

DEVELOPMENT CONTROL BOARD

MINUTES

Minutes for a meeting of the Development Control Board held on Tuesday, 14th December 2021 at 9:30 AM at the District Administration Conference Room, District Administration Building, Cayman Brac.

14th Meeting of the Year

DCB/14/21

Present:

Capt. Ashton Bodden	-	Chairman
Mrs. Zanda McLean	-	Deputy Chairman
Ms. Carol Busby	-	Member
Ms. Elsie Kynes	-	Member
Mr. Delano Lazzari	-	Member
Mr. Jason McLaughlin	-	Member
Ms. Andrea L. Stevens	-	Executive Secretary/Planning Officer

Apologies for Absence:

Mr. Miguel Martin	-	Member (Ex Officio)
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INDIVIDUALS APPEARING BEFORE THE DEVELOPMENT CONTROL BOARD

NAME	REASONS	TIME	ITEM	PAGE
Michael Wight	Peppercorn Investments	10:30am	6.01	6
John Doak	Peppercorn Investments	10:30am		
Naul Bodden	Peppercorn Investments	10:30	6.01	6
Michael Alberga	Peppercorn Investments	10:30am	6.01	6
Daphne Berger (Objector)	Peppercorn Investments	10:30am	6.01	6
Peter & Ronda Schmid (Objectors)	Peppercorn Investments	10:30am	6.01	6


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The meeting was opened with the Lord's Prayer.

1.0 CONFIRMATION OF MINUTES

1.01 Minutes DCB/13/21

The Minutes of DCB/13/21 were adjourned.

2.0 ROUTINE MATTER

2.01 MR & MRS. HARVEY SIZEMORE, CBW BLOCK 96C PARCEL 52 (CB-F21-0527) (CB-P21-0068) (\$120,000)

Application for a guest house.

Facts:

Location:	Rock Road
Parcel Size:	1.82 ac (79,279 sq ft)
Proposed Use:	Residential
Building Size:	988 sq ft
Bldg Footprint:	988 sq ft
Required Parking Spaces:	2
Proposed Parking Spaces:	2

Background:

At DCB/13/2021 (9th November 2021) a 3,388 sq ft house was approved at Block 96C Parcels 51 & 52. The parcels shall be combined before final inspection of the house.

Agency Comments:

National Conservation Council:

"The application site is man-modified with regrowth and is adjacent to a Marine Protected Area (Marine Reserve). The Department is encouraged to see that the proposed house and garage are maximizing the coastal setbacks as much as possible. It is recommended to retain the mature and native vegetation outside the built footprint as vegetation regrowth can provides important ecological benefits such as habitat for flora and fauna."

Planning Analysis:

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The applicant proposes a guest house having an open kitchen & living room, kitchen and garage. All typical setback requirements are met.

Decision: It was resolved to grant planning permission subject to the following conditions:

Conditions (1-5) must be completed prior to the start of construction:

- 1) The applicant shall obtain approval of construction details from the Building Control Unit.
- 2) The applicant shall obtain plumbing approval from the Building Control Unit.
- 3) The applicant's Electrician shall obtain electrical approval from the Building Control Unit.
- 4) The applicant shall obtain a liquefied gas permit from the Building Control Unit (if applicable).
- 5) The confirmation of the Planning Office must be obtained, in writing, verifying compliance with the conditions described above prior to the start of construction.

The applicant will be reminded that all inspections shall be conducted and approved prior to occupancy of the buildings.

Native vegetation and any wetland area should be retained, where possible, and incorporated into the landscaping scheme.

The applicant will be advised that this approval is in effect for five (5) years only and will expire if a building permit is not issued during this time. If the applicant wishes to reinstate the approval after this period, a new application must be submitted to the Planning Department along with required fees.

2.02

NIGEL VON SACHSENBURG, CBC BLOCK 103D PARCEL 5 (CB-F21-0491) (CB-P21-067) (\$1,800,000)

Application for a house and garage.

Facts:

Location:	Bight Road
Parcel Size:	2.0 ac (87,120 sq ft)
Proposed Use:	Residential
Building Size:	5,824 sq ft house & 936 sq ft garage
Bldg Footprint:	4,249 sq ft
Required Parking Spaces:	2
Proposed Parking Spaces:	2
Site Coverage:	4.9%

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Agency Comments:

National Conservation Council:

"The application site is man-modified with regrowth and is adjacent to a Marine Protected Area (Marine Reserve). The Department is encouraged to see that the proposed house and garage are maximizing the coastal setbacks as much as possible. It is recommended to retain the mature and native vegetation outside the built footprint as vegetation regrowth can provides important ecological benefits such as habitat for flora and fauna."

Planning Analysis:

The applicant proposes a three (3) bedroom, two (2) storey house and garage. All typical setbacks will be met.

Decision: It was resolved to grant planning permission subject to the following conditions:

Conditions (1-5) must be completed prior to the start of construction:

- 1) The applicant shall obtain approval of construction details from the Building Control Unit.
- 2) The applicant shall obtain plumbing approval from the Building Control Unit.
- 3) The applicant's Electrician shall obtain electrical approval from the Building Control Unit.
- 4) The applicant shall obtain a liquefied gas permit from the Building Control Unit (if applicable).
- 5) The confirmation of the Planning Office must be obtained, in writing, verifying compliance with the conditions described above prior to the start of construction.

The applicant will be reminded that all inspections shall be conducted and approved prior to occupancy of the buildings.

There shall be no further clearing of the parcel by mechanical means without planning permission.

The applicant will be advised that this approval is in effect for five (5) years only and will expire if a building permit is not issued during this time. If the applicant wishes to reinstate the approval after this period, a new application must be submitted to the Planning Department along with required fees.


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CURTIS ALBERT RIVERA, CBW BLOCK 96E PARCEL 453 (CB-F21-0534) (CB-P21-0056) (\$275,000)

Application for a house.

Facts:

Location:	Leaf Cup Avenue
Parcel Size:	.29 ac (12,632 sq ft)
Proposed Use:	Residential
Building Size:	1,620 sq ft
Required Parking Spaces:	2
Proposed Parking Spaces:	2
Site Coverage:	12.8%

Agency Comments:

National Conservation Council:

"The site is primary dry forest and shrubland habitat. It is recommended that native vegetation should be retained where possible and incorporated into the landscaping scheme. Native vegetation is best suited for the habitat conditions of the site, requiring less maintenance and making it a cost-effective and sustainable choice for landscaping."

Planning Analysis:

The applicant proposes a one (1) storey, two (2) bedroom house.

Decision: It was resolved to grant planning permission subject to the following conditions:

Conditions (1-5) must be completed prior to the start of construction:

- 1) The applicant shall obtain approval of construction details from the Building Control Unit.
- 2) The applicant shall obtain plumbing approval from the Building Control Unit.
- 3) The applicant's Electrician shall obtain electrical approval from the Building Control Unit.
- 4) The applicant shall obtain a liquefied gas permit from the Building Control Unit (if applicable).

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- 5) The confirmation of the Planning Office must be obtained, in writing, verifying compliance with the conditions described above prior to the start of construction.

The applicant will be reminded that all inspections shall be conducted and approved prior to occupancy of the buildings.

Native vegetation and any wetland area should be retained, where possible, and incorporated into the landscaping scheme.

The applicant will be advised that this approval is in effect for five (5) years only and will expire if a building permit is not issued during this time. If the applicant wishes to reinstate the approval after this period, a new application must be submitted to the Planning Department along with required fees.

3.0 MATTERS ARISING

4.0 MINOR MATTERS

5.0 SUBDIVISIONS OF LESS THAN TWENTY LOTS

6.0 NEW APPLICATIONS

6.01 **PEPPERCORN INVESTMENTS LTD, LCE BLOCK 86A PARCELS 18 & 20 (LC-F21-0292) (LC-P21-0015) (\$34,000,000)**

Application for a beach resort and wellness spa.

Facts:

<i>Location:</i>	Wonder Lane
<i>Parcel Sizes:</i>	1.10 ac (Parcel 20) 2.20 ac (Parcel 18)
<i>Proposed Use:</i>	Beach Resort
<i>Building Size:</i>	43,136 sq ft
<i>Bldg Footprint:</i>	35,350 sq ft
<i>Site Coverage:</i>	24.6%
<i>Required Parking Spaces:</i>	77
<i>Proposed Parking Spaces:</i>	49
<i>Notices & Newspaper Ads:</i>	Objections received.

Agency Comments:

National Conservation Council:

"Background

In July 2021, the Applicant (Peppercorn Investments) submitted a planning application for 8 single and two-storey accommodations comprising 12 two-bed units, 6 three-bed units arranged as 6 garden courtyards, swimming pool, restaurant, beach bar and kitchen, administration building with gym and wellness centre, gardens and driveways, pathways and parking areas for cars and bicycles, 4 cabanas, 6 courtyard cabanas and entrance gateway, LPG tank and sewage treatment plant and associated back of house facilities. In total, there were 42 bedrooms within the planning application.

At the same time, the Applicant submitted a coastal works application for 19 overwater bungalows and a new dock. Therefore across the two applications, there were 61 bedrooms proposed.

A letter accompanying the planning application dated 7 July 2021 stated:

"On behalf of the Applicants, Peppercorn Investments Ltd, we herewith attach an application for planning permission to replace and improve the existing "Sunset Cove" resort facilities at Kingston Bight, Little Cayman at 86A Parcels 18 and 20. The resort will also include 19# overwater bungalows and a new dock for which permission is concurrently being sought for Coastal Works Licences. The CWL application has been submitted at today's date.

The 19# Overwater Bungalows will provide an exceptional visitor experience for Caymanian families and Visitors to the Cayman Islands and will compliment the land based courtyarded accommodations also being proposed. The applicant is committed to delivering the most sustainable and Green resort in the Cayman Islands."

Initially, site plans were submitted with the planning application showing both the land-based development and the overwater bungalows. The proposed overwater bungalows are a precedent-setting development, being substantial, habitable infrastructure over Crown-owned seabed in a Marine Reserve (a Marine Protected Area under the National Conservation Act). Given that current practice is for matters seaward of the Mean High Water Mark (MHW) to be determined by Cabinet and matters landward of the MHW to fall under the jurisdiction of either the Central Planning Authority (CPA) or the Development Control Board (DCB), it was clear that the Cayman Islands Government as a whole needed to agree on and establish an approval process that would allow for a robust

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assessment of the project, especially as the overwater bungalows require careful consideration of appropriate safeguards (to the environment, to life safety, to development control) and regulatory mechanisms.

Therefore, on 1 August 2021 a meeting was held with the Department of Environment (DoE), the Department of Planning, the Ministry of Environment, the Ministry of Planning and Crown counsel. Based on the advice of Crown counsel, the outcome of this meeting was that the Applicant would be required to apply for planning permission for the entire development (overwater bungalows and land-based structures), on the basis that section 2 of the Development & Planning Act (2021) defines land as including "land covered by water" therefore making it a legal requirement for planning permission to be sought.

The Planning Department was tasked with contacting the Applicant to relay this position. After which the Applicant responded on 1 September 2021 stating,

"We are in receipt of your email dated 20th August 2021 regarding our client's 7th July 2021 application to the Development Control Board for a boutique resort in Little Cayman at Kingston Bight Block 86A Parcels 18 and 20. Being in receipt of the untimely request, we write to notify you that the Applicant is seeking Legal Counsel regarding this very unusual and first of its kind stance that has been taken in response to our Coastal Works Permit application and request for submission to DCB in regards to the over-water element of our client's proposed project.

We confirm that the landside proposals were submitted on 7th July, reviewed and accepted on 29th July in line with the Planning Department's guiding advice and procedural recommendations. At the time of our client's application we included drawings for the Overwater component for the DCB's background information and reference.

The 20th August email letter from the Director Planning, appears to suggest an unlimited precedent is being set.

Subject to our client's advice, we confirm that any application to DCB for the overwater component would be made as a distinctly separate submission as there is no basis for the overwater application to be combined with the on land proposals.

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In the interim, however, the above procedure should have no bearing on our client's current application to DCB for the on land element as submitted and we look forward to confirmation that the application is not being withheld and seek confirmation of the date upon which the application will be heard by the DCB."

The Department of Planning wrote to the Applicant on 13 September 2021 stating,

"Your client's desire to proceed with the current application, the land-based component only, is noted, and we will proceed with arrangements for a hearing by the DCB at the 12th of October meeting. To facilitate this hearing, please upload revised drawings removing all references to any proposed development seaward of the HWM."

The Department of Planning wrote to the Department of Environment at the same time stating, "I have now heard back from the applicant for the LC Hotel project via their agent JDA. They are keen to have the DCB proceed with consideration of the application for the land-based component whilst they consider their position as to applying for planning permission for the overwater aspect of the project. After consulting with the DCB Chair, we are proceeding to schedule the current application for consideration at the 12th of October meeting."

On 20 September 2021, the DoE was notified through the Online Planning System (OPS) that revised plans had been submitted, which now removed the overwater bungalows. The DoE was requested to provide its comments, on behalf of the NCC, by 23 September 2021, giving a review period of 3 days, which is an unreasonable timeframe to be expected to review the application. After submitting comments to publish in the agenda for the DCB meeting outlining the unreasonable timeframe, the Department of Planning recirculated the plans and provided the DoE with a 21 day review period (the standard review period).

The Need to Consider the Development as a Whole

The Applicant has resubmitted plans with the overwater bungalows omitted from the plans but no other changes made to the application. The DoE has now been instructed to review these plans as the overwater bungalows are 'for reference only' and a 'prospective linked future development.'

It is clear to the DoE that the Applicant continues to pursue permission for both the land-based components and the overwater bungalows together on the basis that:

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- *The original application and letter dated 7 July 2021 clearly stated the two proposals were linked developments for which 'permission is concurrently being sought'.*
- *In pre-application discussions, the Applicant indicated that the proposed density of the land-based resort was only viable with overwater bungalows.*
- *The coastal works application has not been withdrawn and remains under consideration by Cabinet.*

Should the Applicant withdraw the coastal works application, then the proposed approach of applying for the land-based development in isolation would be reasonable and appropriate. The approach taken by the Department of Planning does not allow a comprehensive review of consideration of the effects of the entire project. Fundamentally, the DoE does not consider that these new plans indicate a commitment from the Applicant to pursue a development of a land-based hotel resort only. The full project still includes overwater bungalows and approving this development is planning on a piece-meal basis. Trying to 'slice up' and separate parts of the project to avoid a comprehensive review of the likely impacts of the project as a whole is contrary to best practice.

Coastal Works Application

In February/March 2021, the Applicant met with the DoE to discuss the overwater bungalows development and the need for an Environmental Impact Assessment (EIA). It became evident to the DoE that the proposed development raised issues which go beyond the remit of an EIA. In the absence of a development plan for the Sister Islands or any policy framework for this type of infrastructure, there had not been a national conversation on the acceptability or appropriateness of this type of development for the Islands. Furthermore, the existing approval frameworks e.g. coastal works and planning permission do not adequately deal with this type of infrastructure e.g. a one-off Royalty for use of Crown land may not be the appropriate financial structure for this type of develop. A meeting was convened to solicit input from the relevant governmental stakeholders with expertise or a regulatory role in considering this type of development infrastructure. At this meeting were members of the DoE, the Department of Tourism, the Ministry of Commerce, Planning and Infrastructure, the Ministry of Health, Environment, Culture and Housing, Lands and Survey and the Department of Planning. The consensus was that this type of infrastructure should not be permitted in Marine Protected Areas. This was relayed to the Applicant who indicated they felt differently and chose to submit a Coastal Works Application and Planning application concurrently.



The Department of Environment reviewed the Coastal Works Application and submitted the Coastal Works Review on 20 August 2021 to the Ministry of Sustainability and Climate Resiliency. The review is available on our website (<https://doe.ky/sustainable-development/coastal-works/coastal-works-reviews/>)

Our recommendation on the application was refusal, stating:

“The Department strongly recommends this application for refusal based on the principle of prohibiting the construction and establishment of habitable structures in a Marine Protected Area. A project such as this would ordinarily trigger the requirement for screening to determine the need for an EIA. While the Department has written an EIA Screening Opinion which recommends an EIA and submitted it to the National Conservation Council for consideration, it is the DoE’s strong view that it would not be beneficial or logical for the Applicant to do an EIA for a project which is fundamentally unacceptable due to its location and would be unacceptable regardless of the results of the EIA.

Therefore, the Department is urging Cabinet to refuse permission for this coastal works application based on the impacts outlined in this review and the endorsement of the Department of Tourism, Department of Lands & Survey, Department of Planning, Ministries of Planning & Environment that habitable structures should not be permitted in Marine Protected Areas. However, if Cabinet is minded to accept the principal of overwater bungalows in a Marine Reserve, the Department very strongly recommends that an Environmental Impact Assessment is undertaken to thoroughly assess the potential impacts of the proposed project. Such an EIA would need to cover both the land and marine-based components of the proposed project.”

This Planning Application

Set within the above context, and despite the DoE considering the approach contrary to best practice, the DoE must now provide a review of the planning application being taken to the DCB.

Ecological Impacts

The land is mostly man-modified; however, the site is known Sister Island Rock Iguana nesting habitat. The Sister Islands Rock Iguana (SIRI) is a species which is “protected at all times” under Schedule 1 Part 1 of the National Conservation Law and is also listed as critically endangered on the IUCN Red List. Jackhammering and operating heavy machinery is not safe for nesting iguanas. Construction works not only disturb the physical iguana nesting habitat but heavy

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machinery and associated works can crush or bury iguanas and their nests. Care would need to be taken during construction, particularly during the clearing and filling of the site and the laying of foundations to avoid the burying of iguanas or their nests. The main nesting season for the SIRI is from 1st May – 1st September yearly.

We have included recommended conditions to safeguard nesting iguanas, especially during this period. The excavation of the cistern and other foundations will likely result in a large quantity of sand. This sand is a key component of what makes the application site an important nesting area for SIRIs. We recommend that any excavated sand is retained on-site.

Socio-economic Impacts

There is no Development Plan for Little Cayman to guide the appropriateness of development on the island. The emerging National Tourism Plan (2018-2023) states that for Little Cayman, the Vision Statement is, “to sustainably grow and diversify the Island’s tourism industry in a manner that preserves and celebrates the unique character of the island and its natural resources, enhances the business environment and quality of life for residents, and delivers a diverse range of high quality visitor experiences.”

It also states, “While participants in Little Cayman highlighted many of the same issues raised in Cayman Brac, the most significant challenges expressed are centred on destination management, along with the need for growth in investment and number of visitors, to support improvements in the provision of basic services, increased access, better resource management, and strategies for reducing high operating costs.

Their primary objectives in seeking to promote more investment and increases in the numbers of visitors are

- To sustainably grow the number of visitors and visitor related services, to support infrastructure and other basic services improvements that would make Little Cayman a more attractive place to live and visit, and to grow the local workforce and reduce the need to import labour.*
- Improve destination management, including beach, road, marine resource and solid waste management, feral cats and mosquito control, to promote sustainable growth of tourism and of the local population.*
- Promote investment that is targeted to investors that will seek to maintain a balance between growth and preserving the unique character of the island, which is a primary driver of visitor demand, and to grow and diversify the*

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product offer and the market base, to support more convenient and affordable access."

It is believed that, at 42 bedrooms for land-side component, this development would become among the largest hotels in Little Cayman. There are likely to be significant adverse impacts onto socio-economics due to the pressures on the infrastructure of Little Cayman. The Proposed Development may not be sustainable for Little Cayman (e.g. flight capacity, places for employees to live, waste generated) nor in line with the tourism product for Little Cayman.

Setbacks

The setbacks are indicated from 'the Apparent High Water Wash Line 13 October 2020'. There are two existing buildings on the site which are to be used as precedents for distance to the sea. Behind these existing buildings a pool, pool deck, restaurant and gazebo are proposed. These structures are all within a 75 ft setback to the wash line, with the existing bar as close as 12 feet to the wash line. The resulting effect is that the Applicant will have a small beach, with the majority of the potential beach area being occupied by hard structures.

Furthermore, we note that there are no design features, such as a wash through ground floor or positioning of the building on elevated pilings to help mitigate against the effects of sea inundation on the proposed dwelling. Given climate change predictions for the region and the increasing prevalence of coastal erosion associated with inappropriately sited development, either on the active beach or too close to the Mean High Water Mark. Furthermore, it does not seem practical for a hotel resort to limit the size of the beach from the outset. The DoE does not support the coastal setback based on the current design of the proposed development. It is strongly recommended that the design be revised to move the structures as far back from the beach as possible to give the largest area possible.

There is no Zoning or Development Plan for the Sister Islands. Appendix 2 of the Development Plan 1977 states, "8. In the case of hotel development care should be taken to keep the natural amenities including beach and shore available for the public."

Summary

The DoE maintains its position that the principle of the acceptability of the overwater bungalows should first be established through Cabinet's determination of the coastal works application. Should Cabinet be minded to grant approval, the

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in-water and land-based components should be screened for an EIA. In advance of this determination the planning application should be held in abeyance.

Therefore, in the exercise of powers which have been conferred through express delegation by the National Conservation Council, pursuant to section 3(13) of the National Conservation Act (2013), and on the basis of the above information, under Section 41(5)(a) of the NCA, the Director of DoE therefore respectfully directs that the following condition be imposed by the Development Control Board or Department of Planning, as part of any agreed proposed action for planning approval:

- *All construction materials shall be stockpiled a minimum of 50 ft from the Apparent High Water Wash Line.*

This condition is directed to prevent run-off and debris from entering the Marine Protected Area causing turbidity and impacting sensitive marine resources.

Additionally, it is recommended that the DCB require the following conditions of approval should planning permission be granted:

- *A walkover survey shall be conducted, as agreed by the DoE, prior to commencing works on-site to ensure that no iguanas or nests are present.*
- *There shall be no mechanical clearing, heavy equipment, construction work or stockpiling of construction materials outside of the parcel boundaries.*
- *There shall be no construction work which involves excavation, filling or laying of foundations from 1st May – 1st September to avoid crushing or causing harm to nesting iguanas and their nests.*
- *Any sand excavated during construction works shall remain on-site.*
- *Any cats, dogs or pets on the property shall be contained or leashed at all times to avoid causing inadvertent harm to iguanas.*

A person aggrieved by a decision of the National Conservation Council to impose a condition of approval may, within 21 days of the date on which the decision is received from the Development Control Board/Department of Planning, appeal against the decision of the Council to the Cabinet by serving on the Cabinet notice in writing of the intention to appeal and the grounds of the appeal (Section 39 of the National Conservation Act, 2013)."

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Department of Environmental Health

The application is recommended for approval with the understanding that the following must be submitted for review and approval:

Solid Waste Facility:

This development requires (1) 8 cubic yard container with 3 times per week servicing.

Table 1: Specifications for Onsite Solid Waste Enclosures

Container size (yd3) Width (ft) Depth (ft) Height (ft) Slab

Thickness (ft) Requirements

8 10 10 5.5 0.5 Water (hose bib), drain, Effluent Disposal well; guard rails

NOTE:

The drain for the enclosure must be plumbed to a garbage enclosure disposal well as per the Water

Authority's specifications. Contact development.control@waterauthority.ky for deep well details.

Water Supply:

The applicant must submit the source of water and sanitation process for the water that is being collected and stored in the cistern.

Wellness Centre:

The applicant must submit the layout of the wellness centre and spa for review.

Swimming Pool:

A swimming pool application must be submitted to DEH for review and approval prior to constructing the pool."

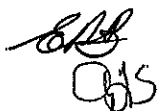
Fire Service

The Fire Service has stamped the site plan "Approved for Planning Permit only."

Water Authority

"The Water Authority's requirements for the proposed development are based on the understanding that parcels 18 & 20 will be combined. The comments are as follows:

Wastewater Treatment and Disposal

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The Water Authority strongly advises that no direct sewage shall be discharged in the ocean or surrounding beach. All sewage shall be conveyed and treated properly in a approved aerobic treatment unit.

The developer, or their agent, is required to submit an Onsite Wastewater Treatment Proposal, per the attached Form, which meets the following requirements. Water Authority review and approval of the proposed system is a condition for obtaining a Building Permit.

- The proposed development requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification that, when operated and maintained per manufacturer's guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. The proposed system shall have a treatment capacity of at least 9,795 US gallons per day (gpd), based on the following calculations.*

<i>BUILDING</i>	<i>UNITS/BLDG</i>	<i>GPD/UNIT</i>	<i>GPD/BLDG</i>	<i>GPD</i>
<i>Six Boutiques</i>	<i>2 Bdrms/ 3 Bdrms</i>	<i>225/300</i>	<i>750</i>	<i>4,500</i>
<i>Restaurant</i>	<i>1410 sq. ft</i>		<i>2,520</i>	
<i>18 Overwater Bungalows</i>	<i>1 Bdrms/2Bdrms</i>		<i>150/225</i>	<i>150/225</i>
	<i>2,775</i>			
<i>TOTAL</i>	<i>9,795 GPD</i>			

- Treated effluent from the ATU shall discharge to an effluent disposal well-constructed by a licensed driller in strict accordance with the Authority's standards. Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- To achieve gravity flow, treated effluent from the ATU must enter the disposal well at a minimum invert level of 4'5" above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

Grease Interceptor Required

A grease interceptor with a minimum capacity of 1,500 US gallons is required to pre-treat flows from kitchen fixtures and equipment with grease-laden waste; e.g.,



pot sinks, pre-rinse sinks; dishwashers, soup kettles or similar devices; and floor drains. The outlet of the grease interceptor shall be plumbed to the sanitary sewage line leading to the ATU.

Water Supply:

Please be advised that the proposed development site is outside the area served by public water supply. The developer will be required to utilize an alternate water source; i.e., cistern or well.

If there are questions or concerns regarding the above, please email them to: development.control@waterauthority.ky “

Letter from Applicant:

“ We are in receipt of the below from Dept of Environmental Health re the above captioned project and herewith attach our drawings revised to respond and respect the items raised by DEH, namely:

1. Solid Waste Facility: The location of the enclosure does not meet DEH requirements, particularly the access to the enclosure. a) The service vehicles shall be able to enter and exit the site without having to reverse onto the highway. The enclosure shall be located away from overhead power lines and other protrusions that can cause electrical shock, injury, or other difficulties during servicing. A vertical clearance of at least 15 feet is required over the entire approach to and from the enclosure. A minimum straight approach of 50 feet should be provided directly in front of the facility to allow the vehicle sufficient area to back out of the facility. A turn around or separate exit that allows the truck to move forward rather than backwards is required. A minimum backup distance of 50 feet is required for any maneuver and must be in a straight line. The driveway shall be constructed to withstand trucks weighing up to 62,000 lbs.

See attached site plans which illustrate the garbage pick up solution.

2. Water Supply: The applicant must submit the source of water and sanitation process for the water that is being collected and stored in the cistern.

This will be confirmed prior to the submission for building permits

3. Wellness Centre: The applicant must submit the layout of the wellness centre and spa for review.

The wellness centre is an exercise gym and massage facility which will be submitted at the time of the permit submission

4. Swimming Pool: A swimming pool application must be submitted to DEH for review and approval prior to constructing the pool.



Details of the swimming pools will be provided as part of the permit submissions."

The following information was also submitted from the applicant:

"On behalf of Peppercorn Investments Ltd, thank you for your 16th November 2021 letter of invitation to attend the 14th December 2021 meeting of the Development Control Board at 10.45am to be held at the District Administration Building, Cayman Brac.

We reconfirm that the following persons representing the Applicant for the above captioned application will be in attendance and we look forward to your invitation to attend via Zoom per your invitation letter advice.

Matthew Wight, Naul Bodden, Michael Alberga, John Doak all of whom will be at same venue.

For the avoidance of doubt and any misunderstandings, we take this opportunity to reconfirm that the application for planning permission that is submitted for the consideration of the development Control Board comprises the buildings and structures proposed to be built upon Block 86A 18 and 20 upon the lands there and comprises 12# two bedroom cottages, 6# three bedroom cottages, a reception building with wellness spa, a restaurant, a beach bar, swimming pool and 6# small pools, the renovation of an existing beach bar, kitchen and other existing facilities, thatched pavilions and huts, water storage cisterns, driveways, footpaths and associated works and mechanical facilities for the proposed boutique resort. Emphatically, the proposal to be considered by the DCB on 14th December 2021 does NOT include for overwater or inwater bungalows and the replacement of the existing dock.

We also wish to bring to the attention of the Development Control Board a number of matters that have occurred since the application was submitted to the Planning Department via OPS in July 2021 and attach a summary response. We would be grateful if this letter and responses can be included in the agenda for the 14th December 2021 DCB meeting.

In addition to the architect's renderings that are included in this response we invite the members of the Development Control Board and others to visit this video link that provides impressions of the proposed resort:

Letters of Objection:

Letter of Objection #1 from Peter Schmid & Ronda S. Schmid



"My Wife and I are joint Owners of Block & Parcel(s) 86A45 & 86A46 in Little Cayman, in close proximity to the Parcels for which the Planning and Coastal Works applications have been made.

We are objecting to the project because;

We are not satisfied with the information available thus far as it pertains to the handling of Sewage from the proposed 19 Cottages to be built over Water according to the site drawing provided.

We are not satisfied with the information provided regarding the production of potable Water for this development. (The basis of the objection is that we are familiar with the unpleasant smell that is a by-product of the RO process and this project is located upwind of our property.)

Further, based on the assumption that this project will likely become a Strata plan and that the Developer(s) may separate from the entity at some point, what assurances can they give us that the two above mentioned installations will be maintained in a serviceable condition with no risk of surrounding areas and Waters becoming contaminated, particularly with leaking sewage?

We request an opportunity to hear, or receive written, responses to the above concerns from the Developers."

Letter of Objection #2 from Daphne Hackley Johnson Berger

"We are the owners of 70 Wonder Lane, locally referred to as Yellow Bird Cottage on Little Cayman Island. We are neighbors to Kingston Bight, and would like to voice in the strongest of terms our opposition to the construction of overwater bungalows.

Our family has been going to Little Cayman for 37 years, and we have watched it evolve and grow. We know the island, and those who have long been part of the community. We treasure the island and its unspoiled beauty.

The development proposed at Kingston Bight concerns us greatly.

For years we have been expecting Kingston Bight to be developed, and we welcome its development. We ourselves are in the hotel business with numerous hotels in New Orleans and Nashville. We are not opposed to a retreat suitable to the island spirit.

We are vehemently opposed, however, to the construction of overwater bungalows, or an overwater building (not including a standard dock) of any sort.



South Hole Sound is the Queen's Bottom—it belongs to none of us, which is to say that it belongs to all of us. But, truly, it belongs to the turtles, and the stingray and the bonefish, and the sharks—all of whom rely on this delicate ecosystem in order to flourish. It is this wildlife that must be preserved at all costs—not just for the sake of preserving nature and something that is beautiful and unspoiled, but also for the sake of preserving the very thing that attracts people from all around the world to Little Cayman—its pristine marine life.

It feels shortsighted to allow for the corruption of this habitat in order to suit one development. Yes, the development of Kingston Bight might be good for the Cayman Islands in that it contributes to the growth of the economy, but should that marine life be spoiled down the line, the pristine marine life that once made Little Cayman a Crown Jewel of the Caribbean will no longer exist, and Little Cayman will truly be nothing special.

The South Hole Sound was made into a Marine Park in order to protect against developments exactly like this. We very much hope that this protection stands.

Apart from the negative impact overwater bungalows would have on marine life, we as neighbors have other concerns. The plans as drawn have a dock that extends over 500' long. The Southern Cross Club dock by comparison extends around 120' I believe, and that is a very substantial dock. This dock as proposed would have a negative impact on our view and our experience at our property. It would negatively impact our privacy.

Around 14 years ago, our Dad finally was able to construct the dock of his dreams. Like all of his projects, he had it built sturdy and strong. He designed it well, and believed it to be the best constructed dock on the island at the time of its construction. It was short and stout, with steel reinforced cement piling construction and sat 5' off the water. One year later, Hurricane Paloma came, and our dock, along with many others on the island, was wiped out.

What will happen when the next big Hurricane comes? Then we will be talking about debris not just in the way of dock planks, but actual building debris, and sewage and electrical systems. This debris will corrupt our beaches and our water. It is not fair to force us to take on the risk of what may happen to these bungalows in the event of a hurricane. As we have seen time and again, it is the elements that sit over the water that get washed away with the storms, and there is no reason to think that a bungalow would fair much better than a dock.

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Lastly, no matter how well constructed, leaks happen. Sewage leaks happen in big cities, where infrastructure is built out and oversight is much more secure. So they can just as easily and probably more easily happen in bungalows on a small remote island. When sewage leaks, there are severe consequences, not just to the environment, but to how people think about their surroundings.

To share a personal story: Three years ago, there was a construction project happening on the street outside our lovely home in New Orleans. The work was being done by the city to repair some of the city's drainage. One day, brown pieces started appearing in my children's bathtub during their bath time. We had no idea what it was. Our house started to smell rancid. We thought perhaps it was a gas leak. We brought in someone to take a look at our gas, and instantly he knew—we had a sewage leak. The water I had been bathing my children in for weeks was sewage. The construction team that was meant to be fixing the city's drainage, had busted a sewage pipe, which somehow led to my children's bathtub. This in a place with so much oversight. It took them weeks to repair it. But by then, between the visual of my children bathing in sewage week and after week, and the smell that permeated throughout our house—the damage was done. We had to move. There was no getting over that experience.

Should sewage leak into these pristine waters, in this sacred lagoon, it would change how people feel about it forever. Sewage is a nasty and tainted thing. There is no development that could ever be worth running the risk of tainting these waters.

Should these developers be permitted to build overwater bungalows to any extent, a new precedent would be set and, as a developer, I have no doubt that others would follow suit. Everything we treasure about Little Cayman is at stake in this decision. For, where one developer succeeds, others will soon follow. And then, everything will have changed. We urge you to protect what makes Little Cayman special—its unspoiled marine life. This pristine, unspoiled marine life no longer exists in Grand Cayman, and that begins and ends with development in the name of economic growth”.

Planning Analysis:

The application consists of 12, two (2) bedroom houses, 6, three (3) bedroom houses, a reception building with wellness spa, a restaurant, a beach bar, seven (7) pools, the renovation of an existing beach bar, kitchen and other thatched pavilions & huts.

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Notices & Newspaper Ads

Objections received.

Site Coverage:

Cottages (Ground Floor)

2 bedroom unit	949 sq ft
2 bedroom unit	949 sq ft
3 bedroom unit	1,058 sq ft
Verandas	1,233 sq ft
<u>Cabana</u>	<u>136 sq ft</u>

Total Ground Floor 4,325 sq ft X 6 groups= 25,950 sq ft

Reception/Administration (Ground Floor)	4,067 sq ft
Restaurant	1,410 sq ft
Cabanas	1,420 sq ft
Beach Bar	1,078 sq ft
Maintenance	499 sq ft
<u>Kitchen</u>	<u>926 sq ft</u>
Total ground floor sq footage	35,350

Total sq footage of parcels: 143,748 sq ft
Overall Site Coverage 35,350/143,748 = 24.6%

Parking (8 ft 6 in x 16 ft with 22 ft turning space):

18 residential units x 2 parking spaces	=	36 spaces
Kitchen & Restaurant 2,336 sq ft /200	=	11.68 spaces
Reception/Administration 8001 sq ft/300		26.67 spaces
<u>Beach Bar 499 sq ft /200</u>	<u>=</u>	<u>2.495 spaces</u>
Total standard parking spaces required		76.85 spaces
Total standard parking spaces proposed	=	49 spaces

The Development Control Board typically requires a minimum of two (2) parking spaces per residential unit.

Minimum parking requirements for other uses (kitchen, restaurant, reception/administration & beach bar are based on Development and Planning Regulations (2020 Revision) Sec. 8.

Parking spaces along Wonder Lane have inadequate turning area to avoid reversing into the road.

The site plan also shows golf cart parking, scooter parking and bicycle racks.

Setback Requirements:

Typical setback requirements are met.

Recommendation: Consider the comments of all government departments, the applicant and objectors. If planning permission is granted, it should be subject to the following conditions:

Conditions (1-5) must be completed prior to the start of construction:

- 1) The applicant shall obtain approval of construction details from the Building Control Unit.
- 2) The applicant shall obtain plumbing approval from the Building Control Unit.
- 3) The applicant's Electrician shall obtain electrical approval from the Building Control Unit.
- 4) The applicant shall obtain a liquefied gas permit from the Building Control Unit (if applicable).
- 5) The confirmation of the Planning Office must be obtained, in writing, verifying compliance with the conditions described above prior to the start of construction.

The applicant will be reminded that all inspections shall be conducted and approved prior to occupancy of the buildings.

The applicant will be advised that this approval is in effect for five (5) years only and will expire if a building permit is not issued during this time. If the applicant wishes to reinstate the approval after this period, a new application must be submitted to the Planning Department along with required fees.

Decision: It was resolved to adjourn the application because an objector was not in attendance. The application will be considered at the next meeting scheduled for January 2022.

6.02

JAMES M RYAN, CBC BLOCK 99A PARCEL 374 (CB-F21-0558) (CB-P21-0065) (\$20,000)



Application for a 26 lot subdivision.

Facts:

<i>Location:</i>	Capt Mabry Drive
<i>Parcel Size:</i>	25 ac
<i>Existing Use:</i>	Vacant
<i>Notices:</i>	No Objections Received

Agency Comments:

National Conservation Council:

“Ecological Overview

*The application site consists of a mixture of primary xeromorphic semi-deciduous forest and primary dry shrubland habitat. The subject parcel also falls within an area identified as an important habitat for the endangered Cayman Brac Parrot (*Amazona leucocephala hestern*a). The Cayman Brac Parrot is a Part 1 protected species under the National Conservation Act (2013) meaning it is a species ‘protected at all times’.*

Importance of Primary Habitat

Primary habitat is mature habitat in its natural state, otherwise uninfluenced by human activity where ecological processes are not significantly disturbed. These habitats are often very old, existing long before humans and may consist of many endemic and ecologically important species.

Primary habitat is in severe decline and becoming a scarce and highly threatened resource as a result of land conversion for human uses. For this reason, the DoE does not support speculative or wholesale clearing of subdivision sites. In principle, land clearing should be reserved until the development of individual lots is imminent (through the granting of planning permission for development on those particular lots). This allows the opportunity for the individual lot owners to retain as much native vegetation as possible. Native vegetation is best suited for the habitat conditions of the site and requires less maintenance which makes it a very cost-effective choice.

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Primary habitat can be retained and incorporated into subdivision plans to be utilized in a variety of ways. For example:

- It can be retained along parcel boundaries and between buildings to serve as privacy buffers/screening.*
- It can be incorporated into the landscaping schemes for low-maintenance low-cost landscaping,*
- It can serve as an amenity, providing green space and shade for those who live nearby/on the property.*
- It can assist with on-site stormwater management and drainage.*
- It can remain as a habitat for endemic wildlife (helping contribute to the conservation of our local species).*
- It can help cut back on carbon emissions by leaving the habitat to act as a carbon sink through avoiding its destruction and allowing natural processes to occur which assist with the removal of carbon dioxide in the atmosphere. And;*
- When located in an area of wider primary habitat, wildlife corridors can be created connecting areas of a habitat that would have otherwise been isolated through development, allowing for the movement of animals and the continuation of viable populations.*

Cayman Brac Parrot Habitat

The primary vegetation in this area provides habitat, possible nesting areas and is an important foraging ground for the Cayman Brac Parrot.

The Cayman Brac Parrot is important because it is an endemic subspecies meaning it is unique to Cayman Brac and found nowhere else in the world. Historically, the Cayman Brac Parrot also used to inhabit Little Cayman but was wiped out in the 1932 Storm when the hurricane destroyed a large majority of the large trees with good nesting cavities. These parrots are an important part of Cayman Brac's natural and cultural history, and together with the Grand Cayman Parrot, these birds serve as a symbol of national pride and natural resources conservation.



Cayman Brac Parrots are secondary cavity nesters needing a large, hollowed-out space in a tree to nest. This means they are dependent on a limited supply of existing cavities in forest trees to make their nests. Wholescale clearing of subdivision sites removes the vegetation that is currently providing habitat, nest sites and food for these parrots and other native species.

The retention of native vegetation on sites ensures there is a native food source for the parrots all year round hopefully reducing the likeliness of parrots feeding on valued food crops such as introduced fruit trees.

Parrots are a resilient species, but with a small habitat range, climate change pressures (such as more severe storms and hurricanes) and the conversion of land for human uses, the long-term future of these birds depends on the ability to preserve these old-growth forests and build sustainably.

Strategic Overview

In the past the Department has outlined in response to similar subdivision applications, that in the absence of a Development Plan providing a strategic framework for development, particularly large-scale proposals, the DoE strongly recommends that before determining this planning application, a comprehensive review of the 'need' for the subdivision of more parcels is undertaken.

The impact of a further residential subdivision on existing infrastructure and the environment of the island should be properly considered and evaluated. As shown in Figure 2 below, there are already 3,314 undeveloped subdivision lots under 2 acres in size on Cayman Brac as of November 2021.

The overall impact on the infrastructure and population of Cayman Brac should also be considered given the scale of the existing parcellation of the island. Hypothetically, should each of these existing 3,314 subdivision parcels be developed for housing, this could result in a population increase of 6,620+ people which would more than quadruple Cayman Brac's current population of approximately 1,703 to 8,330+ people (working on an estimate of two persons per household). With nearly five times as many inhabitants, there would be significant pressure on the infrastructure and amenities on the island, which should be assessed within the context of a Development Plan for the island. Against this

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background, the need for further residential housing development lots should be robustly justified.

Figure 2: Parcels under 2 acres with no structures present as of 04 Nov. 2021 (DoE, 2021)

DoE Recommended Conditions

For reasons highlighted throughout this review, the DoE does not support the approval of this application. Should the Development Control Board or Planning Department be minded to grant planning permission for the proposed subdivision, the DoE recommends the inclusion of the following conditions in the Planning approval to minimise impacts to Brac Parrots and this important primary habitat.

- 1. There shall be no land clearing, excavation, filling or development of the resulting parcels without planning permission for such works being granted.*
- 2. Any future development, clearing, filling or excavation of the resulting subdivided parcels shall be the subject of a separate consultation with the Development Control Board and National Conservation Council.*

Planning Analysis:

The applicant proposes a 26 lot subdivision at Capt Mabry Drive. The application consists of 25 “residential lots, a road parcel and a remainder parcel. The “residential lots” range in width from 90 ft to 149 ft. The smallest “residential lot” will be 13,244 sq ft in overall size.

Decision: It was resolved to grant planning permission subject to the following:

- 1) All utility poles shall be installed prior to registration of the lots.
- 2) The road shall be paved to NRA and PWD standards prior to registration of the lots.
- 3) A surveyor’s final drawing shall be submitted for approval prior to registration of the lots.

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The applicant will be reminded that clearing by mechanical means requires planning permission.

6.03

MD HOLDINGS LIMITED, LCE BLOCK 91A PARCEL 243 (LC-F21-0468) (LC-P21-0024) (\$1,500,000)

Application for a house & hot tub.

Facts:

<i>Location:</i>	Guy Banks Road
<i>Parcel Size:</i>	.47 acres (20,473 sq ft)
<i>Existing Use:</i>	Vacant
<i>Proposed Use:</i>	Residential
<i>Building Footprint:</i>	5,093 sq ft
<i>Building Size:</i>	10,186 sq ft
<i>Required Parking Spaces:</i>	2
<i>Proposed Parking Spaces:</i>	4
<i>Site Coverage:</i>	24.8%
<i>Notices:</i>	No objections

Agency Comments:

National Conservation Council:

“Site Overview

The subject parcel is located adjacent to a Marine Protected Area, namely a Line Fishing Zone and No Dive Zone Overlay. The parcel consists of a mixture of primary coastal shrubland habitat and man-modified areas. Primary habitat is mature habitat in its natural state, otherwise uninfluenced by human activity where ecological processes are not significantly disturbed. These habitats are often very old, existing long before humans and may consist of many endemic and ecologically important species.

Based on over 20 years of DoE turtle nesting monitoring data, the beach on this site is identified as proposed critical turtle nesting habitat in the National Conservation Council’s Draft Conservation Plan for Sea Turtles (2019). All marine turtle species are listed in Part 1 of Schedule 1 to the National Conservation Act, 2013, as being ‘protected at all times’.

IMPACTS ON SEA TURTLES

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Construction Impacts

Operating heavy machinery during land clearing and construction presents a threat to nesting sea turtles. Construction works not only disturb the physical nesting habitat but heavy machinery and associated works can crush or bury baby sea turtles and turtle nests. The excavation of the foundations will likely result in a large quantity of sand. The sand is a key component of what makes the application site good for sea turtles. We recommend that any excavated sand is retained on-site.

Artificial Lighting Impacts

Artificial lighting on and around turtle nesting beaches is one of the greatest threats to the survival of Cayman's endangered sea turtle nesting populations. Bright lights on or near the beach can deter female turtles from nesting and cause baby turtles to crawl away from the sea, where they die from dehydration, exhaustion, predators or vehicles.

Turtle friendly lighting has been a legal requirement in ordinances in the United States for over 30 years. It is a proven solution to prevent the misorientation of sea turtles whilst safely and effectively lighting beachside properties. The Department strongly recommends the use of turtle friendly lighting on turtle nesting beaches. Figures 1-3 show examples of properties in Grand Cayman that have turtle friendly lighting installed.

Figures 1-3: Properties retrofitted to turtle friendly lighting along Seven Mile Beach, Grand Cayman.

Importance of Coastal Vegetation

Coastal habitat incorporates a variety of salt and wind tolerant flora. Native coastal vegetation is becoming rarer as development on the coast increases. Coastal shrubland is high in ecological value, providing a biodiverse habitat for native wildlife in addition to stabilizing the shoreline and reducing erosion. Once vegetation has been cleared, it often results in wind-borne erosion of the land and general coastal erosion. Coastal vegetation is therefore important for the integrity of the beach to ensure there is an appropriate nesting habitat for sea turtles in this proposed critical location. Beach vegetation is also thought to play an important role in sea turtle nest site selection, hatch success, hatchling fitness, sex ratio, and sea finding.

We strongly urge the applicant to retain as much mature native vegetation as possible. Native vegetation can be incorporated into the landscaping scheme and

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results in vegetation that is best suited for the habitat conditions of the site, requiring less maintenance and making it a very cost-effective choice.

Setbacks & Climate Change

The Department notes the applicant's request for a coastal setback variance. The Department also notes that the applicant's submissions reference an outdated mean high water mark survey from 2019. In line with the Development & Planning requirements in Grand Cayman, we would urge the Development Control Board (DCB) to require the applicant to provide a current Mean High Water Mark (MHW) survey to ensure that the setback from the coastline is accurate and, more importantly, adequate. Given the climate change and sea-level rise predictions for the region, the DoE typically recommends that minimum coastal setbacks are adhered to or exceeded wherever possible to reduce impacts to beach profiles and improve climate resiliency of development projects. Additionally, hard structures on a turtle nesting beach that encroach on to the active beach can reduce the potential area that serves as turtle nesting habitat.

However, from a review of historic aerial imagery of the site, it is evident that this coastline is relatively stable and the site is offered a degree of protection by the presence of nearshore seagrass beds, a shallow reef terrace and fringing reef in this location. The Department is also encouraged to see that the applicant is proposing to build in a more climate-resilient manner by elevating their property and incorporating a wash-through ground floor.

DIRECTED CONDITION

On the basis of the above information, in the exercise of powers which have been conferred through express delegation by the National Conservation Council, pursuant to section 3(13) of the National Conservation Act (2013) the Director of DoE therefore respectfully stipulates that the following condition be imposed by the Development Control Board (DCB) or Department of Planning, as part of any agreed proposed action for planning approval:

- 1) All construction materials shall be stockpiled a minimum of 75ft from the Mean High Water Mark.*

This condition is directed to prevent run-off and debris from entering the Marine Protected Area causing turbidity and impacting sensitive marine resources.

A person aggrieved by a decision of the National Conservation Council to impose a condition of approval may, within 21 days of the date on which the decision is received, appeal against it to the Cabinet by serving on the Cabinet notice in

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writing of the intention to appeal and the grounds of the appeal (Section 39 of the National Conservation Act, 2013). We trust that the DCB/Department of Planning will relay this to the applicant in its decision notice.

RECOMMENDED CONDITIONS

In addition to the directed condition above, if the Development Control Board or the Planning Department is minded to grant permission for the proposal, the below conditions should be included to minimise impacts on sea turtles.

- 1. The applicant shall prepare and submit a turtle friendly lighting plan which minimizes the impacts of artificial lighting on sea turtles. The plan shall be reviewed and approved by the Department of Environment, in accordance with the DoE's Turtle Friendly Lighting: Technical Advice Note (September 2018) available from <http://doe.ky/marine/turtles/turtle-friendly-lighting/>.*
- 2. Lighting shall be installed in accordance with the turtle friendly lighting plan which has been reviewed and approved by the DoE. The DoE will inspect the exterior lighting for compliance with the approved turtle friendly lighting plan once construction is complete.*
- 3. Prior to the commencement of works, the applicant or applicant's agent shall contact the DoE to check for the presence of turtle nests; written approval shall be obtained from the DoE that no nests will be impacted by the commencement of works.*
- 4. No construction work, vehicle access, storage of equipment/ materials or other operations shall take place on the beach during turtle nesting season (1st May – 30th November) without the express consent of the DoE.*
- 5. Beachside construction fencing associated with the works shall be positioned at least 50ft from the Mean High Water Mark (to minimise impacts on the turtle nesting habitat) and the fencing shall be erected so that it fully encloses the beach facing area of works and is embedded at least 2 feet into the beach profile to prevent turtles entering the construction site or digging under the fencing, during nesting season.*
- 6. All construction material shall be stockpiled landward of the beachside construction fencing.*
- 7. Any sand excavated during construction should be retained on-site and beach quality sand should be placed along the active beach profile. If sand is to be placed on the beach during turtle nesting season (1st May – 30th November*

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yearly), the express consent of the DoE is required to ensure that turtle nests are not adversely impacted.

8. If there is an excessive quantity of sand that cannot be accommodated on-site, and the applicant would like to move such sand off-site, it should be the subject of a separate consultation with the National Conservation Council."

Letter from the Applicant:

"I wish to apply for the following variances in connection with the above referenced planning application.

Variances:

1. Encroachment of the house on the ocean setback.
2. Encroachment of exterior showers at second floor level on the side setbacks.
3. Encroachment of AC units at second floor level on the side setbacks.
4. Encroachment of a generator on the road setback.
5. Encroachment of the septic tank on the road setback.

Variance 1:

1. Encroachment of the house on the ocean setback. A part of the second floor covered deck- 50'-8" in width - with a hot tub extends 13'-10" into the 75' ocean setback.

Justification:

The property was purchased by my client who lives in Grand Cayman. The family has been visiting Little Cayman for many years and want to build this house as a vacation retreat for family and friends. The house will also be made available for rental when they are not using it.

The neighboring properties - 91A 241 and 91A 242 - are owned by close friends of the family which is why my client bought the property even though its depth is less than that of the neighboring properties.

Because of the size of the family and extended family, which can number upwards of 12 people at any one time, the house required a large living/dining area, four shared bedrooms and a large covered deck serving the living/dining area and the bedrooms. In order to achieve an adequately sized deck for relaxation and from which the family could enjoy the ocean and sunset views, it was necessary to extend a part of it - 50'-8" in width in front of the living/dining area - into the ocean setback by 13'-10". It should be noted that the enclosed air conditioned areas do not extend into the ocean setback.

In terms of scale and architectural treatment, the house has been designed in the manner of traditional Cayman houses. The façade to the road is broken down into component parts by the expression of the central living area and the corridors linking it to the two featured spaces at each end of the house, all with pitched or hipped roofs. Traditional siding has been used as a finish on most of the second floor walls.

The continuous deck on the ocean side of the house is a significant and positive design feature. When viewed from the ocean, the house will appear as a light weight structure supported on columns in the sand. The beach will extend under

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the house thereby minimizing the physical and visual impact of the covered deck structure on it.

Although the house is two stories, much of the ground floor is open, resulting in the effect of a floating second floor. The entrance is in the center of the house and there is a cistern at each end. In the event of a hurricane, the open ground floor will allow seawater (storm surge) to move under the building without extensive damage to the structure.

Variances 2 & 3:

Encroachment of an exterior shower at second floor level on the side setbacks. A second floor open air shower (without a roof) measuring 7'-0" x 4'-6" encroaches 4'-6" on the 15' side setback at each end of the house.

Justification:

The relatively small structure is not visually intrusive as the enclosing wall is only 6' high and not the full height of the second floor.

Encroachment of AC units at second floor level on the side setbacks. A concrete slab measuring 9'-3" x 4'-0" at second floor level to accommodate two A/C units encroaches 4'-0" on the 15' side setback at each end of the house.

Justification:

The slab structure is not visually intrusive and is necessary to raise the A/C units above the storm surge level.

Variances 4 & 5:

4. Encroachment of a generator on the road setback. A generator with a fuel tank on a concrete plinth encroaches 6'-8" on the 20' road setback.

Justification:

The generator has been placed in this location for ease of maintenance. The plinth is necessary to raise the generator above the storm surge level.

5. Encroachment of the septic tank on the road setback. A septic tank encroaches 8'-7" on the 20' road setback.

Justification:

The septic tank has been placed in this location for ease of maintenance.

We believe there is sufficient reason to grant a variance and exceptional circumstances exist, which may include the fact that:

A. The characteristics of the proposed development are consistent with the character of the surrounding area.

B. The proposal will, not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare. "

Planning Analysis:

The application is for a four (4) bedroom, two (2) storey house & hot tub to be located at Guy Banks Road in Little Cayman.

The following setback variances are requested:

- 1) The applicant requests a HWM setback of 61 ft 2 in. to the deck and hot tub. Typical HWM setback is 75 ft.

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- 2) The applicant requests side setback variances for overhanging showers and air conditioning units on the second floor, at both ends of the house. Typical side setback requirement for a two (2) storey house is 15 ft. The ground floor meets side setback requirements. The overhanging showers have side setbacks of 10 ft 11 in. and 10 ft 9 in.
- 3) The applicant requests a front setback variance for the septic tank. Typical front setback requirement for a septic tank is 20 ft. The site plan shows a front setback of 11 ft 4 in.
- 4) The applicant requests a front setback variance for a generator. Typical front setback requirement is 20 ft. The site plan shows a front setback of 13 ft 4 in.

Adjacent parcel owners were notified of variance requests. No objections were received.

Decision: It was resolved to adjourn the application. The applicant shall submit a revised site plan showing that all typical setback requirements are met.

7.0 **OTHER MATTERS**

7.01 **CIG DISTRICT ADMINISTRATION, CBW BLOCK 97C PARCEL 64 (CB-F21-0592) (CB-P21-0071) (\$100,000)**

Application for a public restroom facility.

Facts:

<i>Location:</i>	South Side West Road (Public Beach)
<i>Parcel Size:</i>	2.41 ac
<i>Proposed Use:</i>	Public restroom
<i>Building Size:</i>	748 sq ft
<i>Bldg Footprint:</i>	748 sq ft
<i>Proposed Parking Spaces:</i>	5 spaces
<i>Notices:</i>	No objections

Agency Comments:

National Conservation Council:



"The subject parcel is predominately man-modified, but it is likely that there is still some native vegetation on-site. The site is also adjacent to a Marine Protected Area, namely Marine Reserve and based on over 20 years of DoE turtle nesting monitoring data, the beach on this site is identified as proposed critical turtle nesting habitat in the National Conservation Council's Draft Conservation Plan for Sea Turtles (2019). All marine turtle species are listed in Part 1 of Schedule 1 to the National Conservation Act, 2013, as being 'protected at all times'.

Composting Toilets

We are encouraged to see that the restroom facilities are located as far away from the sea as possible. We would encourage the applicant to also explore the option of using composting toilets at this facility rather than conventional toilet systems which use a septic tank and deep well.

The reasoning for this is that septic tanks in close proximity to the sea can result in nutrient-rich water from deep wells leaching into the marine environment. Such an occurrence can result in adverse impacts on the health of marine resources, especially coral reefs, over time. Composting toilets, on the other hand, are a great option as they minimise water use and the requirement for waste disposal into the ground.

IMPACTS ON SEA TURTLES

Construction Impacts

Operating heavy machinery during land clearing and construction presents a threat to nesting sea turtles. Construction works not only disturb the physical nesting habitat but heavy machinery and associated works can crush or bury baby sea turtles and turtle nests.

Artificial Lighting Impacts

Artificial lighting on and around turtle nesting beaches is one of the greatest threats to the survival of Cayman's endangered sea turtle nesting populations. Bright lights on or near the beach can deter female turtles from nesting and cause baby turtles to crawl away from the sea, where they die from dehydration, exhaustion, predators or vehicles.

The Department strongly recommends the use of turtle friendly lighting on turtle nesting beaches. Turtle friendly lighting has been a legal requirement in ordinances in the United States for over 30 years. It is a proven solution to prevent the misorientation of sea turtles whilst safely and effectively lighting beachside properties.

Turtle friendly lighting has been used at Seven Mile Public Beach and several private properties in Grand Cayman and overall has been well-received. Figures

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1-3 show examples of properties in Grand Cayman that have turtle friendly lighting installed.

Figures 1-3: Properties retrofitted to turtle friendly lighting along Seven Mile Beach, Grand Cayman.

The current proposed facility and other Government facilities on located on turtle nesting beaches could serve as examples for turtle friendly lighting. This property would be particularly beneficial to have fitted with turtle friendly lighting as it is a proposed critical turtle nesting beach due to its density of turtle nests. There are not many examples of turtle friendly lighting properties installed in the Sister Islands. However, there are several private properties due to be built which require turtle friendly lighting as a condition of their planning permission. Having this public facility be turtle friendly would allow owners a first-hand look at turtle friendly lighting fixtures and fittings. Should CIG District Administration wish to learn more about turtle friendly lighting, we encourage them to reach out to the DoE.

Setbacks & Climate Change

Although we understand that many of the Development and Planning Regulations (2021 Rev.) currently do not apply to the Sister Islands, the impact of climate change is a very real threat to all three islands. In the absence of a Development Plan for the Sister Islands and given the climate change predictions for the region, including sea-level rise and increased intensity of storm events (including storm surge), the DoE is of the opinion that coastal setbacks should be maintained and treated as a minimum (as prescribed in the Development & Planning Regulations 2021 Rev). Where the site allows, as is the case in this instance, coastal setbacks should be maximised where possible to improve climate resiliency. Setbacks are one of several ways of enhancing the resilience of properties against the inevitable effects of climate change, such as coastal flooding, storm surge and erosion, by ensuring that hard structures are not located in vulnerable locations susceptible to these hazards.

The DoE strongly recommends that all hard structures should meet the minimum 75-ft coastal setback including the beachside cabanas shown on the applicant's site plan.

Importance of Coastal Vegetation

Coastal habitat incorporates a variety of salt and wind tolerant flora. Coastal vegetation provides habitat for native wildlife in addition to stabilizing the shoreline and reducing erosion. Once vegetation has been cleared, it often results in wind-borne erosion of the land and general coastal erosion. Coastal vegetation is therefore important for the integrity of the beach to ensure there is an appropriate nesting habitat for sea turtles in this proposed critical location.

EAB
AS

Beach vegetation is also thought to play an important role in sea turtle nest site selection, hatch success, hatchling fitness, sex ratio, and sea finding. We encourage the applicant to only clear the development footprint and to retain as much mature native vegetation as possible. We recommend that the applicant also plants and incorporates native vegetation into the landscaping scheme. Native vegetation is best suited for the habitat conditions of the Cayman Islands, requiring less maintenance and making it a very cost-effective choice.

DIRECTED CONDITION

On the basis of the above information, in the exercise of powers which have been conferred through express delegation by the National Conservation Council, pursuant to section 3(13) of the National Conservation Act (2013) the Director of DoE therefore respectfully stipulates that the following condition be imposed by the Development Control Board (DCB) or Department of Planning, as part of any agreed proposed action for planning approval:

- 1) All construction materials (including excavated sand) shall be stockpiled a minimum of 75 feet from the Mean High Water Mark.*

This condition is directed to prevent run-off and debris from entering the Marine Protected Area causing turbidity and impacting sensitive marine resources.

A person aggrieved by a decision of the National Conservation Council to impose a condition of approval may, within 21 days of the date on which the decision is received, appeal against it to the Cabinet by serving on the Cabinet notice in writing of the intention to appeal and the grounds of the appeal (Section 39 of the National Conservation Act, 2013). We trust that the DCB/Department of Planning will relay this to the applicant in its decision notice.

RECOMMENDED CONDITIONS

In addition to the directed condition above, if the Development Control Board or the Planning Department is minded to grant permission for the proposal, the below conditions should be included to minimise impacts on sea turtles.

- 1. The applicant shall prepare and submit a turtle friendly lighting plan which minimizes the impacts of artificial lighting on sea turtles. The plan shall be reviewed and approved by the Department of Environment, in accordance with the DoE's Turtle Friendly Lighting: Technical Advice Note (September 2018) available from <http://doe.ky/marine/turtles/turtle-friendly-lighting/>.*
- 2. Lighting shall be installed in accordance with the turtle friendly lighting plan which has been reviewed and approved by the DoE. The DoE will inspect the*



exterior lighting for compliance with the approved turtle friendly lighting plan once construction is complete.

3. *Prior to the commencement of works, the applicant or applicant's agent shall contact the DoE to check for the presence of turtle nests; written approval shall be obtained from the DoE that no nests will be impacted by the commencement of works.*

4. *No construction work, vehicle access, storage of equipment/ materials or other operations shall take place on the beach during turtle nesting season (1st May – 30th November) without the express consent of the DoE.*

5. *Beachside construction fencing associated with the construction of the toilet block shall be positioned at least 75ft from the Mean High Water Mark (to minimise impacts on the turtle nesting habitat) and the fencing shall be erected so that it fully encloses the beach facing area of works and is embedded at least 2 feet into the beach profile to prevent turtles entering the construction site or digging under the fencing, during nesting season.*

6. *All construction material shall be stockpiled landward of the beachside construction fencing.*

7. *Any sand excavated during construction should be retained on-site and beach quality sand should be placed along the active beach profile. If sand is to be placed on the beach during turtle nesting season (1st May – 30th November yearly), the express consent of the DoE is required to ensure that turtle nests are not adversely impacted.*

8. *If there is an excessive quantity of sand that cannot be accommodated on-site, and the applicant would like to move such sand off-site, it should be the subject of a separate consultation with the National Conservation Council."*

Department of Environmental Health:

In order to complete the assessment, the location of the solid waste facility must be shown on the drawing. 2. This location will require (1) 8 cubic yard container with once per week servicing. Table 1: Specifications for Onsite Solid Waste Enclosures Container size (yd3) Width (ft) Depth (ft) Height (ft) Slab Thickness (ft) Requirements 8 10 10 5.5 0.5 Water (hose bib), drain, Effluent Disposal well; guard rails NOTE: The drain for the enclosure must be plumbed to a garbage enclosure disposal well as per the Water Authority's specifications. Contact development.control@waterauthority.ky for deep well details.

Fire Service:

EB
CJS

The Fire Service has stamped the site plan approved for planning purposes.

Water Authority:

"Please be advised that the Water Authority's requirements for this development are as follows:

Wastewater Treatment:

- *The developer shall provide a **septic tank** with a capacity of at least **1,500 US gallons** for the **proposed restroom facility**. The septic tank shall be constructed in strict accordance with the Authority's standards.*
- *Treated effluent from the septic tank shall discharge to an effluent disposal well-constructed by a licensed driller in strict accordance with the Authority's standards. Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- *To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of **4'6"** above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

For Water Authority approval at BCU stage, a detailed profile drawing of the proposed wastewater treatment system is required. The drawing shall indicate:

1. *If the proposed septic tank will be site-built or precast. (You may use the Water Authority drawing for site-built tanks available from the Authorities website or a Precast septic tank drawing if you intend to use a Precast Tank).*
2. *All dimensions and materials shall be provided for any site-built tanks.*
3. *Manhole extensions are permitted up to a maximum of 24" below finished grade.*
4. *Detailed specifications including make and model for (H-20) traffic-rated covers for septic tanks proposed to be located within traffic areas.*
5. *A detailed profile cross-section of the wastewater system clearly showing the plumbing from building stub out to the effluent disposal well achieving the minimum invert connection specified above. (Alternatively details of proposed lift station shall be required)*
6. *The Water Authorities updated 2020 effluent disposal well specifications.*
7. *A 30ft horizontal separation between the effluent disposal well and any stormwater drainage wells.*

Water Supply:

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Obs

Please be advised that the proposed development site is outside the area served by public water supply. The developer will be required to utilize an alternate water source (e.g., cistern or well)."

Planning Analysis:

The applicant proposes a public restrooms facility with changing rooms at the Public Beach on South Side. All typical setbacks will be met. The Planner is concerned about the lack of privacy in the changing rooms.

Notices were sent to owners of parcels within a 100 ft radius of the subject parcel. No written objections were received.

Decision: It was resolved to grant planning permission subject to the following conditions:

Conditions (1-4) must be completed prior to the start of construction:

- 1) The applicant shall submit a revised site plan providing privacy to the two changing rooms.
- 2) The applicant shall obtain approval of construction details from the Building Control Unit.
- 3) The applicant shall obtain plumbing approval from the Building Control Unit.
- 4) The applicant's Electrician shall obtain electrical approval from the Building Control Unit.
- 5) The confirmation of the Planning Office must be obtained, in writing, verifying compliance with the conditions described above prior to the start of construction.

The applicant shall comply with National Conservation Council recommendations as follows:

1. The applicant shall prepare and submit a turtle friendly lighting plan which minimizes the impacts of artificial lighting on sea turtles. The plan shall be reviewed and approved by the Department of Environment, in accordance with the DoE's Turtle Friendly Lighting: Technical Advice Note (September 2018) available from <http://doe.ky/marine/turtles/turtle-friendly-lighting/>.
2. Lighting shall be installed in accordance with the turtle friendly lighting plan which has been reviewed and approved by the DoE. The DoE will inspect the exterior lighting for compliance with the approved turtle friendly lighting plan once construction is complete.

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3. Prior to the commencement of works, the applicant or applicant's agent shall contact the DoE to check for the presence of turtle nests; written approval shall be obtained from the DoE that no nests will be impacted by the commencement of works.

4. No construction work, vehicle access, storage of equipment/ materials or other operations shall take place on the beach during turtle nesting season (1st May – 30th November) without the express consent of the DoE.

5. Beachside construction fencing associated with the construction of the toilet block shall be positioned at least 75ft from the Mean High Water Mark (to minimise impacts on the turtle nesting habitat) and the fencing shall be erected so that it fully encloses the beach facing area of works and is embedded at least 2 feet into the beach profile to prevent turtles entering the construction site or digging under the fencing, during nesting season [During turtle nesting season only]..

6. All construction material shall be stockpiled landward of the beachside construction fencing.

7. Any sand excavated during construction should be retained on-site and beach quality sand should be placed along the active beach profile. If sand is to be placed on the beach during turtle nesting season (1st May – 30th November yearly), the express consent of the DoE is required to ensure that turtle nests are not adversely impacted.

8. If there is an excessive quantity of sand that cannot be accommodated on-site, and the applicant would like to move such sand off-site, it should be the subject of a separate consultation with the National Conservation Council.”

The applicant shall comply with all requirements of the Fire Service, Department of Environmental Health and Water Authority.

The applicant will be reminded that all inspections shall be conducted and approved prior to occupancy of the buildings.

The applicant will be advised that this approval is in effect for five (5) years only and will expire if a building permit is not issued during this time. If the applicant wishes to reinstate the approval after this period, a new application must be submitted to the Planning Department along with required fees.

7.02

**CIG DISTRICT ADMINISTRATION, CBE BLOCK 111E PARCEL 96
(CB-F21-0595) (CB-P21-0072) (\$45,000)**

Application for a public restroom facility.



Facts:

<i>Location:</i>	Spot Bay Road
<i>Parcel Size:</i>	.4 ac (17,424 sq ft)
<i>Proposed Use:</i>	Public restroom
<i>Building Size:</i>	288 sq ft
<i>Bldg Footprint:</i>	288 sq ft
<i>Proposed Parking Spaces:</i>	6 spaces
<i>Notices:</i>	No objections

Agency Comments:**National Conservation Council:**

"The application site is man-modified and of limited ecological value. The DoE recommends that the applicant explores the option of using composting toilets at this facility. Composting toilets minimise water use and the requirement for waste disposal into the ground making them a more sustainable option. The Department also recommends that the applicant plants and incorporates native vegetation into the landscaping scheme. Native vegetation is best suited for the habitat conditions of the Cayman Islands, resulting in vegetation that requires less maintenance which makes it a very cost-effective choice."

Department of Environmental Health:

DEH has no comments.

Fire Service:

The Fire Service has stamped the site plan approved for planning purposes.

Water Authority:

"Please be advised that the Water Authority's requirements for this development are as follows:

Wastewater Treatment:

- The developer shall provide a septic tank with a capacity of at least 1,000 US gallons for the proposed restroom facility. The septic tank shall be constructed in strict accordance with the Authority's standards.*
- Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards. Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*



- *To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4'6" above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

For Water Authority approval at BCU stage, a detailed profile drawing of the proposed wastewater treatment system is required. The drawing shall indicate:

- 1. If the proposed septic tank will be site-built or precast. (You may use the Water Authority drawing for site-built tanks available from the Authorities website or a Precast septic tank drawing if you intend to use a Precast Tank).*
- 2. All dimensions and materials shall be provided for any site-built tanks.*
- 3. Manhole extensions are permitted up to a maximum of 24" below finished grade.*
- 4. Detailed specifications including make and model for (H-20) traffic-rated covers for septic tanks proposed to be located within traffic areas.*
- 5. A detailed profile cross-section of the wastewater system clearly showing the plumbing from building stub out to the effluent disposal well achieving the minimum invert connection specified above. (Alternatively details of proposed lift station shall be required)*
- 6. The Water Authorities updated 2020 effluent disposal well specifications.*
- 7. A 30ft horizontal separation between the effluent disposal well and any stormwater drainage wells.*

Water Supply:

Please be advised that the proposed development site is outside the area served by public water supply. The developer will be required to utilize an alternate water source (e.g., cistern or well)."

Planning Analysis:

The applicant proposes a public restroom facility on a vacant parcel across the road from the Spot Bay Cemetery. All typical setback requirements will be met.

Notices were sent to owners of parcels within a 100 ft radius of the subject parcel. No written objections were received.

Decision: It was resolved to grant planning permission subject to the following conditions:

Conditions (1-3) must be completed prior to the start of construction:

- 1) The applicant shall obtain approval of construction details from the Building Control Unit.

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- 2) The applicant shall obtain plumbing approval from the Building Control Unit.
- 3) The applicant's Electrician shall obtain electrical approval from the Building Control Unit.
- 4) The confirmation of the Planning Office must be obtained, in writing, verifying compliance with the conditions described above prior to the start of construction.

The applicant shall comply with all requirements of the Fire Service, Department of Environmental Health and Water Authority.

Native vegetation should be retained, where possible, and incorporated into the landscaping scheme.

The applicant will be reminded that all inspections shall be conducted and approved prior to occupancy of the buildings.

The applicant will be advised that this approval is in effect for five (5) years only and will expire if a building permit is not issued during this time. If the applicant wishes to reinstate the approval after this period, a new application must be submitted to the Planning Department along with required fees.

7.03

**CIG DISTRICT ADMINISTRATION, CBW BLOCK 96E PARCEL 284
(CB-F21-0591) (CB-P21-0070) (\$45,000)**

Application for a public restroom facility.

Facts:

<i>Location:</i>	Coral Ridge Ave
<i>Parcel Size:</i>	.8764 ac (38,175 sq ft)
<i>Proposed Use:</i>	Public restroom
<i>Building Size:</i>	288 sq ft
<i>Bldg Footprint:</i>	288 sq ft
<i>Proposed Parking Spaces:</i>	6 spaces
<i>Notices:</i>	No objections

Agency Comments:

National Conservation Council:

"The application site consists of dry forest and dry shrubland habitat with a man-modified section of the parcel as shown in figure 1. The DoE is encouraged to see

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that the Public Restroom facility is located within the man-modified section of the parcel and strongly recommends that no clearing should occur outside the building footprint. Any future clearing of the site should be the subject of a separate consultation with the National Conservation Council."

Department of Environmental Health:

DEH comments are due 15th December 2021.

Fire Service:

The Fire Service has stamped the site plan approved for planning purposes.

Water Authority:

"Please be advised that the Water Authority's requirements for this development are as follows:

Wastewater Treatment:

- *The developer shall provide a septic tank with a capacity of at least 1,000 US gallons for the proposed restroom facility. The septic tank shall be constructed in strict accordance with the Authority's standards.*
- *The Water Authority approves this application to discharge the effluent from the 1,000-gallon septic tank to an effluent disposal trench.*
- *The developer is advised that if the trench creates a nuisance or proves inadequate to meet the basic objectives of disposing effluent below the ground surface to prevent contact with sewage, it shall be replaced with a standard effluent disposal well.*

For Water Authority approval at BCU stage, a detailed profile drawing of the proposed wastewater treatment system is required. The drawing shall indicate:

1. *If the proposed septic tank will be site-built or precast. (You may use the Water Authority drawing for site-built tanks available from the Authorities website or a Precast septic tank drawing if you intend to use a Precast Tank).*
2. *All dimensions and materials shall be provided for any site-built tanks.*
3. *Manhole extensions are permitted up to a maximum of 24" below finished grade.*
4. *Detailed specifications including make and model for (H-20) traffic-rated covers for septic tanks proposed to be located within traffic areas.*
5. *A detailed profile cross-section of the wastewater system clearly showing the plumbing from building stub out to the effluent disposal well achieving the minimum invert connection specified above. (Alternatively details of proposed lift station shall be required)*
6. *The Water Authorities updated 2020 effluent disposal well specifications.*


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7. *A 30ft horizontal separation between the effluent disposal well and any stormwater drainage wells.*

Water Supply:

Please be advised that the proposed development site is outside the area served by public water supply. The developer will be required to utilize an alternate water source (e.g., cistern or well)."

Planning Analysis:

The applicant proposes a public restroom facility at the Sister Islands Affordable Homes West End playground site. All typical setback requirements will be met.

Decision: It was resolved to grant planning permission subject to the following conditions:

Conditions (1-3) must be completed prior to the start of construction:

- 1) The applicant shall obtain approval of construction details from the Building Control Unit.
- 2) The applicant shall obtain plumbing approval from the Building Control Unit.
- 3) The applicant's Electrician shall obtain electrical approval from the Building Control Unit.
- 4) The confirmation of the Planning Office must be obtained, in writing, verifying compliance with the conditions described above prior to the start of construction.

The applicant shall comply with all requirements of the Fire Service, Department of Environmental Health and Water Authority.

Native vegetation should be retained, where possible, and incorporated into the landscaping scheme.

The applicant will be reminded that all inspections shall be conducted and approved prior to occupancy of the buildings.

The applicant will be advised that this approval is in effect for five (5) years only and will expire if a building permit is not issued during this time. If the applicant wishes to reinstate the approval after this period, a new application must be submitted to the Planning Department along with required fees.

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7.04

**CIG DISTRICT ADMINISTRATION, CBE BLOCK 106E PARCEL 205
(CB-F21-0590) (CB-P21-0069) (\$45,000)**

Application for a public restroom facility.

Facts:

<i>Location:</i>	Leroy Tibbetts Drive (Watering Place)
<i>Parcel Size:</i>	.74 ac (32,234 sq ft)
<i>Proposed Use:</i>	Public restroom
<i>Building Size:</i>	288 sq ft
<i>Bldg Footprint:</i>	288 sq ft
<i>Proposed Parking Spaces:</i>	6 spaces
<i>Notices:</i>	No objections

Agency Comments:

National Conservation Council:

"The site is man-modified however it is adjacent to the bluff face, which is sensitive for birds and bats. We strongly recommend that there shall be no upwardly directed lights shining on the bluff face. This is in keeping with the 1997 Development Plan Statement Appendix 1 Guidelines for Development Control in Cayman Brac which says, "It is recognized that the Bluff is a unique feature of Cayman Brac and an important attraction to visitors. Every effort should therefore be made to retain the unspoiled visual aspect of the cliff face of the Bluff." We recommend a condition which says:

- There shall be no upwardly directed lights shining on the bluff face."*

Department of Environmental Health:

DEH has no objection to the application.

Fire Service:

The Fire Service has stamped the site plan approved for planning purposes.

Water Authority:

Please be advised that the Water Authority's requirements for this development are as follows:

Wastewater Treatment:

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- *The developer shall provide a **septic tank** with a capacity of at least **1,000 US gallons** for the **proposed restroom facility**. The septic tank shall be constructed in strict accordance with the Authority's standards.*
- *Treated effluent from the septic tank shall discharge to an **effluent disposal well-constructed by a licensed driller in strict accordance with the Authority's standards**. Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- *To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a **minimum invert level of 5'4" above MSL**. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

For Water Authority approval at BCU stage, a detailed profile drawing of the proposed wastewater treatment system is required. The drawing shall indicate:

- *If the proposed septic tank will be site-built or precast. (You may use the Water Authority drawing for site-built tanks available from the Authorities website or a Precast septic tank drawing if you intend to use a Precast Tank).*
- *All dimensions and materials shall be provided for any site-built tanks.*
- *Manhole extensions are permitted up to a maximum of 24" below finished grade.*
- *Detailed specifications including make and model for (H-20) traffic-rated covers for septic tanks proposed to be located within traffic areas.*
- *A detailed profile cross-section of the wastewater system clearly showing the plumbing from building stub out to the effluent disposal well achieving the minimum invert connection specified above. (Alternatively details of proposed lift station shall be required)*
- *The Water Authorities updated 2020 effluent disposal well specifications.*
- *A 30ft horizontal separation between the effluent disposal well and any stormwater drainage wells.*

Water Supply:

Please be advised that the proposed development site is outside the area served by public water supply. The developer will be required to utilize an alternate water source (e.g., cistern or well)."

Planning Analysis:

The applicant proposes a public restroom facility at the Sister Islands Affordable Homes Watering Place playground site. All typical setback requirements will be met.

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Obs

Decision: It was resolved to grant planning permission subject to the following conditions:

Conditions (1-3) must be completed prior to the start of construction:

- 1) The applicant shall obtain approval of construction details from the Building Control Unit.
- 2) The applicant shall obtain plumbing approval from the Building Control Unit.
- 3) The applicant's Electrician shall obtain electrical approval from the Building Control Unit.
- 4) The confirmation of the Planning Office must be obtained, in writing, verifying compliance with the conditions described above prior to the start of construction.

The applicant shall comply with all requirements of the Fire Service, Department of Environmental Health and Water Authority.

The applicant shall comply with the National Conservation Council's recommendation that there shall be no upwardly directed lights shining on the bluff face.

Native vegetation should be retained, where possible, and incorporated into the landscaping scheme.

The applicant will be reminded that all inspections shall be conducted and approved prior to occupancy of the buildings.

The applicant will be advised that this approval is in effect for five (5) years only and will expire if a building permit is not issued during this time. If the applicant wishes to reinstate the approval after this period, a new application must be submitted to the Planning Department along with required fees.

7.05

ALTON MAXAM, CBW BLOCK 96E PARCEL 528 (CB-F21-0557) (CB-P21-0064) (\$22,000)

Application for an addition to a house.

Facts:

Location:	Sun Valley Drive
Parcel Size:	.2465 ac (10,737 sq ft)
Proposed Use:	Residential
Existing Building:	1,073 sq ft



Proposed Addition: 322 sq ft
Site Coverage: 12.9%

Agency Comments:

National Conservation Council:

NCC has no comments.

Planning Analysis:

The applicant proposes 322 sq ft garage addition to a house located at Sun Valley Drive. All typical setback requirements will be met.

Decision: It was resolved to grant planning permission subject to the following conditions:

Conditions (1-2) must be completed prior to the start of construction:

- 1) The applicant shall obtain approval of construction details from the Building Control Unit.
- 2) The applicant's Electrician shall obtain electrical approval from the Building Control Unit.
- 3) The confirmation of the Planning Office must be obtained, in writing, verifying compliance with the conditions described above prior to the start of construction.

The applicant will be reminded that all inspections shall be conducted and approved prior to occupancy of the buildings.



The applicant will be advised that this approval is in effect for five (5) years only and will expire if a building permit is not issued during this time. If the applicant wishes to reinstate the approval after this period, a new application must be submitted to the Planning Department along with required fees.

7.06

LOGIC CAYMAN, CBE BLOCK 108D PARCEL 17 (CB-F21-0497) (CB-P21-0049) (\$95,000)

Application for a 100 ft tower.

Facts:

<i>Location:</i>	Spot Bay Road
<i>Parcel Size:</i>	.45 ac (19,652 sq ft)
<i>Existing Use:</i>	Tower
<i>Proposed Use:</i>	Tower

Background

At DCB13/2021 (9th November 2021) it was resolved to adjourn the application for comments from other government departments.

Agency Comments:

National Conservation Council:

"The Application site is man-modified and is of limited ecological value. The Department notes that the proposed tower pad is located approximately 170ft from the Mean High Water. This is encouraging to see as this will assist with adaptation to climate change impacts relating to sea level rise and storm surge during inclement weather."

OfReg

"WestTel Limited t/a Logic is an ICT Licensee in good standing, with license to establish public communications networks over various elements of infrastructure, as defined by the ICT Act and related regulations. We are aware that Logic is working to increase its service offerings across the country and presume that the establishment of said tower will serve to facilitate that goal."

Consequently, we have no objections to Logic's proposal to erect a tower on Cayman Brac. We offer no comment on the specification suitability of the proposed tower and defer to the Development Control Board / Planning Dept for such considerations."

MRCU & CIAA

The application has been sent to MRCU & CIAA.

The Director of MRCU commented that he forwarded Planning's request to their aircraft section. We have not received comments.

CIAA has not replied.

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0123

Planning Analysis:

The application is for a 100 ft tower that will replace an existing tower. The proposed tower will be located 170 ft from the HWM, 15 ft 8 in from one side property boundary and 15 ft 9 in.

Decision: It was resolved to grant planning permission subject to the following:

Conditions (1-3) listed below shall be met prior to the commencement of construction:

- 1) The applicant shall obtain approval of construction details from Building Control.
- 2) The applicant licensed electrician shall obtain electrical approval, in writing, from Building Control.
- 3) Confirmation from the Planning Office must be obtained, in writing, verifying compliance with the conditions described above prior to the start of construction.
- 4) Unless specifically authorized otherwise in writing by the Development Control Board, the development shall be carried out strictly in accordance with the approved plans which you will receive when all of the above conditions are complied with.

The applicant shall comply with requirements of OfReg, MRCU & CIAA.

Please be advised that all required inspections shall be conducted and approved prior to occupancy of the structure.

Please be advised that this approval is in effect for five (5) years only and will expire if you do not obtain a building permit during this time. If you wish to reinstate the approval after this period, you may make a new application to the Planning Department, which will be subject to payment of the required fees.

8.0

ENFORCEMENT

8.01

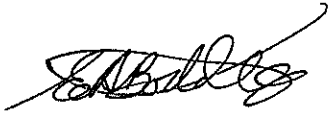
After the fact clearings

The Board resolved to recommend that the Development and Planning Law be amended to hold operators of heavy equipment liable for after the fact clearings.

SPB *QAS*

9.0 MATTERS FROM THE PLANNING DEPARTMENT

10.0 DCB MEMBERS INFORMATION /DISCUSSION

A handwritten signature in black ink, appearing to read "E. B. Davis".A handwritten signature in black ink, appearing to read "Andrea Stevens".