

**DESTINATION VILLAGES (DANIEL'S HEAD, SANDYS PARISH)  
SPECIAL DEVELOPMENT ORDER 1999**

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**BR 3/1999**

**THE DEVELOPMENT AND PLANNING ACT 1974**

**1974 :51**

**THE DESTINATION VILLAGES (DANIEL'S HEAD, SANDYS  
PARISH) SPECIAL DEVELOPMENT ORDER 1999**

In exercise of the power 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 Destination Villages (Daniel's Head, Sandys Parish) Special Development Order 1999.

**Interpretation**

2 (1) In this Order—

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

"the Board" means the Development Applications Board;

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

"Destination Villages" means Destination Villages, Daniel's Head, Bermuda Ltd, a company registered under the Companies Act 1981 on the 22 day of May 1998;

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

"eco-tent" means a self-contained, wood-framed, canvas-sided structure raised on posts, which provides accommodation for four to six persons;

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"the planning application" means the application for planning permission for the development made by Destination Villages numbered PLN: 415/98 and dated 14 May 1998 as amended by the submission dated 9 October 1998, and the accompanying drawings numbered 1695.A.1b to A.6b; A.7 to A.14; EX/1.A. 1 to EX/31.A.1; EX/36.A.1; and EV.1, prepared by Messrs. Cooper and Gardner on behalf of Destination Villages;

"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) 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 sub-paragraph (1) are as follows—

- (a) an application for a building permit shall be submitted for approval by the Building Control Officer 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 as regards fire protection and the Chief Environmental Health Officer as regards public health;
- (c) prior to the issuance of a building permit, the applicant shall submit for the approval of the Ministry of the Environment a Storm Preparedness Plan that provides full details of an evacuation and accommodation protocol for the guests, and details of how it is proposed to remove and store hazardous materials;
- (d) prior to the issuance of a building permit, the applicant shall submit for the approval of the Chief Environmental Officer a detailed Asbestos Abatement Programme;
- (e) prior to the issuance of a building permit, the applicant shall submit for the approval of the Ministry of the Environment a detailed Construction Programme for a typical eco-tent located on the foreshore and a typical eco-tent located in inshore waters, and the Construction

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Programme shall include details of the measures to be undertaken to contain debris and overspill from the construction site to ensure there is no detrimental impact on the marine environment;

- (f) prior to the commencement of construction, the applicant shall enter into an agreement with the Minister of Works and Engineering in accordance with the provisions of the Department of Works and Engineering Act 1984 or the provisions of the Sale of Reclaimed Lands Act 1951, or both, with respect to the construction of any structure or works on the foreshore or on the bed of the sea;
- (g) prior to the submission of an application for a building permit, and if necessary, thereafter, the applicant shall meet with the Conservation Officer on site and shall then identify and agree the location of the White-tailed Tropicbird nest sites; and all eco-tents shall be set back at least twenty feet from the nest sites so identified and agreed; and
- (h) no eco-tent shall be sited so as to encroach upon a sea grass bed.

**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.

**FIRST SCHEDULE**

**(paragraph 2(1))**

**The Development**

1. The development of a tourism resort including 120 eco-tents of approximately 400 square feet each, such eco-tents to be raised on posts and linked by raised walkways.
2. The construction of observation platforms, a gazebo, swimming pool and pavilions, and renovations and additions to the existing dock.
3. The demolition of some 12,340 square feet of floorspace in eight existing buildings.

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4. Minor additions to, and the renovation and refurbishment of, existing buildings to provide some 77,000 square feet of floorspace to accommodate—
  - (a) a reception area, lounge and administration offices;
  - (b) meeting, assembly, dining and kitchen facilities;
  - (c) staff housing;
  - (d) manager's accommodation;
  - (e) a multi-purpose community outreach and educational facility;
  - (f) recycling, composting and storage facilities;
  - (g) tourist accommodation; and
  - (h) security, maintenance and mechanical rooms.
5. Adjustments to the existing road system to provide vehicular access for servicing, staff, emergencies and special needs, a network of footpaths and the provision of parking space for 25 cars and 25 cycles.

**SECOND SCHEDULE**

**(paragraph 2(1))**

**The Site**

ALL THAT LAND in the Parish of Sandys having an area of 8.04 hectares (19.87 acres) shown outlined in red on Drawing number 1695-A-1b accompanying the planning application.

Made this 16<sup>th</sup> day of February, 1999

Minister of the Environment