

Third Judicial Review set to launch 'very shortly' over Guana Cay

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OPPONENTS of the \$175 million Baker's Bay Golf & Ocean Club project will "very shortly" launch a third Judicial Review application, The Tribune was told yesterday, this time challenging permits and approvals issued to the developers by the Hope Town District Council.

Fred Smith, partner in Calender's & Co, and attorney for the Save Guana Cay Reef Association, said the group's latest planned legal action would focus on permits and approvals issued to the Baker's Bay developers, Discovery Land Company, in September and October 2007, just after their second Judicial Review application had been launched.

"I can tell you that very shortly, because of a number of permits approved by the Hope Town District Council after we had launched Guana Cay case number two, we are about to launch a new Judicial Review application, Guana Cay case number three," Mr Smith said.

"The case will be specific to a number of permits that we just recently discovered were approved in September, and further applications that were approved in October."

Mr Smith added that he had also noted the deep split in the Hope Town District

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the Association's requests for details on meetings and when permit applications related to Baker's Bay would come up.

An October 17, 2007, letter from Association president Troy Albury to the Hope Town District Council said notice was given the previous day on Guana Cay that permit applications by Baker's Bay would come up at the next council meeting.

Yet he added: "We have not been given a chance to review the plans, and this notice was

replaced with October 18.

"We wish to have an opportunity to review the plans and have our experts review the plans in order to determine if we have any objections."

Mr Albury also complained that the developers had begun housing and subdivision construction without having completed all the infrastructure to support these facilities, alleging that this was not in compliance with Baker's Bay's subdivision

by the developers.

Mr Albury wrote: "As with all permit applications before your council in reference to this development, we again object to these permit applications or the following reasons."

"According to the subdivision licence issued to the developers, no construction should commence until all infrastructure for the subdivision is in place. This includes sewerage treatment plant, water, elec-

in dispute. We will need to verify the ownership of the land....

"We would like to clarify if these houses are being built under duty free concessions and on what basis they are being denoted to be duty free."

Dr Livingstone Marshall, Baker's Bay's vice-president of environmental and community affairs, yesterday told The Tribune that when it came to the conditions of their subdivision approvals, they could proceed in one of two ways - wait until all infrastructure was in place or obtain a performance bond to guarantee all the works.

The developers, he added, had chosen to bond all the works, enabling them to satisfy fully the terms of their subdivision licence and go after subsequent permits.

Dr Marshall said the developers had leases for all Crown and Treasury land components of the project. The only facilities

being constructed on the Treasury land were those that would serve the whole community, such as the service pier, water plant, waste water treatment plant and back-up power plant.

Dr Marshall added: "Right now, and for the foreseeable future, there has been no for sale products permitted on the Crown Land or the Treasury land. We haven't gone to the Hope Town District Council and asked for any permits on this."

Dr Marshall, though, said the Baker's Bay developers had an option as part of one lease to conditionally acquire a parcel of Crown Land, and it was only after this was executed that they might look to place real estate for sale on this land.

Meanwhile, when it came to the Association's second judicial review application, which is challenging permits and approvals issued to Baker's Bay

by central government agencies on the basis that they were not given through the correct channels, Mr Smith said the Supreme Court in Freeport had set Thursday, November 29, 2007, as the date to hear its applications for a 'stop work' order to be imposed on the project.

The court will also hear the Association's discovery application that day, Mr Smith saying the group was hopeful the Supreme Court would shortly afterwards hear its full judicial review application.

"There has to be respect for local rights. The almighty dollar is not God," Mr Smith said.

"The fact someone wants to develop means they should not be given an omnibus green light, particularly with Baker's Bay, which is overwhelming and has so many facets to it."

Council when it came to dealing with approval and permit applications submitted by the Baker's Bay developers, with three council members wanting to continue dealing with them and an equal number wanting written assurance from the central government that it was safe to continue doing so.

As a result of this split, chief councillor Jeremy Sweeting was having to use his casting vote to get the Baker's Bay permit applications through.

Mr Smith, though, said the council had not responded to

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