

**HARBOUR COURT, TUCKER'S POINT CLUB (ST. GEORGE'S
PARISH) SPECIAL DEVELOPMENT ORDER 2001**

BR 72 / 2001

THE DEVELOPMENT AND PLANNING ACT 1974

1974 :51

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PARISH) SPECIAL DEVELOPMENT ORDER 2001**

In exercise of the powers conferred upon the Minister by section 15(2)(a) of the Development and Planning Act 1974, and all the powers him hereunto enabling, the following Order is hereby made:—

Citation

1 This Order may be cited as the Harbour Court, Tucker's Point Club (St. George's Parish) Special Development Order 2001.

Interpretation

2 (1) In this Order—

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

"the applicant" means Bermuda Properties Ltd;

"Building Official" means the Director of Planning;

"the Board" means the Development Applications Board;

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

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

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"the planning application" means the application for planning permission for the development made by the applicant, numbered P00650/00 and dated 21 August 2000 as amended on 30 March 2001, and the accompanying drawings numbered 9926-02 1 to 21 prepared by NCG Architects Inc. and submitted by Messrs. Barker & Linberg on behalf of the applicant;

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

(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) Planning permission is granted by this Order for the development of the site, subject to the conditions specified in sub-paragraph (2).

(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 application for a building permit with respect to Harbour Court buildings B and D shall include site-specific engineering information in such detail as is necessary to satisfy the Building Official that the site is sufficiently stable to withstand the construction of those buildings without the need for visible retaining walls or structures other than the retaining walls and structures shown on the drawings accompanying the planning application;
- (d) the position of Harbour Court buildings B and D shall be surveyed and set out on site and, where it is considered necessary, by the Environmental Officer for the purpose of preventing damage to the underlying system of caves or the foreshore, shall, after consultation between the Chief Environmental Officer and the applicant be

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repositioned to such location on site as is satisfactory to the Development Applications Board;

- (e) such care shall be taken in the demolition of existing structures and in the site preparation works for the five Harbour Court buildings as is reasonably necessary to prevent damage to the under-lying system of caves and the foreshore;
- (f) all excess material from site preparation works for the five Harbour Court buildings shall be properly contained on site during all phases of construction to ensure that there is no overspill into the waters of Castle Harbour; and
- (g) all effluent from bathrooms, kitchens, toilets and laundry facilities shall be treated and disposed of via the licensed wastewater treatment plant.

Saving

4 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 paragraph 3.

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FIRST SCHEDULE (paragraph 2(1))

The Development

1. The demolition of the existing Castle Harbour Wing hotel.
2. The development of some 90,000 feet of floor space in 5 buildings of three, four and five stories including—
 - (a) a central reception area, members' lounge, administration, storage and service areas;
 - (b) 38 residential units comprising 10 two-bedroom units, 24 three-bedroom units and 4 four-bedroom units;
 - (c) an elevated pool dock, two swimming pools, planters and associated landscaping;
 - (d) a below ground parking garage for 40 vehicles; and
 - (e) improvements to the driveway and main vehicular access.

SECOND SCHEDULE (paragraph 2(1))

The Site

ALL THAT LAND in the Parish of St. George's having an area of 2.335 acres (0.945 hectares) shown outlined in red on Drawing number 1918 accompanying the planning application.

Made this 26 day of October 2001

Minister of the Environment, Development and Opportunity