



**BERMUDA**

**2009 : 46**

**KING EDWARD VII MEMORIAL HOSPITAL (SPECIAL  
PLANNING PROVISION) ACT 2009**

[Assent Date: 6 December 2009]

[Operative Date: 6 December 2009]

WHEREAS it is expedient to make special provision for the redevelopment of the King Edward VII Memorial Hospital;

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

**Short title and construction**

1 (1) This Act may be cited as the King Edward VII Memorial Hospital (Special Planning Provision) Act 2009.

(2) This Act shall be construed as one with the Act.

**Interpretation**

2 In this Act—

“the Act” means the Development and Planning Act 1974;

“the details of planning” means the following—

- (a) the layout, situation and setback of development;
- (b) the site coverage;
- (c) the height of buildings up to a maximum of 215 feet above mean sea level (Bermuda Ordnance Datum);
- (d) the design and external appearance of buildings;
- (e) the provision made for traffic circulation, access, parking (both surface and underground parking) and servicing;
- (f) the arrangements made for pedestrian access and circulation;

**KING EDWARD VII MEMORIAL HOSPITAL (SPECIAL  
PLANNING PROVISION) ACT 2009**

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(g) the extent and nature of landscaping;

“the Development” means the redevelopment of the King Edward VII Memorial Hospital including ancillary facilities that provide medical and surgical treatment and health services to the public, including but not limited to any or all of the following—

- (a) inpatient beds, an emergency department, day surgery and diagnostic imaging;
- (b) oncology, dialysis, diagnostic testing, chronic disease management, consulting rooms and data centre;
- (c) mechanical and electrical utility services and plant with boilers, steam generation, chillers, and power distribution;
- (d) all clinical and non-clinical services and facilities that support the hospital’s operations and functionality including but not limited to laundry, administrative offices, staff residences, vehicle parking, waste management, sewage treatment, bio-oxidisation, incineration and third party electrical sub-station and transformers;

“the Property” means all that land in Paget Parish having an area of approximately 6.997 hectares (17.2900 acres) shown outlined in red in Schedule 1 (Drawing No. 5510/046/349).

*[Section 2 amended by 2010:24 s.2 effective 29 March 2010]*

**Special planning permission for development of the Property**

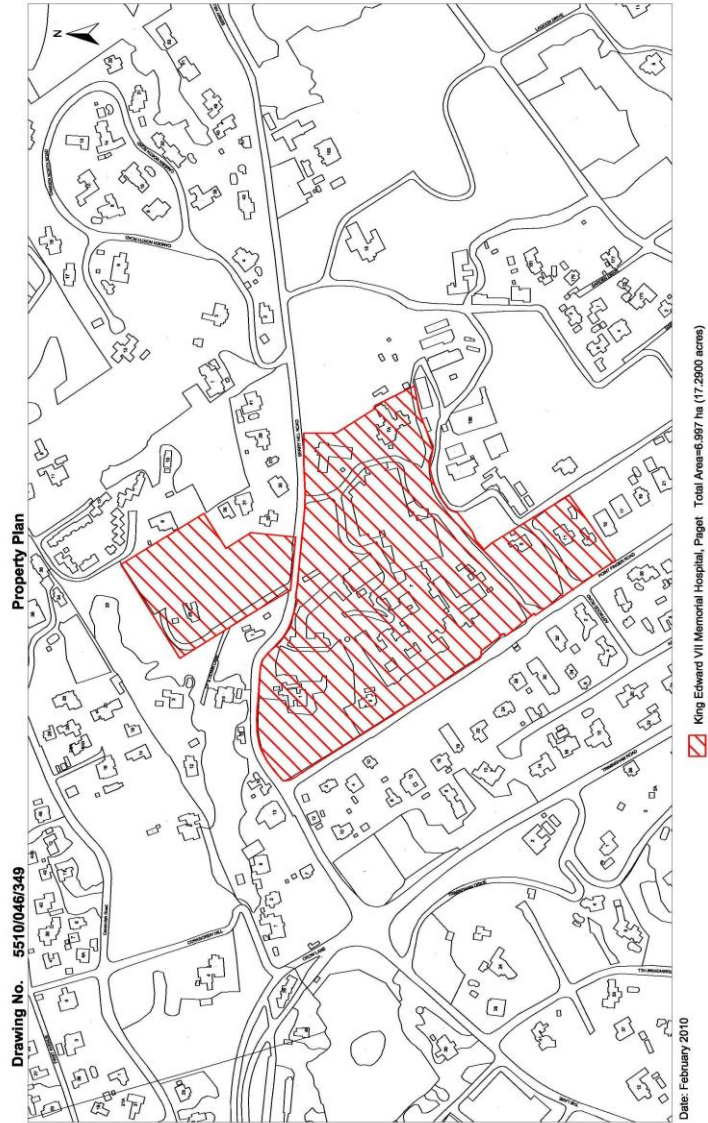
3 (1) Notwithstanding any provision to the contrary made in or under the Act, it shall be lawful for the Property to be developed and used as a hospital, but subject to subsection (2).

(2) Subject to the conditions set out in Schedule 2, planning permission in principle for the Development on the Property is hereby granted with the reservation for subsequent approval of the details of planning by the Development Applications Board, but any decision by the Board on those details shall be subject to section 57 and (so far as relevant) section 61 of the Act, which regulate appeals.

**KING EDWARD VII MEMORIAL HOSPITAL (SPECIAL  
PLANNING PROVISION) ACT 2009**

**SCHEDULE 1**

**(section 2)**



The original of this Drawing is available for inspection during office hours at the offices of the Ministry of Works and Engineering.

**KING EDWARD VII MEMORIAL HOSPITAL (SPECIAL  
PLANNING PROVISION) ACT 2009**

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*[Schedule 1 repealed and replaced by 2010:24 s.3 effective 29 March 2010]*

**SCHEDULE 2**

**(section 3(2))**

THE CONDITIONS, SUBJECT TO WHICH PLANNING PERMISSION IN PRINCIPLE FOR THE DEVELOPMENT ON THE PROPERTY IS GRANTED, ARE:

1 The application for planning permission shall be accompanied by the following—

- (a) a topographical survey of the Property;
- (b) a comprehensive landscape plan of the Property;
- (c) a three-dimensional model of the Property showing the Development, the existing buildings to be retained on the Property and existing buildings on land neighbouring the Property;
- (d) a series of coloured illustrations showing the Development in the context of its surroundings as viewed from the public roads and other vantage points; and
- (e) a written and illustrated statement that includes the following—
  - (i) the results and an assessment of an up-to-date and comprehensive traffic and transport study that presents baseline data and projections for both the construction period and the operating period on completion of the Development;
  - (ii) a detailed description of the Development from inception through the demolition, site preparation and construction phases to completion;
  - (iii) information on the volumes and types of waste to be removed from the Property during demolition, site excavation and preparation, and the methods and locations to be used for the separation and disposal of waste in accordance with the requirements of the Ministry of Works and Engineering;

**KING EDWARD VII MEMORIAL HOSPITAL (SPECIAL  
PLANNING PROVISION) ACT 2009**

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- (iv) a description of the measures to mitigate the effects of noise, dust and traffic during the site preparation and construction phases; and
- (v) the arrangements to be made to secure an adequate supply of water to the Development and for the safe disposal of sewage, wastewater and other waste products.

2 The public roads that border the Property, access roads, driveways, parking and servicing areas, sidewalks and footpaths shall be designed to provide for the safe and efficient management and circulation of through-traffic, and traffic and pedestrians that wish to access the Property.

3 Any works to be carried out in conjunction with, or in proximity to, a public road shall be located and designed in accordance with the requirements of the Ministry of Works and Engineering.

4 All hard-surfaced roadways and parking areas shall be designed and graded to drain, retain and dispose of storm water run-off within the curtilage of the Property to avoid run-off onto a public road or any neighbouring property.

5 The mode, design and specifications of the proposed methods of sewage disposal and the supply of potable water shall comply with the requirements of the Ministry of Health and the Department of Environmental Protection.

6 The design, specifications, performance and emissions of any controlled plant as defined in the First Schedule of the Clean Air Act 1991, including hospital sterilization and medical waste incineration systems, shall comply with the relevant requirements of the Department of Environmental Protection and the Environmental Authority.

7 All utility cables, conduits and pipelines, including cable television relay cables, shall be located in buildings or placed underground.

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*[Amended by:*

*2010 : 24]*