

**RESIDENTIAL TREATMENT FACILITY (AEOLIA DRIVE)  
(DEVONSHIRE PARISH) SPECIAL DEVELOPMENT ORDER  
2003**

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**BR 4/2003**

**DEVELOPMENT AND PLANNING ACT 1974**

**1974 : 51**

**RESIDENTIAL TREATMENT FACILITY (AEOLIA DRIVE)  
(DEVONSHIRE PARISH) SPECIAL DEVELOPMENT ORDER  
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The Minister of the Environment, Development and Planning, in exercise of the powers conferred on him by section 15(1) of the Development and Planning Act 1974, makes the following Order:

**Citation**

1 This Order may be cited as the Residential Treatment Facility (Aeolia Drive) (Devonshire Parish) Special Development Order 2003.

**Interpretation**

2 (1) In this Order —

"the Act" means the Development and Planning Act 1974;

"applicant" means The Bermuda Housing Corporation;

"Building Official" means the Director of Planning;

"conditions" means the conditions specified in paragraph 3(2);

"development" means the development referred to in the planning application and more particularly described in the First Schedule;

"planning application" means the application for planning permission for the development made by the applicant, numbered P0496/02 and dated 14th June 2002, and the accompanying drawings numbered A101 and 102, A201 to 204, A301, A401 and 402, L101-103 prepared by the Ministry of Works and Engineering and submitted on behalf of the applicant;

"site" means the land described in the Second Schedule.

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(2) Subject to sub-paragraph (1), any expression used in this Order that is also used in the Act has the meaning assigned to it in the Act.

**Planning permission**

3 (1) Subject to the conditions specified in sub-paragraph (2), planning permission is granted by this Order for the development of the site.

(2) The conditions referred to in sub-paragraph (1) are as follows:

- (a) an application for a building permit shall be submitted to, and shall be approved by, the Building Official prior to the commencement of any construction work;
- (b) the application for a building permit shall comply with the requirements of the Bermuda Building Code 1998 and with any directions given by the Chief Fire Officer in respect of fire protection and the Chief Environmental Health Officer in respect of public health;
- (c) the access road (Aeolia Drive), driveways and parking areas shall be designed, surfaced and graded to dispose of all surface water run-off within the curtilage of the site and to avoid the discharge of excess water onto Palmetto Road or any neighbouring property;
- (d) all excess material from site preparation works shall be contained on site during the course of construction and, thereafter, removed from the site to avoid overspill into the protected woodland areas surrounding the area to be developed; and
- (e) the landscaping of the site in accordance with drawing L103 shall be completed within six months of the issuance of a Certificate of Completion and Occupancy.

**Saving**

4 Nothing in this Order grants planning permission for any matters of development for which planning permission is required, apart from any matter for which planning permission has been granted by paragraph 3.

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**FIRST SCHEDULE (paragraph 2(1))**

Development

1 The demolition of Observatory Cottage and the construction of a new one and two-storey building totalling 40,000 square feet of floorspace designed to accommodate a purpose-built residential care facility that includes:

- (a) four wings providing bedrooms, common lounge space and ancillary facilities for boys and girls;
- (b) a fifth wing that will accommodate a workshop, gymnasium and changing facilities;
- (c) a central area devoted to classrooms and facilities for staff, counsellors and social workers; and
- (d) an upper floor that will accommodate a kitchen, dining room, library, conference and training centre, and administration offices.

2 The development of a secure 6,750 square foot outdoor recreation area on the west side of the new building.

3 Improvements to Aeolia Drive and the development of internal roadways and parking areas to accommodate a total of 41 cars and 39 cycles.

4 The implementation of a comprehensive woodland management and landscaping plan to protect and enhance native and endemic species.

**SECOND SCHEDULE (paragraph 2(1))**

Site

ALL THAT LAND in the Parish of Devonshire having an area of 8.26 acres (3.34 hectares) shown outlined in red on drawing number A101 accompanying the planning application.

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Made this 24<sup>th</sup> day of January, 2003

Minister of the Environment