



GOVERNMENT OF BERMUDA

Department of Planning

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Development Applications Board Minutes

Minutes of the Development Applications Board meeting held on Wednesday, 20 September 2023 at 8:45 AM virtually via WebEx

Attendees

Board Members:

Mrs. Alice Lightbourne (Chair)
Mr. Wayne Dill (Deputy Chair)
Mr. David Astwood
Mr. Patrick Cooper (Corporation of Hamilton)
Mr. Denis de Frias
Mr. Garon Dowling (Corporation of St. George)
Ms. Shabion Postlethwaite
Lt. Josonne Smith (Bermuda Fire and Rescue Service)
Mr. Sean Tucker

Technical Officers (Department of Planning unless stated otherwise):

Ms. Yolanda Bashir-Paige (Assistant Planner)
Ms. Crystal Baxter (Environmental Health, Department of Health)
Ms. Tina Beer-Searle (Highways, Ministry of Public Works)
Ms. Dolores Beraldo-Vazquez (Acting Senior Planning Officer (Development Management))
Mr. Kenneth Campbell (Acting Senior Planning Officer (Forward Planning))
Mr. Keith Claridge (Water, Ministry of Public Works)
Ms. Victoria Cordeiro (Director of Planning)
Ms. Jessica Dill (Heritage Officer)
Mr. Peter Drew (Terrestrial Conservation, Department of Environment and Natural Resources)
Ms. Danielle Foote (Trainee Assistant Planner)
Mr. Mark Husdan (Solid Waste, Ministry of Public Works)
Dr. Shaun Lavis (Pollution Control, Department of Environment and Natural Resources)
Mr. Paul McDonald (Acting Assistant Director of Planning)
Mr. Malik Richards (Assistant Planner)
Mr. Jawonday Smith (Applications Officer)

Apologies:

Ms. Carmilita Curtis
Mr. Calvin Thomas

Matters Arising and Actions from Previous Meeting

None

Matters for Consideration

Item 1: **Reference:** SDO0001-23
Applicant: Westend Properties Limited
Location: The Fairmont Southampton, 101 South Road, Southampton
Description of Proposal: Proposed Maximum 250 Unit Tourism/Residential Development Comprising up to 159 Tourism and 91 Residential Units Contained Within Buildings of 2 to 4 Storeys with Associated Access, including Realignment of South Road, Vehicle Parking and Modifications to Golf Course (In-Principle Approval Sought)
Date Received: April 12, 2023
Case Officer: Paul McDonald

One Board member (Mr. de Frias) recused himself from discussions and consideration of this item due to a conflict of interest.

The case officer presented the submission together with an assessment of the proposal, with a recommendation that the Minister responsible for Planning does not proceed with making a Special Development Order.

The Board queried whether the applicant has been afforded the opportunity to address the various concerns of the Department as set out in the presentation and Board report.

Technical officers advised that the Department has written to, and attended several meetings with, the applicant, however the applicant has decided not to take on-board a number of recommendations of the Department and confirmed that they would like the submission to be presented to the Board in its current form.

The Board expressed the view that the proposal puts Bermuda's tourism product secondary to being a development focused on real estate and is not in the national interest.

The Board raised concerns that the proposed development would become an 'unfinished eyesore', with comparisons made to Caroline Bay at Morgan's Point.

The Board expressed the view that the proposal is clearly not in the spirit of the Bermuda Plan 2018 or what Bermuda aspires to achieve in respect of the character and quality of its tourism product.

The Board pointed out its strong concerns that, once the Hotel is refurbished and reopened, it would be located within an active construction site for a significant number of years, which further brings into question the value of the proposed development to Bermuda's tourism product.

The Board noted that Caroline Bay could have been considered by the applicant as an alternative location for the residential component of the project.

Technical officers noted that the consideration of alternative locations is a typical requirement of development which is the subject of an Environmental Impact Statement and the priority of development brownfield sites is a key principle of sustainable development.

The Board queried whether and to what extent the applicant took on-board the feedback of the Department.

Technical officers advised that some recommendations were taken on-board and the Department worked closely with the applicant and their Environmental Consultants to improve the proposal as far as possible, however the applicant declined to address a number of matters (as detailed in the presentation and Board report) and, most critically, did not significantly reduce the proposed number of units.

The Board expressed the view that Bermuda does not need the residential development which is being proposed and the details which have been provided do not present a high-quality tourism development.

The Board raised concerns over procedures for making SDOs and the planning appeals process, noting that both allow development to be approved which are in conflict with the Bermuda Plan 2018 and against recommendations and decisions of technical officers and the Board.

The Board queried details of waste and sewage disposal and the representative of the Bermuda Fire and Rescue Service raised concerns that increased waste to Tynes Bay could have significant increased fire risks.

Technical officers confirmed that details had yet to be submitted or agreed, the use of large centralised containers for refuse disposal would be preferred, there is an existing on-site Wastewater Treatment Plan which is proposed to be replaced to accommodate the proposed development and the development will need to meet requirements of the Bermuda Building Code 2014 and Clean Air Act 1991 via the relevant approval processes.

The Board queried whether it is usual for submissions requesting an SDO to contain a significant amount of outstanding details.

Technical officers advised that the current process for considering SDOs is new and, previously, SDOs have been made with minimal details, little to no public consultation and no proper consideration of environmental impacts. New procedures require a great deal of additional information and assessment and provide greater transparency. Technical officers further noted that, if the Minister decides to make an SDO, this will have the effect of granting in-principle planning permission. Subsequent final development applications will be bound by the SDO, such as the number of units, and will be required to be considered by the Board against any conditions attached to the SDO.

The Board queried whether any additional financial information has been submitted from the original submission.

Technical officers advised that the reports prepared by PWC have been updated to reflect the revised proposal and, whilst these reports have not been assessed by an appropriate

expert, it is evident that they are based on limited data and, consequently, are heavily reliant on assumptions.

The Board expressed the view that the proposal is more akin to a feasibility study to assess financial viability than a development proposal which responds to the site and surrounding area.

The Board unanimously confirmed its wholehearted and complete agreement with the assessment, conclusions and recommendations of the Department that the Minister should not proceed with making a Special Development Order.

Item 2: **Reference:** P0181-23
 Applicant: Rick D. Spurling
 Location: 34 Southside Road, St. George
 Description of Proposal: Proposed Boat Enclosure
 Date Received: July 07, 2023
 Case Officer: Malik Richards

The case officer presented the application together with an assessment of the proposal, with a recommendation to approve.

A Board member queried the surface material to be used. The case officer advised that gravel is to be used, which was chosen to provide natural drainage to prevent wood from rotting.

The Board resolved unanimously to approve the application.

Any Other Business

None



Chair of the Development Applications Board

September 21st, 2023
Date