

**GRAND ATLANTIC RESORT AND RESIDENCES (WARWICK
PARISH) SPECIAL DEVELOPMENT ORDER 2007**

GN 51 / 2007

DEVELOPMENT AND PLANNING ACT 1974

1974 : 51

**GRAND ATLANTIC RESORT AND RESIDENCES (WARWICK
PARISH) SPECIAL DEVELOPMENT ORDER 2007**

In exercise of the powers conferred upon the Minister of the Environment, Telecommunications and E-Commerce by section 15 of the Development and Planning Act 1974, the following order is hereby made:

Citation

1 This Order may be cited as the Grand Atlantic Resort and Residences (Warwick Parish) Special Development Order 2007.

Interpretation

2 (1) In this Order, unless the context otherwise requires—

"Act" means the Development and Planning Act 1974;

"applicant" means Atlantic Development (Bermuda) Limited, a company registered (registration number 36285) under the Companies Act 1981;

"Bermudian" means a person who possesses Bermudian status under the Bermuda Immigration and Protection Act 1956;

"Building Official" has the meaning given in the Building Act 1988;

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"Development" means the Development described in the First Schedule;

"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.

[Paragraph 2 amended by GN 269/2010 para.2 effective 31 March 2010]

Planning permission

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

- (2) The conditions referred to in subparagraph (1) are that —
- (a) prior to submission of the application for a building permit for the affordable homes component, the applicant shall submit for the approval of the Minister of Environment and Sports, a comprehensive landscaping plan for the residential portion of the site;
 - (aa) prior to the submission of the application for a building permit for the affordable homes component, the applicant shall submit for the approval of the Minister of Environment and Sports, a topographical plan of the final site levels and the details of any retaining structures proposed;
 - (b) 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;
 - (c) the application for a building permit shall comply with the requirements of the Building Act 1988 and the Bermuda Building Code 1998 and with any directions given by the Chief Fire Officer in respect of fire protection and the Chief Environmental Health Officer in respect of public health;
 - (ca) all affordable housing residential blocks shall be set back a minimum of 50 feet from the coastline in accordance with the geotechnical engineering report;
 - (cb) prior to the submission of the application for a building permit for the hotel and related facilities, the applicant shall submit for the approval of the Minister of Environment and Sports, comprehensive details of

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design and external appearance of the buildings and landscaping of the hotel portion of the site. Such plans shall include, but not be limited to, floor, elevations, building sections, site sections of the hotel, fractional units, commercial building and ancillary facilities such as swimming pools and decks;

- (d) the points of access from the site to South Road shall be designed and bell-mouthed to the satisfaction of the Ministry of Works and Engineering in accordance with the standards specified in paragraph 8.7(1) of the Bermuda Plan 1992 Planning Statement;
- (e) all hard-surfaced roadways and the junctions of the access roads with South Road 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 onto South Road, and any neighbouring property;
- (f) the application for a building permit shall include full design details of the internal road system and all matters relating to road drainage, gradients, road markings and shall be to the satisfaction of the Principal Highways Engineer in accordance with the relevant provisions of section 8 of the Bermuda Plan 1992 Planning Statement;
- (g) applications for any proposed wells or drainage systems shall be submitted to and approved by the Environmental Authority prior to the commencement of construction;
- (h) prior to the approval of the application for a building permit, the proposals for the collection, treatment and disposals of sewage, and the collection of rainwater and the distribution of potable water, shall be approved by the Government Hydrogeologist and the Chief Environmental Health Officer and, if necessary, an application for a construction permit for the proposed plant for the collection, treatment and disposal of sewage shall be approved by the Environmental Authority in accordance with the relevant provisions of the Clean Air Act 1991;
- (i) any plant to be installed for the emergency generation of electricity shall be approved by the Environmental Authority in accordance with the relevant provisions of the Clean Air Act 1991;

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- (j) all utility cables shall be placed underground within the curtilage of the site;
- (k) the hotel operator shall provide training for a minimum of 50 per cent of its Bermudian employees—
 - (i) from a date set by the Minister (which may be a date before the opening of the hotel) to the third anniversary of the date; and
 - (ii) in accordance with guidelines to be issued by the Minister on the training of the Bermudian employees; and
- (l) renewal of work permits for non-Bermudian employees of the hotel operator shall be subject to the Minister being satisfied that —
 - (i) the hotel has complied (during the expired part of the period referred to in subparagraph (k)(i)), and is complying, with the guidelines referred to in subparagraph (k)(ii); and
 - (ii) the Bermudian employees have received training appropriate to their job descriptions, in accordance with the guidelines.

(3) In this paragraph, “Minister” means the Minister responsible for Tourism.

[Paragraph 3 amended by GN 269/2010 para.3 effective 31 March 2010]

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.

FIRST SCHEDULE (paragraph 2(1))

The Development

1. The demolition of all existing buildings and associated infrastructure.
2. The hotel component will be a phased development with the first phase consisting of 85 to 100 guest rooms/suites, restaurant(s), spa, swimming pool(s), conference facilities, beach access and retail shops.

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3. The provision of parking spaces for 78 cars and 42 motorbikes (for staff).

4. The construction of 125 new affordable homes comprised of 30 three-bedroom units of approximately 1,400 square feet and 95 two-bedroom units at approximately 1,100 square feet.

4a. The construction of 20 new fractional suites at approximately 1,500 square feet.

5. The construction of new staff accommodation, and the provision of parking spaces for 68 residential cars and 14 visitor cars.

[First Schedule amended by GN 448/2009 para.2 effective 1 June 2009; amended by GN 269/2010 para.4 effective 31 March 2010]

SECOND SCHEDULE (paragraph 2(1))

The Site

ALL THAT lot of land in Warwick Parish, having an area of 12.85 acres shown outlined in red on the Development Plan prepared by Surveying Services Ltd., Ref. No. 3500A dated November 2009.

[Second Schedule repealed and replaced by GN 269/2010 para.5 effective 31 March 2010]

Made this 13th day of June, 2007

Minister of the Environment,
Telecommunications and E-Commerce

[Amended by:

GN 448 / 2009

GN 269 / 2010]