



## JOINT CONSULTATIVE COUNCIL FOR THE CONSTRUCTION INDUSTRY

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9 September, 2014

Mrs. Arlene Mc Comie  
Permanent Secretary  
Ministry of Planning & Sustainable Development  
Level 14 Eric Williams Financial Complex  
Independence Square  
**Port of Spain**

Dear Mrs. Mc Comie,

### **Re - JCC concerns on Invader's Bay development**

The Minister of Planning & Sustainable Development, Senator the Honourable Dr. Bhoendradatt Tewarie, made [a formal statement to the House of Representatives on Friday 18<sup>th</sup> July 2014](#) on the Invader's Bay development.

The JCC would cite the second paragraph of that statement, which is at pg 35 of that edition of Hansard -

*"...The very first point that I wish to make with regard to the High Court ruling is that there is no issue of disclosure here. There is no issue of failing to disclose, or of wanting to withhold disclosures. The Government is not seeking to prevent disclosure of any matter, nor is the Government fearful of making any disclosure of fact..."*

The JCC is greatly encouraged by this formal reaffirmation of the Government's commitment to full transparency in this large-scale development process being undertaken on State lands at Invader's Bay. The JCC is not here seeking the legal opinions and letters of instructions related to the applicability of the Central Tenders Board Act, since those are the subject of ongoing litigation at the Appeal Court.

In light of the Minister's formal statement, the JCC is now making these formal queries for your early attention, please -

### **Legal Costs**

- Legal Advice as to applicability of the Central Tenders' Board Act – What were the legal fees and other associated costs paid for the legal advice on this matter? To whom were these fees and associated costs paid?

- High Court – What was the cost to the State in terms of legal fees and other associated costs in the recently-concluded High Court action CV 2012-04538, *The Joint Consultative Council for the Construction Industry v the Minister of Planning and Sustainable Development*? We are requesting a statement as to those costs, detailed so as to show the amounts paid to the various parties who acted for/advised the State in this matter.
- Appeal Court – What is the estimated cost to the State in terms of legal fees and other associated costs in the recently-initiated Appeal Court action P200-2014, *The Minister of Planning and Sustainable Development v the Joint Consultative Council for the Construction Industry*? We are requesting a statement as to those estimated costs, detailed so as to show the amounts paid and payable to the various parties acting for/advising the State in this matter.

### **Progress Report**

Given the conflicting press reports and the Minister's assurances as to the Government's commitment to disclosure of the facts, the JCC is now requesting an update as to the progress of this project. In particular -

- How many of the original ten proposers were successful in the selection process handled by the MPSD?
- Which are the successful entities?
- What is the nature and size/scope of the proposals made by those entities?
- What is the intended land area to be allocated to those entities?
- What are the intended lease terms in respect of length of term, renewal options, rents, rent reviews, permitted uses and alienation?
- Have any leases or agreements for leases been entered-into? If so, please provide those details.
- Have any Memoranda of Understanding, Memoranda of Agreement or agreements towards those been entered-into? If so, please provide those details.
- Have any concessions, for example in terms of maritime rights or tax obligations, been entered into? Have terms been agreed for any such concessions? If so, please provide those details.
- The Minister of Planning & Sustainable Development disclosed in his letter of 1<sup>st</sup> March 2012 that the Invader's Bay lands had been valued at \$1.28 billion TTD. Has there been any other valuation, appraisal, assessment, estimate or study carried out as to the value of those lands (developed or undeveloped)? If so, please provide those details.

- Has any Environmental Impact Assessment (EIA) been commenced or completed of the proposed development of these lands? If so, please provide those details.
- Has any Certificate of Environmental Clearance (CEC) been applied for or granted in respect of the proposed development of these lands? If so, please provide those details.
- Has any Planning Permission, outline or full, been granted for the development of these lands? If so, please provide those details.

#### **PROPOSED CONCEPT or LAYOUT**

In December 2013, UDECOTT published its [Request for Proposals for Design Consultancy Services for the Invader's Bay Infrastructure Development](#). The request for those Infrastructure Design proposals carries the elementary implication that there exists some proposed layout or concept against which the various proposals would be evaluated. The lack of any public consultation in this Invader's Bay development process is unacceptable. The JCC is requesting that those proposed layouts or concepts now be published in the Public Interest, together with the essential background information as to which entity prepared those layouts or concepts and which entity has approved those and the cost of those services. The MPSD and its lead agency, the Town & Country Planning Division, have fundamental responsibilities for this matter in terms of urban planning.


The JCC is making these queries in accordance with the Minister's '*good faith*' assurances as to 'disclosure of facts' as cited above, so we await your early substantive reply.


Yours sincerely,  
**JOINT CONSULTATIVE COUNCIL  
FOR THE CONSTRUCTION INDUSTRY**




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Afra Raymond, B.Sc., FRICS  
**President**




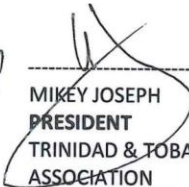
*for*   
HAYDN FURLONGE  
**PRESIDENT**  
ASSOCIATION OF PROFESSIONAL  
ENGINEERS OF TRINIDAD & TOBAGO

*for*   
JOSEPH AFFOO  
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TRINIDAD & TOBAGO INSTITUTE  
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