



BERMUDA

TUCKER'S POINT RESORT RESIDENTIAL DEVELOPMENT (HAMILTON AND
ST. GEORGE'S PARISHES) SPECIAL DEVELOPMENT ORDER 2011

BR 20 / 2011

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The Minister responsible for planning, in exercise of the powers conferred by section 15(2)(a) of the Development and Planning Act 1974, makes the following Order:

Citation

1 This Order may be cited as the Tucker's Point Resort Residential Development (Hamilton and St. George's Parishes) Special Development Order 2011.

Interpretation

2 (1) In this Order—

“Act” means the Development and Planning Act 1974;

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"applicant" means Castle Harbour Limited, a company registered under the Companies Act 1981 on 18 January 2001;

"conditions" means conditions specified in paragraphs 3(3), 4(2) and 5(2);

"Development" means the Development as described in Schedule 1;

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

"Sites" means the lands described in Schedule 2;

"the subdivision" means the subdivision of land described in Schedule 1;

(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 lands outlined in Schedule 2 for a period of 10 years from the date this Order comes into operation.

(2) The reserved matters referred to in subparagraph (1) are as follows - building siting and layout, site coverage, building heights, building lines, parking provision, design and layout of all access roads and parking areas, building design, external appearance and materials of all buildings and structures, and landscaping.

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

(a) applications for final planning permission shall be accompanied where relevant by the following supporting studies—

(i) a woodland vegetation (trees, grasses, ferns) assessment retention/replacement/removal programme for each area/site;

(ii) a habitat survey;

(iii) a geotechnical assessment to determine existing caves/voids and cave features involving—

(A) exploratory borehole surveys; or

(B) such other method of geotechnical assessment as may be agreed by the Development Applications Board,

for locations of building sites, access driveways, and trenching works over 4 feet in depth;

(iv) a land use impact analysis if any of the Sites infringe on, or are within the setback from nature reserve zoning.

(b) all existing or newly discovered cave features will require a subterranean topographical survey be completed by a qualified cave survey specialist to

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geo-reference the cave voids for terrestrial development potential considerations. All mapped caves, cave features and new caves will require a minimum setback buffer of 30 foot for all structures and excavation;

- (c) all development must be designed with shallow tanks of minimum below existing grade depths of no greater than 3 foot depth finished level and 4 foot maximum excavation grade. No excavation should exceed 4 feet due to potential contact and impact with known or unknown cave systems. Any required sewage trenching deeper than 4 feet must rely on test boreholes, or such other method of geotechnical assessment as may be agreed by the Development Applications Board, to demonstrate that such trenching works will not compromise an undiscovered cave;
- (d) no development should utilize wells for water or deep sealed boreholes for sewage, other effluent or grey water disposal;
- (e) any identified critical habitat or existing mature specimen endemic, native or ornamental plants must be recorded; and these sites and plants must be protected and provided with an adequate setback buffer;
- (f) all access roads and junctions with the public roads and sidewalks shall be sited, designed and laid out in accordance with the requirements of the Ministry of Public Works;
- (g) all hard-surfaced roadways and junctions of the access roads with public and private estate roads 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 roadways, any neighbouring properties and conservation areas;
- (h) all sewage treatment requirements for the residential lots to be created shall generally be met using the existing Tucker's Point Club sewage treatment facility with cesspits and septic tanks not permitted. If in any case, connections to the sewage system are infeasible, a three-chambered semi-septic tank system will be permitted;
- (i) all utility cables, including cable television relay cables, shall be placed underground, in trenching no deeper than 3 feet;
- (j) an application for final planning permission shall be accompanied by a comprehensive landscaping scheme in which particular attention shall be given to the types of plantings adjacent to woodland and nature reserve areas to ensure invasive plant types are avoided. A landscape principle of 40% endemics, 30% natives, 20% non-invasive ornamentals and 10% of any combination of endemics, natives or non-invasive ornamentals will be applied to each proposed lot; and
- (k) Sites 1, 2, 7, 8, and 11, as described in Schedule 2, subject to this Order will require a Conservation Management Plan prepared on an area wide

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basis. The relevant area Conservation Management Plan must be filed with any application for final planning permission for development in that area.

[Paragraph 3 subparagraph (3)(a)(iii) deleted and substituted and subparagraph (3)(c) amended by BR 79 / 2015 para. 2 effective 24 August 2015]

Planning permission to subdivide land, draft subdivision approval and all other lands

4 (1) Subject to the conditions specified in subparagraph (2), planning permission for 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 on an area by area (8 areas) basis, shall be submitted for approval by the Development Applications Board;
- (b) all site services and utilities required shall be placed underground and trenching shall be limited to no greater than 3 foot depths;
- (c) all sewage treatment requirements for the residential lots to be created shall generally be met using the existing Tucker's Point Club sewage treatment facility with cesspits and septic tanks not permitted. If in any case, connections to the sewage system are infeasible, a three-chambered semi-septic tank system may be permitted;
- (d) land zoned woodland reserve and nature reserve at Paynter's Hill (Site 2, 6.59 acres), land zoned coastal reserve on Harrington Sound Road (Site 6, 0.945 acres), and the lake known as Mangrove Lake in Hamilton Parish (Site 10, 18.70 acres), shall be created as part of a final subdivision and voluntarily conveyed to the Bermuda Government for conservation management purposes, prior to final approval for housing on any lot created by this Order;
- (e) at the final plan of subdivision application stage, it must be fully demonstrated that all infrastructure required for development of the proposed lots, including roadways, water provision, and sewage can appropriately be provided in a suitable manner, particularly for lots proposed in sensitive environmental areas;
- (f) in the case of the more sensitive environmental areas, the relevant supporting studies as outlined in paragraph 3(3) may be required at the subdivision stage to appropriately inform the exact lot lines, sizes and configurations, as well as to appropriately locate and size the intended building envelopes and access routes. Such supporting studies must be provided with the application for final subdivision; and
- (g) full topographic details and all lots and roadways proposed will be required at the final plan of subdivision application stage, along with cut/fill/retention details.

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Planning permission to subdivide land, draft subdivision approval – White Crest Hill

5 (1) Subject to the conditions specified in subparagraph (2), planning permission for 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 approval by the Development Applications Board. The final plan shall demonstrate all grading requirements, roadway specifications, stormwater water disposal plans, and servicing details;
- (b) all site services and utilities required shall be placed underground and trenching shall be limited to no greater than 3 foot depths;
- (c) at the final plan of subdivision application stage, it must be fully demonstrated that all infrastructure required for development of the proposed lots, including roadways, water provision, and sewage can appropriately be provided in a suitable manner, particularly for lots proposed in sensitive environmental areas;
- (d) in the case of the more sensitive environmental areas within White Crest Hill, the relevant supporting studies as outlined in paragraph 3(3) may be required at the subdivision stage to appropriately inform the exact lot lines, sizes and configurations, as well as to appropriately locate and size the intended building envelopes and access routes. Such supporting studies must be provided with the application for final subdivision;
- (e) full topographic details and all lots and roadways proposed will be required at the final plan of subdivision application stage, along with cut/fill/retention details; and
- (f) land zoned woodland reserve to the east and west of White Crest Hill (lots 25A and 56, 7.44 acres and 7.45 acres), shall be created as part of a final subdivision and voluntarily conveyed to the Bermuda Government for conservation management purposes, prior to final approval for housing on any lot created by this Order.

Saving

6 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, 4 and 5.

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SCHEDULE 1

(paragraph 2(1))

THE DEVELOPMENT AND SUBDIVISION

1 The creation and development of three individual lots for single dwelling residential use at Glebe Hill, Hamilton Parish, comprising 3.279 acres (142,835 square feet) to be developed generally in accordance with The Bermuda Plan 2008 Residential 2 zoning standards. The alignment of the access road shall have regard to the retention of existing mature trees—

Lot 01: 32,030 square feet;

Lot 02: 25,625 square feet; and

Lot 03: 85,180 square feet.

2 The creation and development of individual lots for single dwelling residential use at Paynter's Hill, in St. George's and Hamilton Parishes, comprising 2.758 acres (120,160 feet) to be developed generally in accordance with The Bermuda Plan 2008 Residential 2 zoning standards—

Lot 01: 20,830 square feet;

Lot 02: 18,130 square feet;

Lot 03: 18,130 square feet;

Lot 04: 12,200 square feet;

Lot 05: 11,720 square feet;

Lot 06: 10,860 square feet;

Lot 09: 28,330 square feet.

3 The creation and development of an individual lot for single dwelling residential use at Paynter's Road, St. George's Parish, comprising 0.421 acres (18,330 square feet) to be developed generally in accordance with The Bermuda Plan 2008 Residential 2 zoning standards.

4 The creation and development of an individual lot for single dwelling residential use at Paynter's Road, Hamilton Parish, comprising 0.591 acres (25,760 square feet) to be developed in accordance with The Bermuda Plan 2008 Residential 2 zoning standards.

5 The creation and development of an individual lot for single dwelling residential use at South Road, St. George's Parish, comprising 0.574 acres (24,995 square feet) to be developed generally in accordance with The Bermuda Plan 2008 Residential 2 zoning standards.

7 The creation and development of two lots for single dwelling residential use at Harrington Sound Road, Hamilton Parish, comprising of Lot 1: 0.799 acres (34,810 square

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feet) and Lot 2: 0.580 acres (25,260 square feet) to be developed generally in accordance with The Bermuda Plan 2008 Residential 2 zoning standards.

8 The creation and development of three lots for residential and in the case of one lot, mixed use development of the Stables site at Tucker's Point, St. George's Parish, comprising as follows—

Lot 01: 56,460 square foot lot for up to 10 semi-detached or attached town houses.

Lot 02: 18,835 square foot lot for single dwelling house of residential use.

Lot 03: 101,200 square foot lot for residential and mixed use development with a maximum height of three storeys and a maximum of 24 units.

10 The voluntary conveyance to the Bermuda Government of the following land—

(a) land zoned woodland reserve and nature reserve at Paynter's Hill (Site 2, lots 10 and 11);

(b) land zoned coastal reserve at Harrington Sound Road (Site 6);

(c) land zoned woodland reserve to the east of White Crest Hill (Site 11, lot 25A);

(d) land zoned woodland reserve to the west of White Crest Hill (Site 11, lot 56); and

(e) Mangrove Lake (Site 10, lot 59).

11 The subdivision and development of the land at White Crest Hill, Hamilton Parish, comprising 40.53 acres (1,764,265 square feet) for the development of 50 residential, amenity and conservation lots. The residential lots to be developed generally in accordance with The Bermuda Plan 2008 Residential 2 zoning standards—

Lot No.	Acres	Sq. Ft.
01	0.413	18,002
02	0.414	18,015
03	0.414	18,015
04	0.70	30,818
05	0.595	25,910
06	0.432	18,834
07	0.418	18,194
08	0.470	19,266
09	0.417	18,150
10	0.655	28,515
11	0.570	24,830
12	0.570	25,022 amenity space
13	0.678	29,540

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Lot No.	Acres	Sq. Ft.
14	0.731	31,836
15	0.429	18,700
16	0.433	18,881
17	0.418	18,206
18	0.460	20,058
19	0.424	18,476
20	0.453	19,738
21	0.837	36,456
22	0.905	39,443
23A	1.490	64,910 conservation and residential 2 (formerly lots 23 and 24)
25A	7.44	324,086 conservation - to be donated to Government (formerly lots 26-30 and 58, and part of lots 25 and 31-33)
33A	0.568	24,757 (formerly part of lots 31-33)
34	0.481	20,956
35	0.695	30,277
36	0.517	22,530
37	0.486	21,158
38	0.460	20,031
39	0.482	21,007
40	0.418	18,209
41	0.482	21,010
42	0.50	21,766
43	0.425	18,509
44	0.549	23,895
45	0.479	20,869
46	0.618	26,904
47	0.477	20,760
48A	0.770	33,583 (formerly lot 48 and part of lot 25)
49	0.508	22,149
50	0.502	21,846
51	0.484	21,083
52	0.513	22,358
53	0.478	20,826
54	0.488	21,242
55	0.543	23,670
56	7.450	324,520 conservation - to be donated to Government
57	0.270	11,760 amenity space
59	18.70	814,720 Mangrove Lake, conservation - to be donated to Government

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SCHEDULE 2

(paragraph 2(1))

THE SITES

ALL THOSE lots of land, in St. George's Parish and Hamilton Parish, shown outlined on the following drawings—

Architectural drawing:

1011.A.100B	Key Plan
1011.A.101A	Site 01: Glebe Hill
1011.A.102B	Site 02: Paynter's Hill
1011.A.103A	Site 03: Paynter's Road
1011.A.104A	Site 04: Paynter's Road
1011.A.105A	Site 05: South Road
1011.A.106B	Site 06: Harrington Sound Road
1011.A.107A	Site 07: Harrington Sound Road
1011.A.108A	Site 08: Stables Road
1011.A.110A	Site 10: Mangrove Lake
1011.A.111B	Site 11: White Crest Hill

Surveying drawing:

3281A	Existing Master Plan dated May 2008
3619A	White Crest Hill Proposed Plan of Subdivision dated March 2011

Copies of these architectural and surveying drawings shall be available for inspection during office hours at the Department of Planning.

Made this 30th day of March, 2011

Minister of Environment, Planning and Infrastructure Strategy

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ST. GEORGE'S PARISHES) SPECIAL DEVELOPMENT ORDER 2011

[Amended by:

BR 79 / 2015]