

**STONEHAVEN DEVELOPMENT CONDOMINIUM HOTEL (CITY
OF HAMILTON) SPECIAL DEVELOPMENT ORDER 2008**

GN 254 / 2008

DEVELOPMENT AND PLANNING ACT 1974

1974 : 51

**STONEHAVEN DEVELOPMENT CONDOMINIUM HOTEL (CITY
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In exercise of the powers conferred upon the Minister of the Environment and Sports 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 Stonehaven Development Condominium Hotel (City of Hamilton) Special Development Order 2008.

Interpretation

2 (1) In this Order —

"Act" means the Development and Planning Act 1974;

"applicant" means Stonehaven Development Co. Ltd., registration number 21943 under the Companies Act and registered on 17 May 1996;

"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 PO577/07 and dated 31 July 2007, and the accompanying drawings dated 19 June 2007, Proj. # 072037 and labeled: Preliminary Perspective Sketch; Hotel Site Plan; Hotel Podium Plan- Ground Level; Hotel Room Floor Plan (Typical); Hotel Roof Plan; and Hotel Building Section, prepared by Botelhowood Architects, Harbour Development Ltd. and Wimberly Allison Tong & Goo, Architects, Design, Planning and Consulting, and submitted on behalf of the applicant;

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

(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 in principle

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

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

- (a) prior to submission of an application for final planning permission, the applicant shall submit to the Minister responsible for Tourism and the Minister of the Environment and Sports, for their review, information and details sufficient to satisfy both Ministers that the applicant will make adequate provision for staff housing;
- (b) design, external appearance, access, parking, traffic and landscaping are reserved matters to be determined at the Final Approval stage and shall be to the satisfaction of the Development Applications Board. The application for final planning permission shall be made to the Department of Planning and shall be accompanied by comprehensive details on all reserved matters. The landscape works should include street trees, lighting and improvements to the satisfaction of the Corporation of Hamilton;
- (c) 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;

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- (d) the application for a building permit shall comply with the requirements of the Building Act 1988 and the Bermuda Building Code 1998, with any directions given by the Chief Fire Officer in respect of fire protection, and with any directions given by the Chief Environmental Health Officer in respect of public health;
- (e) all roads, junctions with public roads and sidewalks shall be sited, designed and laid out in accordance with the requirements of the Corporation of Hamilton and the City of Hamilton Plan 2001;
- (f) the mode, design and specifications of the proposed methods of sewage disposal, the supply of water and the provisions made for disposing of all storm water run-off within the curtilage of the site shall comply with the requirements of the Corporation of Hamilton and the Chief Environmental Health Officer;
- (g) all utility cables shall be placed underground within the curtilage of the site and shall be to the satisfaction of the Corporation of Hamilton;
- (h) a public art feature shall be required as part of the final planning application and shall be in general conformance with the requirements of the City of Hamilton Plan 2001.

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 or approval of the Corporation of Hamilton 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 construction of a ten-storey 81 unit condominium hotel on the north east corner of Court Street and Reid Street in the City of Hamilton.
2. The new condominium hotel will comprise 42 hotel condominiums and 39 residences, restaurant and spa with a total floor area of approximately 152,000 square feet.

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SECOND SCHEDULE (paragraph 2(1))

The Site

ALL THAT LAND in the City of Hamilton having an approximate area of 23,522 square feet and containing the existing Canadian Hotel building and retail shops, bounded by Court Street to the west and Reid Street to the south comprising numbers 77 and 79 Court Street and numbers 61, 63, 65, 67, and 69 Reid Street as is shown, outlined in red on the undated location plan by ARP Consulting Services.

Made this 25th day of March, 2008

Minister of the Environment and Sports