

BERMUDA

9 BEACHES (DANIEL'S HEAD, SANDY'S PARISH) ORDER 2010

GN 1099 / 2010

TABLE OF CONTENTS

1	Citation
2	Interpretation
3	Planning permission in principle
4	Planning permission to subdivide land
5	Saving
	SCHEDULE 1
	The Development
	SCHEDULE 2
	The Subdivision
	SCHEDULE 3
	The Site

The Minister responsible for planning, in exercise of the powers conferred by section 15 of the Development and Planning Act 1974, makes the following Order:

Citation

1 This Order may be cited as the 9 Beaches (Daniel's Head, Sandys Parish) Special Development Order 2010.

Interpretation

2 (1) In this Order—

“Act” means the Development and Planning Act 1974;

“applicant” means IRC Sandys Ltd., a company registered under the Companies Act 1981 on 17 June 2004;

“Development” means the Development as described in Schedule 1;

“reserved matters” means matters reserved for approval by the Board in accordance with section 23(8) of the Act in relation to the planning permission in principle granted by paragraph 3(1);

“Site” means the land described in Schedule 3;

9 BEACHES (DANIEL'S HEAD, SANDY'S PARISH) ORDER 2010

“subdivision” means the subdivision of land referred to in the draft plan of subdivision and more particularly described in Schedule 2;

“tent cottage” means a self-contained, wood-framed structure raised on posts, which provides accommodation for four persons.

(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 reserved matters specified in subparagraph (2) and the conditions specified in subparagraph (3), planning permission in principle is granted by this Order for the development of the Site.

(2) The reserved matters referred to in subparagraph (1) are the following—

- (a) the scale, design, architectural detailing, external appearance and materials of any building or works; and
- (b) the design and layout of all access roads and parking areas.

(3) The conditions referred to in subparagraph (1) are that—

- (a) all access roads and sidewalks shall be sited, designed and laid out in accordance with the requirements of the Ministry of Works and Engineering and in compliance with the provisions of paragraphs TPT.4 and TPT.11, Chapter 11 of the Bermuda Plan 2008 Planning Statement;
- (b) all hard-surfaced roadways and junctions of the access roads with the public 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 the public road or any neighbouring property;
- (c) the method, design and specifications of the proposed methods of sewage disposal, the supply of water and the provision made for containing and disposing of stormwater run-off shall comply with the requirements of the Government Hydrogeologist and the Chief Environmental Health Officer; and
- (d) an application for final planning permission shall be accompanied by—
 - (i) an updated storm-preparedness plan that provides full details of an evacuation and accommodation protocol for guests occupying tent cottages;
 - (ii) a comprehensive landscaping scheme prepared in accordance with paragraph LSG.4, Chapter 9 of the Bermuda Plan 2008 Planning Statement, and in preparing the landscaping scheme, particular attention shall be given to the screening of parking areas and to the design, materials, treatment and planting of the Site along the public roads;
 - (iii) a full topographical survey for the Site;

9 BEACHES (DANIEL'S HEAD, SANDY'S PARISH) ORDER 2010

- (iv) a traffic study which shall assess the impact upon local roads both during and post construction and shall incorporate details of any proposed mitigation measures if appropriate;
- (v) a technical study to assess any impact upon the marine environment arising from the proposed dock extension, together with details of mitigation measures should any adverse impact be identified;
- (vi) details of any specific proposals within the coastal reserve area as identified by the Bermuda Plan 2008 Planning Statement, and how such proposals will be implemented and subsequently managed;
- (vii) detailed arrangements for public access and parking on the adjoining national park area; and
- (viii) details of phasing for the development of the Site, together with full details of implementation of all infrastructure to accompany each phase.

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 cable television relay cables, shall be placed underground prior to the completion of the development of any of the hereby approved lots.

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.

SCHEDULE 1

(paragraph 2(1))

THE DEVELOPMENT

1 The development of 9 Beaches Bermuda, a tourism resort and residential community, on land at Daniel's Head, Sandys and shown on drawings, prepared by Cooper Gardner, numbered 3153-SK000, 3153SK-001, 3153SK-002, 3153SK-003, 3154SK-001, 3154SK-002, 3154SK-003, 3154SK-004, and 3154-SK005, which are available for inspection during office hours at the Department of Planning, Government Administration Building, 3rd Floor, 30 Parliament Street, Hamilton.

2 The refurbishment of existing single-storey tent cottages, and the construction of duplex villas (two-bedroom suites) in eight two-storey buildings and studio suites in two three-storey buildings, for a total of 69 hotel units, comprising—

- (a) 49 tent cottages with a total gross floor area of approximately 12,250 square feet;
- (b) 8 duplex villas with a total gross floor area of approximately 18,320 square feet; and
- (c) 12 studio suites with a total gross floor area of approximately 6,120 square feet.

3 The development of 120 one, two and three-bedroom dwelling units for residential or tourism related uses in buildings of one, two and three storeys in height. The final configuration and layout shall be determined by reference to the full topographical survey and adequate demonstration of site planning issues including the relationship between buildings, provision of setbacks, the provision of vehicular access and parking, private open space, adequate fire access, and refuse collection facilities.

4 The construction of new amenity and service buildings and recreational facilities comprising—

- (a) a reception area, offices, spa and fitness centre with a total gross floor area of approximately 11,500 square feet;
- (b) a restaurant, bar, water sports facilities (such as scuba diving and kayak rental), offices and lounge with a total gross floor area of approximately 18,400 square feet;
- (c) swimming pools;
- (d) dock extension; and
- (e) staff accommodation, laundry, garbage storage, sewage and solid waste management facilities, and offices with a total gross floor area of approximately 27,440 square feet.

9 BEACHES (DANIEL'S HEAD, SANDY'S PARISH) ORDER 2010

5 The realignment and development of an internal system of roadways, services areas and parking areas.

SCHEDULE 2

(paragraph 2(1))

THE SUBDIVISION

1 The creation of five additional lots of land by way of subdivision of the Site, with a grant of an easement of right of way, in accordance with the draft plan of subdivision, referred to in paragraph 2, for a total of six lots in all.

2 The creation of Lot 1 (approximately 10.18 acres), Lot 2 (approximately 2.20 acres) with the grant of an easement of right of way, Lot 3 (approximately 1.53 acres), Lot 4A (approximately 1.42 acres), Lot 4B (approximately 0.53 acres) and Lot 5 (approximately 3.30 acres) as shown on the draft plan of subdivision, prepared by Cooper Gardner, numbered 3154-SUB.DIV, which is available for inspection during office hours at the Department of Planning, Government Administration Building, 3rd Floor, 30 Parliament Street, Hamilton.

9 BEACHES (DANIEL'S HEAD, SANDY'S PARISH) ORDER 2010

SCHEDULE 3

(paragraph 2(1))

THE SITE

ALL THAT LAND in the Parish of Sandys having an area of 19.16 acres, shown outlined in red on drawing number 3135-EX.SITE, prepared by Cooper Gardner, which is available for inspection during office hours at the Department of Planning, Government Administration Building, 3rd Floor, 30 Parliament Street, Hamilton.

Made this 27th day of October, 2010

Minister of the Environment and Sports