Officer	pamcdonald@gov.bm	X1283
Tamsyn Doran	Planner	tdoran@gov.bm	X1824
Meka Steede	Consultant Planner	mrsteede@gov.bm	X1577
Maceo Dill	Assistant Planner	mdill@gov.bm	
Yolanda Bashir-Paige	Assistant Planner	ympaige@gov.bm	X1658
Dolores Vazquez	Planner	dbvazquez@gov.bm	X1345
Malik Richards	Trainee Planner	mrichards@gov.bm	X1363

Front Desk

Ronald Smith	Senior Applications Officer	rksmith@gov.bm	X1222
Ryan Smith	Applic. Information Clerk	kdmimg@gov.bm	X1756
Donna Francis	Data Systems Clerk	dmfrancis@gov.bm	X1755
Nathan Frick	Applications Officer	ndfrick@gov.bm	X1220

BUILDING CONTROL

Chris Bulley	Building Control Officer	cbulley@gov.bm	X1375
Aidan Stones	Assistant Building Control Officer	atstones@gov.bm	X1309
Kelley Simons	Permits Processor	ktsimons@gov.bm	X1185
Omar Douglas	Plans Examiner	opdouglas@gov.bm	X1364
Steven Every	Electrical Inspector	severy@gov.bm	X1580
Melvin Holdipp	Building Inspector	maholdipp@gov.bm	X1186
Damon Walker	Building Inspector	djwalker@gov.bm	X1687
Kenny Young	Building Inspector	keyoung@gov.bm	X1206
Dallian Jones	Elevator Inspector	dsjones@gov.bm	X1568
Vacant	Electrical Inspector		

ENFORCEMENT

Sheldon Fox	Enforcement Officer	sfox@gov.bm	X1634
Arrim Perinchief	Assistant Enforcement Officer	ajperinchief@gov.bm	X1763
Clinisha Hayward	Assistant Enforcement Officer	cqhawyard@gov.bm	X1365

Crystal Baxter	Environmental Health Officer	cdbaxter@gov.bm	X3341
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Classes of Records

Planning Files - These files include the planning application form, plans, historical information, board report, technical officers notes, and consultation (if required) from other public authorities

Building Files-Permits - These files include building permit application form, structural plans, assessment by plans examiner and health officials and necessary consultation from pertinent public authorities

DAB/DAC Minutes - Minutes of Development Applications Board/Development Applications Committee meetings

Planning Guidance Notes - Guidance notes that are used by technical officers during assessment and recommendations of proposed development - includes pamphlets that provide guidance on planning and building FAQs

Planning Appeals to the Minister - These files consist of the appeals cases to the Minister

Special Development Orders - These files consist of the 'Special Development Order' decisions of Cabinet. Such legislative orders ordinarily are made as a matter of 'national interest'

Zoning Maps - These maps indicate the designated zonings as approved under the Bermuda Plan

Ordnance Survey Maps - These aerial ordnance survey maps were used for locating lots and plotting planning application ref. #s in the past

Tribunal Reports (Development Plan) - These reports are results of the deliberations that took place between the Objections Tribunal Board and objectors to a Development Plan

Listed Building Register - Register of all listed building sites throughout the island

Historic Building Advisory Committee Minutes - Minutes of Meetings of the Historical Building Advisory Committee

Listed Building Consultation Records - These records include the assessments which placed structures on the Listed Buildings' Register as well as the assessment that "delist" structures

Planning Searches - These are the records that involve the assessment and research by the enforcement section to determine any outstanding planning anomalies during a property conveyance

Enforcement (Complaint Files) - These records involve the complaints made to the Department; notification and reports of illegal development; and retroactive works (documents considered to be exempt under PATI)

Section 34 Agreements - These are legislative agreements between private land owners and the Minister usually limiting land owner's development potential of their property ordinarily associated with a portion of environmentally protected land.

Administrative and Operational Manuals

Application Forms

DAP1-Planning application form
DAP2-Subdivision application form
Building Permit- Residential/Commercial application form
Revision Form-Revised Plans /Additional Information
Revision Form –Projects already under construction
Permitted Development Permit-(GDO Regulation)
Public Assembly Permit
Elevator License
Application for Planning Search
Application for Appeal to the Minister
Issuing of Condominium license
Complaint Form
Plant Voucher
Government Fees Amendment Regulation (April 1, 2018) - Planning Application and Building Fees

Manuals, Policies, Guidelines, used by Employees to make Recommendations and Decisions

The Bermuda Plan 2008 Planning Statement
The City of Hamilton Plan 2001
Planning Guidance Notes
Bermuda Residential Code 20014/Bermuda Commercial Code 2014
Development and Planning Act 1974
Building Act 1988
Consultee Referral Guide
Vetting Checklist for Planning Applications, Revisions, and Building Permits
Vetting Log
Consultee Tracking Log
Incomplete Application Form
Consultation Letter and Return Sheets

Submission of Requests for Information

All PATI requests must be submitted in writing and can only be submitted at the Department of Planning, 58 Court Street, Dame Lois Browne-Evans Building (Fifth Floor), Hamilton, Bermuda HM 12. Requests should be submitted at the Front Counter (only), Monday to Friday, from 8:30a.m.-5:00p.m.

Information That Cannot Be Released

The Public Access to Information Act 2010 sets out exceptional circumstances in which a request for information may be refused. Information that affects other legal rights or processes, particularly where personal privacy may be breached, are considered exempt records and is articulated in Part 4 of the Act.

INFORMATION OFFICER

Ronald K. Smith

Senior Applications Officer

Department of Planning

5th Floor -Dame Lois Browne- Evans Bldg.

58 Court Street

Hamilton, HM 12,

Bermuda

295-5151 Ext. 1222

