

THE PLANNING AND URBAN MANAGEMENT ACT 2004

The Planning and Urban Management Act 2004 (Act) is the core legislation to achieving sustainability in Samoa and is now enforceable since the 1st of July 2004. The Act sets out how we manage our environment and land use planning in general. The main role of the planning system, in protecting and enhancing the built environment, is to set in place a comprehensive framework of policy and controls to guide decision making about new use and development through the Development Consent process and plan making process.

What is a ‘Development Consent’?

A development consent is a legal document that will give permission for a use or development on a particular piece of land in Samoa. It states conditions and endorsed plans of how the land can be used. To obtain a Development Consent the developer must go through the development assessment process.

Development Consents are necessary when a group or individual wishes to carry out an activity or development that may have some effect on the environment.

Development Consents relate directly to and the Act and are different to Building permits. These also relate to rules set out in Sustainable Management Plans.

It is important to remember that it is an offence if you do not obtain consent when a Development Consent is needed.

Why do I need to get a Development Consent?

The Act requires PUMA to implement a framework for planning the use, development, management and protection of natural and physical resources so that it is sustainably managed.

One of the key ways that the Act seeks to promote sustainable development is to ensure that all of the effects of a proposal, both positive and negative, are considered before an activity is allowed to happen. This means that any potentially adverse effects can be controlled; if they can't be controlled, serious consideration can be given as to whether the activity should be allowed.

When is a Development Consent is needed

You must apply for Development Consent when you plan to carry out activities. Activities can range from those that have limited environmental impact, to those with the potential to pose a major risk. The particular level that your proposed activity falls into will determine:

- whether or not you need to apply for a Development Consent, and
- the degree of discretion that PUMA has to either restrict or permit your proposed activity.

How is 'Development' defined in the Act?

'Development' includes the use of land (whether for a long term or temporary purpose), the erection of a building or other structure, the carrying out of a work, subdivision, and any other activity regulated under the Act.

In order to carry out any type of development, under the Act a Development Consent is needed.

The Development Consent process:

1. Is a Development Consent necessary?

All development needs consent under the Act unless a sustainable management plan or regulations provide otherwise under s.34 of the Act.

2. Prepare and Submit a Development Consent Application

A Development Consent application form is filled and submitted to Planning and Urban Management Agency (Agency) and additional information attached as requested by PUMA (s.37). If the applicant is not the owner of the land the application must be signed by the owner or include a declaration by the applicant that the owner has been notified.

3. Public Notification

Upon receiving the Development Consent application the Agency may issue a public notification to the public of the proposed development (s.43). This will allow any person that is affected by the proposed development to make a submission. Where submission includes an objection, the submission must state how the objector would be affected by the granting of a Development Consent (s.45).

4. Referral to relevant Authority

PUMA may forward the development application to relevant authorities who have a vested interest in the application (s.44). The relevant authorities can state either that it does not object or does not object with conditions or objects in issuing of the development consent on any specified ground.

5. Agency assesses application

The Agency assesses the application with consideration of all submissions, comments from relevant authorities consulted and others provided under s. 46.

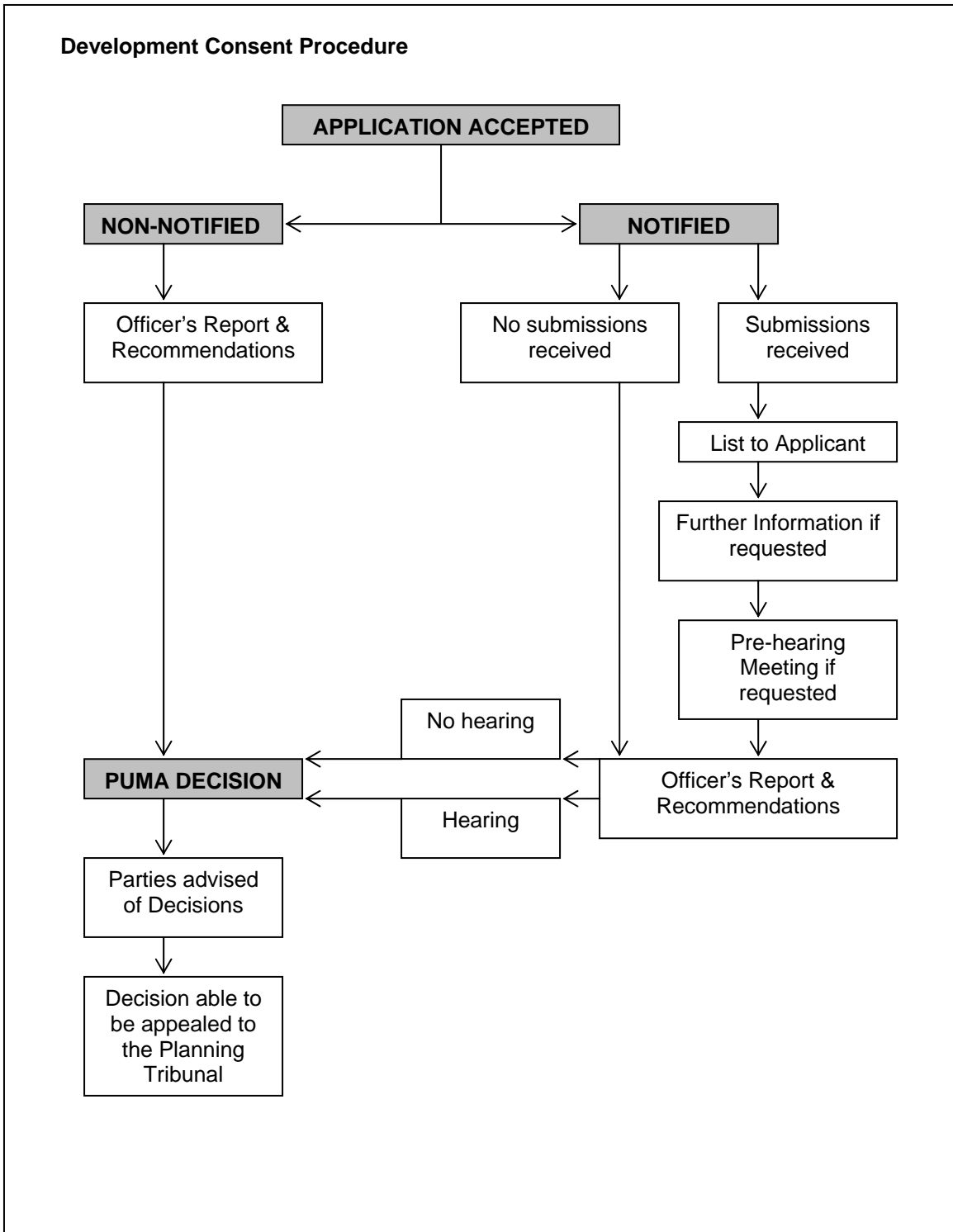
6. Decision on Application

PUMA determines the application based on the assessment of the application. The Agency may decide either to, grant a development consent, grant a development consent with conditions or issue a refusal (s.47). The Agency then notifies both the applicant and all submitters of the outcome of the Agency's decision.

7. Appeal to the Planning Tribunal

An applicant or person that has made a submission and who is dissatisfied with the decision, of the issue of the notice of the decision have the right to appeal to the Planning Tribunal (s.54).

See Development Consent Procedure.



Standard definitions:

1. **'Building'** includes:

- a) A structure and part of a building or a structure; and
- b) Fences, walls, out-buildings, services installations and other appurtenances of a building; and
- c) A boat or a pontoon which is permanently moored or fixed to land.

2. **‘Environment’** include:
 - a) Ecosystems and their constituent parts, including people and communities; and
 - b) All natural and physical resources; and
 - c) Amenity values; and
 - d) The social, economic, aesthetic and cultural conditions which affect the matters stated in paragraphs (a) to (c) of this definition or which are affected by those matters.
3. **‘Land’** include:
 - a) Buildings and other structures permanently fixed to land; and
 - b) Land covered with water; and
 - c) Any estate, interest, easement, privilege or right in or over land.
4. **‘Relevant authority’** means a public authority considered by the Agency to have a function or functions relevant to a development application.
5. **‘Stakeholders’** means a person with an interest in land which may be affected by a sustainable management plan or a draft sustainable management plan or a development application.
6. **‘Use’** in relation to land includes use or proposed use for the purpose for which the land has been or is being or may be developed.

To find out whether you need to apply for development consent, contact us to discuss your proposed activity.

Contact details

Ministry of Natural Resources and Environment (<http://www.mnre.gov.ws>)

This article is dedicated to telling you how the Act helps us to look after the environment. It encourages us to plan for the future of our environment. The Planning and Urban Management Agency will continue to update this page to increase public awareness of issues concerning the understanding and implementing of the PUM Act.

CHILDREN’S CORNER

Answer True or False to the following questions.

1. Development consent gives permission to use or develop on land.
2. A development does not need development consent when it is provided under a sustainable management plan or regulation.
3. Any person or body who maybe be affected by a development application cannot make a submission.
4. The development application may be sent to relevant authorities but they will not comment on the application.
5. The decision of the Planning Board is final, there is no right of appeal.

Crossword puzzle

Across:

2. Person or group with an interest (11)
5. A big cat (4)
7. To employ (3)
8. Course of action (4)

Down:

1. Progress (11)
3. Solid part of earth surface (4)
4. Natural or physical surroundings (11)
6. Built structure (8)

