

# CALLENDERS

Counsel & Attorneys

27<sup>th</sup> June, 2014

**The Hon. Philip E. Brave Davis**  
Deputy Prime Minister & Minister  
of Works and Urban Development  
Ministry of Works & Urban  
Development  
John F. Kennedy Drive,  
Nassau, New Providence,  
The Bahamas  
*Fax No. (242) 326-6629*

**Mr. Michael Major**  
Director of Physical Planning  
Ministry of Works & Urban  
Development  
Nassau,  
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The Bahamas  
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**Mr. Wilshire Bethel**  
Chairman,  
Town Planning Committee  
Ministry of Works & Urban  
Development  
Nassau, New Providence, The  
Bahamas  
*Fax No. (242) 328-3206*

Dear Sirs,

**Re: Government Notice and Public Notice published on 18<sup>th</sup> June, 2014 by the Ministry of Works and Urban Development and the Department of Physical Planning-Simms Point/Nygaard Cay and Surrounding Sea Bed**

We act for the Coalition To Protect Clifton Bay.

We refer to the captioned Government Notice and Public Notice published in the Nassau Guardian on Wednesday 18 June 2014 (“the Notice”).

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This letter is also written further to our letter dated 10<sup>th</sup> June, 2014 (addressed to you and various Ministries and Government agencies copied hereto) by which our client requested a host of information to enable it to make meaningful representations to the relevant decision makers regarding applications by Mr. Peter Nygard and or his agents for a Crown Grant or Crown Lease and other Approvals, Permits and Licences to carry out building, dredging and other development activities at Nygard Cay and the surrounding sea bed.

The purpose of this letter is to advise you that our client is unable to make meaningful representations with respect to the applications referred to in the Notice and within the time stipulated in the Notice due to the lack of disclosure of pertinent information and documents in relation thereto and; due to the ambiguous nature of the Notice itself.

The Notice refers to various applications yet no applications have been made available for inspection and it is not entirely clear what the nature of each application is, to whom it has been made and under what statutory regime.

Please provide copies of all applications and supporting/related documents and information (including all reports) as a matter of urgency.

In any event please do so by Tuesday 1<sup>st</sup> July, 2014 failing which and in any event, our client reserves all of its rights.

Please also confirm by return that no decision will be taken on any application by or on behalf of Mr Nygard in relation to the property at Nygard Cay / Simms Point and the surrounding sea bed without our client being first:-

- (i) afforded an opportunity to inspect and obtain copies of all of the relevant applications together with all supporting/related documents and information (including all reports) and;

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(ii) without our client being given adequate time and an opportunity to make meaningful representations.

Yours sincerely,  
CALLENDERS & CO.

*for* Frederick R. M. Smith, QC

cc:

**The Rt. Hon. Perry G. Christie**  
Prime Minister and Minister of Finance  
(The Minister responsible for Crown  
Lands)  
Office of the Prime Minister  
Cecil Wallace-Whitfield Centre, Cable  
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**The Hon. Glenys Hanna-Martin, M.P.**  
Minister of Transport and Aviation  
(Minister responsible for Maritime  
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**The Hon. Kenred Dorsett**  
Minister of the Environment and  
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**Mr. Richard Hardy**  
Acting Director, Department of Lands  
and Surveys  
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**Ms. Melanie McKenzie**  
Director of Environmental Health  
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**Mr. Patrick McNeil**  
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**Bahamas National Trust**  
Nassau, New Providence  
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**BEST Commission**  
Nassau, New Providence  
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**Mr. Colin Higgs**  
Permanent Secretary  
Ministry of Works and Urban  
Development