

**THE BERMUDA HOMES FOR PEOPLE SOUTHSIDE HOUSING
AND VILLAGE (ST. GEORGE'S PARISH) SPECIAL
DEVELOPMENT ORDER 2004**

BR 70 / 2004

DEVELOPMENT AND PLANNING ACT 1974

1974 : 51

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In exercise of the powers conferred upon the Minister of the Environment by section 15(2)(a) of the Development and Planning Act 1974, the following order is hereby made:

Citation

1 This Order may be cited as the Bermuda Homes for People Southside Housing and Village (St. George's Parish) Special Development Order 2004.

Interpretation

2 In this Order —

"Act" means the Development and Planning Act 1974;

"applicant" means Bermuda Homes for People;

"Building Official" has the meaning given in the Building Act 1988;

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

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"planning application" means the application for planning permission for the Development made by the applicant numbered P0692/04 and dated 12th July 2004, and the accompanying drawings numbered A-1, A1.01 to A1.04, A3.01A to A3.01E, A3.02A and B, A3.03A and B, A3.05 to A3.10, A4.01A and B, prepared by Cooper and Gardner and submitted on behalf of the applicant;

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

"subdivision" means the subdivision of land referred to in the draft plan of subdivision application and more particularly described in the Second Schedule;

"subdivision application" means the application for planning permission for the draft plan of subdivision made by the applicant, numbered S0106/04 and dated 1st October 2004, and the accompanying drawing numbered A1.02 prepared by Cooper and Gardner and submitted on behalf of the applicant.

(2) Subject to subparagraph (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 subparagraph (2), planning permission is granted by this Order for the development of the site.

(2) The conditions referred to in subparagraph (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 points of access from the site to St. David's Road shall be designed and bell-mouthed to the satisfaction of the Ministry of Works and Engineering and Housing in accordance with the standards specified in paragraph 8.7(1) of the Bermuda Plan 1992 Planning Statement;

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- (d) all hard-surfaced roadways and the junctions of the access roads with St. David's Road shall be designed and graded to drain, retain and dispose of all stormwater run-off within the curtilage of the site, and to avoid any stormwater run-off onto St. David's Road, any neighbouring property or into the waters of St. George's Harbour;
- (e) the application for a building permit shall include full design details of the internal road system and all matters relating to road drainage, gradients, sidewalk widths, road markings; the design of the bus layby and parking lane shall be to the satisfaction of the Chief Highways Engineer in accordance with the relevant provisions of section 8 of the Bermuda Plan 1992 Planning Statement;
- (f) applications for any proposed wells or drainage systems shall be submitted to and approved by the Environmental Authority prior to the commencement of construction;
- (g) the applicant shall take such measures as are necessary to ensure that no excess or waste water is drained or dumped into St. George's Harbour during the course of construction nor on completion of the Development;
- (h) the entire site shall be graded, soiled, grassed, planted and landscaped to the satisfaction of the Director of Planning prior to the issuance of a completion and occupancy certificate in accordance with Building Code 1998;
- (i) all internal roadways shall be a minimum of 16 feet in width;
- (j) a continuous right of way for pedestrians shall be provided and maintained along the foreshore of the site from the car park and slipway west to the western boundary;
- (k) the plans submitted as part of the application for a building permit shall show a public car parking area in the immediate vicinity of the "existing slipway" as shown on drawing no. A1.02, to provide parking for at least 10 cars;
- (l) a drawing showing the design of gate posts, ancillary walls and fencing shall be submitted for the record of the planning application prior to the approval of the application for a building permit, and, with the exception

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of sections permissible at 6 feet in height to provide privacy adjacent to each house, walls, fencing and gates shall not normally exceed 4 feet in height unless required for site engineering purposes; and

- (m) prior to the approval of the application for a building permit, the proposals for the collection, treatment and disposals of sewage, and the collection of rainwater and the distribution of potable water, shall be approved by the Government Hydrogeologist and the Chief Environmental Health Officer, and, if necessary, an application for a construction permit for the proposed plant for the collection, treatment and disposal of sewage shall be approved by the Environmental Authority in accordance with the relevant provisions of the Clean Air Act 1991;
- (n) following the issuance of a completion and occupancy certificate, no further development shall be permitted on any of the individual lots except as may be allowed by the rules of the residents' association, and in this context, "development" includes, but is not limited to,; walls, fences, satellites receivers, sheds, garages, stables, greenhouses, above ground swimming pools, additions to a residential building, the internal conversion of an existing building to create an additional dwelling unit, the use of a home for commercial purposes, a business or any other form of non-residential use and any other structure that may be listed in the rules of the residents' association.

Planning permission to subdivide land

4 (1) Subject to the conditions specified in subparagraph (2), planning permission of the draft plan of subdivision is granted by this Order for the subdivision.

(2) The conditions referred to in subparagraph (1) are as follows —

- (a) an application for planning permission based on a final plan of subdivision shall be submitted for the approval of the Board prior to the issuance of a completion and occupancy certificate; and
- (b) all utility services, including television relay cables, shall be placed underground prior to the completion of the development of any of the hereby approved lots.

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Saving

5 For the avoidance of doubt, it is hereby declared that 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 paragraphs 3 and 4.

FIRST SCHEDULE (paragraph 2(1))

The Development

1. The development of the Southside village, residential units, retail units, a day care centre, community building and ancillary services, facilities and open spaces on land at Higgs Bay, St. George's Harbour on either side of St. David's Road.
2. The construction of 196 homes, each on its own lot, including 83 affordable housing units, and associated garden walls and fences, in the following configuration —
 - (a) 114 two-storey, two-bedroom attached houses of 960 square feet of floorspace;
 - (b) 44 two-storey, three-bedroom townhouses of 1,640 square feet of floorspace;
 - (c) 22 two-storey, four-bedroom attached houses of 1,960 square feet of floorspace;
 - (d) 12 one-bedroom apartments and 4 two-bedroom apartments above the ground floor retail units around the public square.
3. The construction of five retail units and a day care centre totalling approximately 8,800 square feet of floorspace on the ground floor level of three, three-storey buildings on either side of the public square.
4. The construction of a two-storey community centre with hall, bathrooms and ancillary facilities of approximately 2,100 square feet of floorspace at the northern end of the public square.
5. The realignment of, and improvements to, St. David's Road and the development of an internal system of access roads, sidewalks and parking areas.
6. The development of a linked system of landscaped common open spaces, public areas and play areas, and a continuous pedestrian right of way along the foreshore.

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SECOND SCHEDULE (paragraph 2(1))

The Subdivision

1. The creation of 44 terraced house lots of approximately 0.04 acres.
2. The creation of 136 attached house lots of approximately 0.09 acres.
3. The provision of an internal system of roadways, sidewalks and parking areas; public spaces, common open spaces and play areas; and a pedestrian right of way along the foreshore.

THIRD SCHEDULE

The Site

ALL THAT LAND in the Parish of St. George's having an area of 16.58 acres (6.71 hectares) shown outlined in red on drawing number A1.01 accompanying the planning application.

Made this 15th day of October , 2004

Minister of the Environment