



GOVERNMENT OF BERMUDA

Department of Planning, Ministry of the Cabinet Office

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ACCESS TO INFORMATION STATEMENT

Department of Planning

April 9, 2024

Contents

1.0 Introduction	3
1.1 Description of general purpose of Public Access to Information Act 2010	3
2.0 Legislations, Appointed Boards and Department Organizational Structure	4
2.1 Legislation and Legal Orders or Agreements Governed by the Department of Planning	4
2.2 Appointed Boards	5
3.0 Functions, Powers, Duties and Obligations	6
3.1 Mission Statement	6
3.2 About Us.....	6
3.3 Department of Planning Contact List.....	8
3.4 Obligations under the PATI Act.....	10
4.0 Classes of Records	10
5.0 Administrative and Operational Manuals	12
5.1 Application forms (online through the Customs Self Service Portal)	12
5.2 Applications forms (to be downloaded from our website)	13
5.3 Fees	13
6.0 Manuals, Policies, Guidelines, used by Employees to make Recommendations and Decisions ...	13
7.0 Submission of Requests for Information	14
8.0 Information that cannot be released	14
9.0 PATI Information Officers	14
10.0 Appendix	15

1.0 Introduction

1.1 Description of general purpose of Public Access to Information Act 2010

The Public Access to Information Act became law on the 10 August 2010. It is intended to foster a culture of openness in government. The Act establishes a right of access to all types of "recorded" information held by public authorities and imposes obligations on public authorities to disclose information, subject to a range of exemptions. The Act was brought into full force on 1 April 2015.

The purpose of this Act is:—

- To give the public the right to obtain access to information held by public authorities to the greatest extent possible to negate the need for written requests, subject to exceptions that are in the public interest or for the protection of the rights of others;
- To encourage authorities to proactively publish information and to develop a culture of openness;
- To increase transparency, and eliminate unnecessary secrecy, with regard to information held by public authorities;
- To increase the accountability of public authorities;
- To inform the public about the activities of public authorities, including the manner in which they make decisions; and
- To have more information placed in the public domain as a matter of routine.

As legislatively required to do under the Public Access to Information Act 2010, we will:

- a. Acknowledge receipt of a request within five (5) working days after receipt of the request and inform the requester of the process for dealing with the request and of the requester's rights under the Act;
- b. No later than 6 weeks after receipt of the request, decide whether to grant or refuse the request in whole or in part;
- c. Notify the requester of any extensions if responding within the original 6 week period is not reasonably practicable.

Every person who is Bermudian, or resident of Bermuda, has a right to access any record held by a public authority unless it is exempt. Several classes of information are exempt, including:

- Personal Information (unless it relates to the requestor),
- Sensitive commercial information received in confidence,
- Operation and deliberations of Public Authorities,
- Cabinet, Ministerial and Government documents and Legal documents.

However, these exemptions are subject to the public interest test, except those that would be in contempt of Court, infringe Parliamentary privilege or are prohibited by other legislation (see sections 21 to 40, PATI Act). In addition, every person has a right to amend their personal information if it is incomplete, incorrect or misleading (S19, PATI Act).

2.0 Legislations, Appointed Boards and Department Organizational Structure

2.1 Legislation and Legal Orders or Agreements Governed by the Department of Planning

[Development and Planning Act 1974](#)

[Development and Planning \(Amendment\) Act 1997](#)

[Development and Planning \(Application Procedures\) Rules 1997](#)

[Development and Planning \(Appeals to the Minister\) Rules 1974](#)

[Development and Planning \(Tribunal Procedure\) Rules 1992](#) [Development and Planning \(General Development Order\) 1999](#)

[Development and Planning \(Use Classes\) Order 2022](#)

[Development and Planning General Development Order 1999](#)

Development and Planning (General Development) Amendment Order 2012

Development and Planning (General Development) Amendments Order 2015

[Development and Planning \(Wells and Boreholes\) Order 1976](#)

[Development and Planning \(Base Lands\) Act 1996](#)

[Development and Planning \(Tree Preservation Order\) Regulations 1975](#)

[Development of Land \(Airport Approaches\) Act 1956](#)

[Advertisement Regulations Act 1911](#)

Building Authority Act 1962

[Building Act 1988](#)

[Building Amendment Act 1998](#)

[Building Code Regulations 1991](#)

[Building Code \(Supplementary Provisions\) Regulations 1976](#)

[Building Authority \(Elevators and Lifts\) Regulations 1962](#)

Liquified Petroleum Gases (Handling, Storage, Supply and Transport) Regulations 1988

Building Authority (Fire Precautions) Regulations 1962

Building Authority (Petroleum) Regulations 1962

Building Authority (Public Buildings) Regulations 1962

[Town of St George \(Protection of Buildings of Special Interest\) 1950](#)

[Hamilton Building Ordinance 1954](#)

[Pembroke Marsh Canal Act 1969](#)

[Pembroke Marsh Canal Regulations 1971](#)

[Govt Fees Amendment Regulations 2014](#)

[Zoning Orders](#)

Special Development Orders

Special Acts

Section 34 Agreements

Tree Preservation Orders

2.2 Appointed Boards

2.2.1 Development Applications Board (DAB)

The body is appointed by the Minister ([Part II Administration, Paragraph 3 of the Development and Planning Act 1974 refers](#)) and consists of lay members whose functions (under the Development and Planning Act), is responsible for making decisions on development and subdivision applications and preparing the [Scheme of Delegation](#).

The Board consists of 12 members including:

Chairman - Mrs. Alice Lightbourne
Deputy Chairman - Mr. Wayne Dill
Mr. Patrick Cooper (Corporation of Hamilton)
Ms. Carmilita Curtis
Cllr. N. Garon Dowling (Corporation of St. George)
Mr. Denis de Frias
Ms. Shabion Postlethwaite
Mr. Calvin Thomas
Mr. Sean Tucker
Mr. Ricardo Graham-Ward
Mr. Michael Hollis
Chief Fire Officer (Ex-Officio) D.O. Jamal Albuoy / Lt. Raymond E. Masters/ Anthrun O'Brien

2.2.2 Advisory Architectural Panel (AAP)

The body of professional architects/draftsmen is appointed by the Minister ([Part II Administration, Paragraph 4 of the Development and Planning Act 1974 refers](#)) and provides recommendations to the DAB as requested on matters of design.

The Board consists of 4 members including:

Chairman - Mr. Duncan Simons
Mr. Colin Brown
Mr. Germano Botelho
Mr. John Gardner
Ms. Tika Gilbert

2.2.3 Historic Buildings Advisory Committee (HBAC)

The body is composed of persons with a historic interest to advise the DAB on matters involving developments affecting Listed Building Sites, and Historic Protection Areas.

The Board consists of 6 members including:

Chairman - Ms. Akilah Swan
Deputy Chairman - Ms. Zoe Brady
Mr. Neil Moncrieff
Mr. Travis Lewis

Ms. Sylvia M. Shorto
Ms. Valerie Francis

2.2.4 Building Appeal Tribunal

The body, appointed by the Minister ([Part XIII of the Building Act 1988 refers](#)) and consisting of four to six lay members, is responsible for exercising and performing actions assigned to it under the Building Act (primarily but not limited to determinations on appeals against decisions made by the Building Official).

The Tribunal consists of 5 members including:

Chairman - Mr. Gary Simmons
Mr. Brendan Stones
Mr. Mr. Ellsworth Wainwright
Mr. Mr. Keith Hodgkins
Ex-Officio - representative from the Bermuda Fire & Rescue Service

**PLEASE SEE ORGANIZATION CHART APPENDED AT
THE END OF INFORMATION STATEMENT**

3.0 Functions, Powers, Duties and Obligations

3.1 Mission Statement

Ensure the sustainable management of the natural and built environment.

3.2 About Us

3.2.1 General

Under the direction of the Director of Planning, the Department is comprised of 33 full time staff positions with 9 vacancies (1 of which are unfunded) assigned to seven (7) business units (sections):

1. General Administration
2. Front Desk Operation
3. Forward Planning
4. Development Management
5. Building Permits
6. Inspections
7. Enforcement.

The combined functions, powers and duties of these sections are as follows:

Department of Planning Access to Information Statement

The main responsibilities of the Department of Planning are defined in the Development and Planning Act 1974 and the Building Act 1988 and include:

- Preparation of development and local plans;
- Management of development and protection of the environment;
- Monitoring and enforcement of development regulations;
- Management of building activity through a building permit system; and
- Enforcement of the relevant building codes.

The Department's key objectives are to:

- Balancing the need for development with protecting the natural and historic environment.
- Manage the development of land to ensure its efficient use.
- Ensure policies and processes are streamlined, transparent and consistently implemented.
- Ensure developments are constructed in compliance with required standards to ensure the health, safety and welfare of communities.
- Engage with, educate and be responsive to the needs of the public.

3.2.2 Forward Planning Section

The Forward Planning Section prepares the policies, regulations and guidelines used in managing the on-going development of the Island. This includes the preparation of development and local plans. Forward Planning also monitors development trends, provides advice on major development applications, prepares land use surveys, provides advice on the conservation of historic buildings, maintains and develops a Geographic Information System (GIS) and IT systems for the Department and the preparation of supplementary planning guidance.

3.2.3 Development Management Section

Development Management is responsible for the review of planning and subdivision applications to ensure compliance with the Development and Planning Act 1974, the Bermuda Plan and local plans. All applications are advertised in the Official Gazette. The public are given a two week period from the date of the advertisement within which to submit comments on any application. After consultation with relevant agencies and assessment of an application, the application is presented to the Director via Delegated Authority or to the Development Application Board for a decision. Other job tasks of this section include providing feedback on pre consultation applications, reviewing Permitted Development Permits, renewals, planning and permit revisions as well as preparing director's cases for appeals.

3.2.4 Front Desk Section

The section is the Planning Department's front office and is the first point of contact with members of the public. The section vets all submitted applications to ensure compliance with submission requirements, prepare advertisements, manage archives requests and manages the front end and tail end of administration functions associated with the planning and building application processes. They also input application data in the Department's information management system (ENERGOV).

3.2.5 Building Control Section

Building Control consults with other government agencies, reviews building permit applications, building permit revisions and Permitted Development Permits (PDPs) for compliance with Building Codes and may require professional engineer certification of structures before issuance of building permits. Building

Department of Planning Access to Information Statement

Control building, electrical and elevator inspectors visit the construction sites at different stages of the construction process to inspect work and determine if work is in accordance with the planning approval and relevant conditions, the building permit details and compliant with the building codes and regulations. It is the responsibility of the property owner to ensure inspections are requested and the owner may be required to obtain a professional engineer certification of works which have not been inspected. Requests for Certificates of Completion and Occupancy, whether partial or final, must be made in writing.

3.2.6 Enforcement Section

The Enforcement Section investigates development that has been carried out illegally or not in accordance with the planning or building approval. The Enforcement Section investigates such activity and makes recommendations on works required to be undertaken to bring the development into conformance and/or may proceed with enforcement action. The types of complaints received range from the establishment of illegal dwelling units to the erection of animal enclosures. Other complaints include the unauthorized construction of buildings, establishment of business, excavation and failure to comply with conditions of a planning permission and other acts which contravene the Development and Planning Act 1974 and Building Act 1988 as amended. They also process planning searches associated with the sale of property.

3.3 Department of Planning Contact List

Government Offices: 295-5151

Planning Reception: 297-7756

Name	Position	Email	Contact Numbers
ADMINISTRATION			
Victoria Cordeiro	Director	vcordeiro@gov.bm	246-7908 (direct) 705-0398 (cell) 8320001 (extension)
Miglana Yaneva	Building Control Officer	myaneva@gov.bm	246-7913 (direct) 8320011 (extension)
Vacant	Administrative Officer		
Vacant	Administrative Assistant		
Vacant	Assistant Director		
FORWARD PLANNING			
Kenneth Campbell	Planner but currently Acting Senior Planning Officer	kdcampbell@gov.bm	246-7914 (direct) 8320013 (extension)
Tamsyn Doran	Planner for Development Management but currently reassigned to Forward Planning	tdoran@gov.bm	246-7917 (direct) 8320019 (extension)
Jessica Dill	Trainee Heritage Officer	jedill@gov.bm	8320034 (extension)
Jawonday Smith	Planning Research Officer	jismith@gov.bm	444-0914 (direct) 8320014 (extension)
Mandy Shailer	Information Systems Officer	mshailer@gov.bm	444-0915 (direct) 8320016 (extension)
Julie Marshall	Senior Planning Officer but currently on Reassignment with Ministry of the Cabinet Office	jamarshall@gov.bm	
Vacant	Heritage Officer		
DEVELOPMENT MANAGEMENT			

Department of Planning Access to Information Statement

Name	Position	Email	Contact Numbers
Paul McDonald	Senior Planning Officer but currently Acting Assistant Director	pamcdonald@gov.bm	444-0917 (direct) 8320020 (extension)
Dolores Vazquez	Planner but currently Acting Senior Planning Officer	dbvazquez@gov.bm	246-7918 (direct) 8320021 (extension)
Matthew Trott	Planner for Forward Planning but currently reassigned to Development Management	mtrott@gov.bm	246-7916 (direct) 8320017 (extension)
Yolanda Bashir Paige	Assistant Planner	ympaige@gov.bm	444-0916 (direct) 8320018 (extension)
Malik Richards	Assistant Planner	mrichards@gov.bm	444-0911 (direct) 8320008 (extension)
Danielle Foote	Trainee Assistant Planner	dfoote@gov.bm	246-7920 (direct) 8320025 (extension)
Vacant	Planner		
BUILDING CONTROL			
Miglena Yaneva	Building Control Officer	myaneva@gov.bm	246-7913 (direct) 8320011 (extension)
Aidan Stones	Assistant Building Control Officer	atstones@gov.bm	444-0922 (direct) 705-4733 (cell) 8320030 (extension)
BUILDING CONTROL CONTINUED			
Omar Douglas	Plans Examiner	opdouglas@gov.bm	444-0920 (direct) 8320026 (extension)
Melvin Holdipp	Building Inspector (Central Parishes)	maholdipp@gov.bm	444-0921 (direct) 734-4537 (cell) 8320028 (extension)
Damon Walker	Building Inspector (Eastern Parishes)	djwalker@gov.bm	337-5524 (cell) 8320031 (extension)
Kenneth Young	Building Inspector (Western Parishes)	keyoung@gov.bm	734-4540 (cell) 8320032 (extension)
Vernon Trott	Electrical Inspector	vetrott@gov.bm	444-0910 (direct) 734-4539 (cell) 8320006 (extension)
Dallian Jones	Elevator Inspector	dsjones@gov.bm	246-7922 (direct) 734-4541 (cell) 8320029 (extension)
Donna Francis	Applications Systems Clerk but currently assigned to Building Control as Acting Permits Processor	dmfrancis@gov.bm	246-7911 (direct) 8320007 (extension)
Vacant	Electrical Inspector		
ENFORCEMENT			
Sheldon Fox	Enforcement Officer Paget, Pembroke, Devonshire	sfox@gov.bm	444-0918 (direct) 8320022 (extension)
Clinisha Hayward	Enforcement Officer Smith's/Hamilton/St. George's	cqhayward@gov.bm	246-7919 (direct) 8320023 (extension)
Arrim Perinchief	Enforcement Officer Warwick/Southampton/Sandys	ajperinchief@gov.bm	444-0919 (direct) 8320024 (extension)
FRONT DESK			

Department of Planning Access to Information Statement

Name	Position	Email	Contact Numbers
Kelly Simons	Permit Processor but currently reassigned to the Front Desk as Acting Senior Applications Officer	ktsimons@gov.bm	246-7912 (direct) 8320009 (extension)
Vacant	Applications Officer		
Vacant	Applications Information Clerk		
Vacant	Senior Applications Officer		

3.4 Obligations under the PATI Act

- To provide an **information statement** for the public and promulgate it (s.5)
- To provide **other information** to the public so that the public needs only have to minimum resort to the use of the Act to obtain information (s.6). This includes:
 - General Information, e.g., activities of the Authority
 - Log of all information requests and their outcomes
 - Quarterly expenditure (upon request) (s.6(5))
 - Contracts valued at \$50,000 or more
- To **respond to information requests** in a timely manner (s.12-16)
- To **track information requests**, and provide this data to the Information Commissioner
- To respond to requests from the Information Commissioner (s.9)
- To **amend personal information** held by the Authority that is wrong or misleading following a written request by the person to whom the information relates (s.19)
- To conduct an **internal review** if formally requested (part 5)
- To give evidence **for review by the Information Commissioner** (part 6, 47 (4)), or for **judicial review** (s.49), if required
- To provide an **annual written report** to the Information Commissioner of the status of information requests (S.58(3))
- **To do anything else as required** under the PATI Act and subsequent Regulations (s.59,60), including:
 - **Fees** may be requested for information
 - Management and maintenance of **records**
 - **Procedures** for administering the Act
- **To train staff and make arrangement** so as to facilitate compliance with the Act (s.61)
- **To designate one of its officers** to be the person to whom requests are directed (s.62)

4.0 Classes of Records

Planning Applications Files - These files include the planning application form, drawings/plan set, objections(if any) historical information, board report, technical officer(s) notes, site visit notes and consultation comments (if required) from other public authorities, recommendation reports, DAB decision letters, stamped plan set. Some are available in electronic form on the Citizen Self Service Portal while other predate this system and as such are in hardcopy and need to be requested. Some may be in house while others may need to be requested through our Department to be sent over from the Archives Department.

Department of Planning Access to Information Statement

Building Permit Files - These files include building permit application form, structural plan sets, assessment by Plans Examiner, Environmental Health officials and any other necessary consultation from pertinent public authorities, issued building permit, inspection notes and pictures taken throughout construction. Some are available in electronic form on the Citizen Self Service Portal (CSS) while others predate this system and as such are in hardcopy and need to be requested. Some hard copy files may be kept at the Department while others, particularly older files and those permits that were issued Certificates of Use and Occupancy may need to be requested through our Department to be retrieved from the Archives Department.

Delegated Decisions – a list of all planning applications approved by the Director via [Delegated Authority](#) by date.

DAB Agendas and Minutes – [Agendas and Minutes of Development Applications Board](#).

Pre-consultation Applications - These applications are made to the Department and include conceptual proposals for consideration by the Department.

Planning Revisions - These applications are submitted when a revision is proposed to an existing planning approval which does not have an active building permit. Some are available in electronic form on the CSS while others predate this system and as such are in hardcopy form on the original associated planning approval and need to be requested. Some may be in house while others may need to be requested through our Department to be retrieved from the Archives Department.

Building Permit Revisions- These applications are submitted when a revision is proposed to an existing planning approval which has an active building permit.

Planning Renewal Applications- These applications are submitted not more than 3 months before the date of expiration of an existing planning approval which does not have an active building permit. Some are available in electronic form on the CSS while others predate this system and as such are in hardcopy form on the original associated planning approval and need to be requested. Some may be in house while others may need to be requested through our Department to be retrieved from the Archives Department.

Building Renewal Applications- These applications are submitted prior to the date of expiration or at any time up to 6 months after the expiration date. In cases where the building permit has an associated planning approval, the planning approval must still be valid in order for a building permit renewal to be submitted.

Planning Guidance Notes - [Guidance notes](#) that are used by technical officers during assessment and recommendations of proposed development - includes pamphlets that provide guidance on planning and building FAQs.

Planning Appeals to the Minister - These files consist of the appeals cases determined by the Minister. Some are available in electronic form on the CSS while others predate this system and as such are in hardcopy and need to be requested. Some may be in house while others may need to be requested through our Department to be retrieved from the Archives Department.

Special Development Orders – These files/Orders consist of the ‘Special Development Order’ decisions of Cabinet. Such legislative orders ordinarily are made as a matter of ‘national interest’.

Special Acts- These files/Acts consist of the ‘Special Act’, legislation passed by the House of the Legislature.

Zoning Orders- These [Orders](#) predate the Development and Planning Act 1974 and as such, take precedence over the operative development plan. Whilst the website has accessible pdf versions of all Orders and associated maps, associated Order files can be viewed by request at the Department of Planning in hardcopy form.

Zoning Maps - These [maps](#) indicate the designated zonings as approved under the Bermuda Plan.

Ordnance Survey Maps - These aerial ordnance survey maps were used for locating lots and plotting planning application ref. #s in the past prior to the Department’s digitization of this data.

Tribunal Reports (Development Plan) - These [reports](#) contain the results of the deliberations that took place between the Objections Tribunal Board, technical officers and objectors to a Development Plan.

Listed Building Register - [Register](#) of all listed building sites throughout the Island.

Historic Buildings Advisory Committee (HBAC) Minutes - Minutes of Meetings of the HBAC.

Advisory Architectural Panel (AAP) - Minutes of Meetings of the AAP.

Listed Building Consultation Records - These records include the assessments which placed structures on the ‘Listed Buildings Register’ as well as the assessment of any requests to “delist” structures.

Planning Searches - These are the records that involve the assessment and research by the enforcement section to determine any records of unauthorized development during a property conveyance.

Enforcement (Code Case Files) - These records involve the complaints made to the Department; notification and reports of illegal development; and retroactive works (documents considered to be exempt under PATI).

Section 34 Agreements - These are legislative agreements between private land owners and the Minister usually limiting land owner’s development potential of their property ordinarily associated with a portion of environmentally protected land.

Tree Protection Orders - These are legislative agreements between private land owners and the Minister usually limiting land owner’s development potential of their property ordinarily associated with a specific tree of environmental quality or importance.

5.0 Administrative and Operational Manuals

5.1 Application forms (online through the CSS)

Planning application form

Subdivision application form

Building Permit- Residential/Commercial application form

Department of Planning Access to Information Statement

Revision Form - Revised Plans /Additional Information
Building Permit Revision Form - Projects already under construction
Planning Revision – Projects with valid planning approval which is not yet under construction
Permitted Development Permit- (GDO Regulation)
Elevator License
Application for Planning Search
Application for Appeal to the Minister
Issuing of Condominium License
Complaint Form

5.2 Applications forms (to be downloaded from our website)

[DAP 1 Screening Checklist](#)
[DAP 2 Screening Checklist](#)
[Building Residential Screening Checklist](#)
[Building Commercial Screening Checklist](#)
[Notice of Intention to Develop](#)
[Neighbour's Acknowledgment](#)
[Ownership Notice](#)
[Complaint Form](#)
[Certificate of Use and Occupancy Request Letter](#)
[Building Materials Committee Application Form](#)
[Commercial Building Permit Application Form](#)
[Residential Building Permit Application Form](#)
[Public Assembly/ Exhibition Form](#)
[Elevator Application for New Installations and Modernization](#)
[Elevators Change of Registration Form](#)
[Elevator Licence Renewal Form](#)
[Interest Free Loan Form](#)
[Plant voucher](#)

5.3 Fees

[Government Fees Amendment Regulations 2023 Effective 1 April 2023](#)

6.0 Manuals, Policies, Guidelines, used by Employees to make Recommendations and Decisions

The following items listed below are used in an assessment of planning and building applications:

[Bermuda Plan 2018 Planning Statement](#)
[Bermuda Plan 2008](#)
[City of Hamilton Plan 2015](#)
[City of Hamilton Plan 2001](#)
[City of Hamilton 2001 Maps](#)
[North East Hamilton Local Plan 2022](#)

[Planning Guidance Notes](#)

[Bermuda Building Code 2014](#)

[Bermuda Residential Building Code 2014](#)

[Bermuda Building Code 1998](#)

[Bermuda Residential Building Code 1998](#)

Building Residential Screening Checklist

Building Commercial screening Checklist

Where relevant, Legislation, Orders and Agreements listed above under the 'Legislation and Legal Orders or Agreements Governed by the Department of Planning' Section of this document may also be used in an assessment.

7.0 Submission of Requests for Information

All PATI requests must be submitted in writing and can only be submitted at the Department of Planning, 58 Court Street, Dame Lois Browne-Evans Building (Fifth Floor), Hamilton, Bermuda HM 12. Requests should be submitted at the Front Counter (only), Monday to Friday, from 8:30a.m.-5:00p.m. or via email (myaneva@gov.bm and tndoran@gov.bm).

8.0 Information that cannot be released

The Public Access to Information Act 2010 sets out exceptional circumstances in which a request for information may be refused. Information that affects other legal rights or processes, particularly where personal privacy may be breached, are considered exempt records and is articulated in Part 4 of the Act.

9.0 PATI Information Officers

Miglena Yaneva

Building Control Officer

Department of Planning

58 Court Street, Dame Lois Browne-Evans Building (Fifth Floor), Hamilton, Bermuda HM 12

246-7913 (direct)

8320011 (extension)

myaneva@gov.bm

Tamsyn Doran

Planner

Department of Planning

58 Court Street, Dame Lois Browne-Evans Building (Fifth Floor), Hamilton, Bermuda HM 12

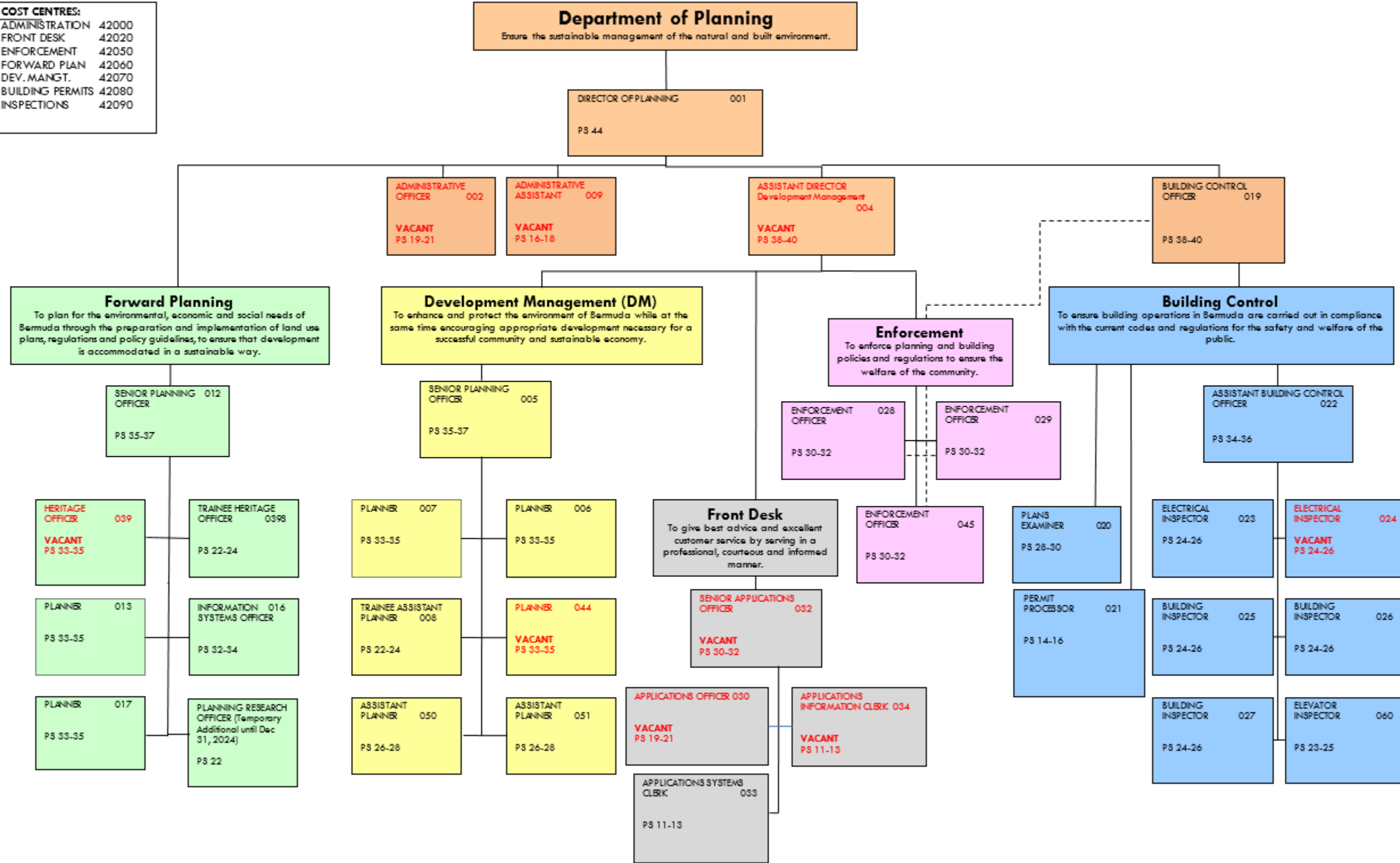
246-7917 (direct)

8320019 (extension)

tndoran@gov.bm

10.0 Appendix

COST CENTRES:	
ADMINISTRATION	42000
FRONT DESK	42020
ENFORCEMENT	42050
FORWARD PLAN	42060
DEV. MANGT.	42070
BUILDING PERMITS	42080
INSPECTIONS	42090



February 1 2024