



BERMUDA

FAIRMONT SOUTHAMPTON RESORT MASTER PLAN (SOUTHAMPTON
PARISH) SPECIAL DEVELOPMENT ORDER 2009

GN 81 / 2009

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 Fairmont Southampton Resort Master Plan (Southampton Parish) Special Development Order 2009.

Interpretation

2 (1) In this Order—

“Act” means the Development and Planning Act 1974;

“applicant” means Westend Properties Limited, a company registered by Private Act on 30 April 1962;

“the Board” means the Development Applications Board;

“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 in principle for the Development made by the applicant numbered P0518/08 and dated 8 August 2008, and the accompanying drawings dated 29 July 2008 and numbered 1.00 to 26.00, prepared by Bermuda-Caribbean Engineering Consultants Ltd. and submitted on behalf of the applicant;

“site” means the land described in the Second Schedule;

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(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 and shall expire five years from the date of this Order.

(2) The conditions referred to in subparagraph (1) shall apply to applications submitted for final planning permission for any phase or part of the Development granted by planning permission in principle by this Order and are as follows—

- (a) 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 Board. The application for final planning permission shall be made to the Board and shall be accompanied by comprehensive details on all reserved matters;
- (b) any works that may have an impact on a public road, such as access roads, turning lanes, junctions, sidewalks and bus lay-bys shall be located and designed in accordance with the requirements of the Ministry of Works and Engineering;
- (c) 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 Government Hydrogeologist and the Chief Environmental Health Officer;
- (d) all hard-surfaced roadways and parking areas shall be designed and graded to drain, retain and dispose of all storm water run-off within the curtilage of the site, and to avoid any storm water run-off to any public road or any neighbouring property;
- (e) all utility cables shall be placed underground within the curtilage of the site;
- (f) the application for final planning permission shall be accompanied by submissions and/or plans that demonstrate particular care has been taken with the siting, layout and design of the Development in order to conserve the natural and scenic qualities of the Coastal Reserve;
- (g) the application for final planning permission shall be accompanied by an Archaeological Assessment and an Archaeological Management Plan on all four of the Historic Protection Areas located on the site; and
- (h) the application for final planning permission shall be accompanied by a comprehensive landscape plan with particular attention being given to the screening of parking and service areas, and to design, materials, treatment and planting of the beach club area.

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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 in principle has been granted by paragraph 3.

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FIRST SCHEDULE

(paragraph 2(1))

THE DEVELOPMENT

1. The phased development of 71 fractional tourism units and 37 residential villas to be available for sale to non-Bermudians and totalling some 270,000 square feet of floor space at 4 locations around the site; the development of 22 town homes for sale only to Bermudians and totalling some 30,000 square feet of floor space; the redevelopment of the beach club at East Whale Bay; improvements to the 18-hole golf course; and associated ancillary works, services, facilities and infrastructure as described more fully below.
2. The development at Turtle Hill of 57 two- and three-storey, two-to four-bedroom fractional tourism units with a gross floor area per unit of up to 3,100 square feet, with entry drive, arrival gate and gate house, arrival pavilion and plaza, swimming pools, clubhouse and associated terraces and pathways.
3. The development at Turtle Hill of 7 two-storey, three-bedroom residential villas with a gross floor area per unit of approximately 2,600 square feet, two tennis courts with shade pavilion and covered parking.
4. The development at the site south of the main hotel building of 14 two-storey, three-bedroom 'golf fractional tourism units' with a gross floor area per unit of approximately 2,600 square feet, covered parking, pedestrian paths, and a relocated main hotel drive with associated retaining walls.
5. The development at the site north of the existing golf clubhouse of 20 two-storey, two- and three-bedroom 'golf residential villas' with a gross floor area per unit of approximately 2,600 square feet
6. The development of 10 two-storey, three-bedroom 'Hilltop' residential villas with a gross floor area per unit of approximately 2,600 square feet, entry gate, parking plaza, swimming pool, terraces and pathways.
7. The development on South Road, for Bermudians only, of 22 two-bedroom town homes with a gross floor area per unit of approximately 1,400 square feet in three, two-storey buildings, with private outdoor living spaces, new access and parking.
8. The redevelopment of the beach club area at East Whale Bay with a new beach club building, pool bar building, water sports storage facility building, swimming pools, jacuzzis, cabanas, pergolas, and associated service access, parking, arrival court, covered parking, terraces and ancillary services and facilities.
9. Improvements to the par three 18-hole golf course including, but not limited to, a relocated 14th tee and green and a new 18th tee, fairway and green, and new landscaping,

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planting and earthworks as may be required, including improvements to or the realignment of golf cart paths.

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SECOND SCHEDULE

(paragraph 2(1))

THE SITE

ALL THAT LAND in the Parish of Southampton having an area of 91.16 acres (36.89 hectares) shown outlined in red on drawing number 3.00 dated 29 July 2008 prepared by Bermuda-Caribbean Engineering Consultants Ltd.

Made this 6th day of February, 2009.

Minister of the Environment and Sports