

12th August 2015

Facing the Facts on Invader's Bay: INVADER's BAY Corrective

JCC President Afra Raymond issues a corrective to the lead story in the Sunday Guardian of 9th August 2015. This ['Letter to the Editor'](#) was published in the T&T Guardian on Tuesday 11th August 2015.

The Editor,

The [cover story in Sunday's Guardian](#) on the Invader's Bay development requires a response to dispel some of the carefully cultivated confusion around this important set of proposals.

The Public Property known as 'Invader's Bay' comprises 70 acres of reclaimed land at the waterfront in west POS and it is proposed to be the largest development in our capital city in living memory. It is unacceptable that this large-scale development could be proceeding without any public consultation and in the seriously improper manner against which the JCC has protested. It is sobering that the very Ministry of Planning & Sustainable Development (MPSD) has been leading this process for the last four years without seeking to engage in public consultation.



The Request for Proposals (RFP) process used in August 2011 by MPSD was improper and voidable, since, according to Minister Tewarie himself, the Assessment rules were published one month after the closing date. Any reputable organisation running a competition or tender would accept that the rules must be given to all the competitors at the same time and well in advance of the competition itself. That basic and inescapable breach has been pointed-out to MPSD several times by the JCC, but we are yet to see any response on that point.

After JCC specified its concerns that the RFP was in breach of the Central Tenders Board Act, the Minister repeatedly stated that the legal advice was that MPSD was in conformity with the law. Despite our several requests, that advice was never published, so the JCC sued under the Freedom of Information Act. The High Court ruled that the requested information be published and MPSD appealed. One can only wonder at this reluctance by politicians to publish legal advice which supposedly supports their actions. This type of official reticence is a first, so on this count at least, the Invader's Bay project has a significant element of innovation.

The JCC has enquired as to the cost of the High Court case and the subsequent appeal, but that too has remained undisclosed, for whatever reason.

According to Ms Jearlean John of UDECOTT, a tender has been awarded for design of infrastructure on this 70-acre site, but we also know from MPSD that no planning applications have been made for these developments. That raises the serious question as to how an infrastructure layout can be designed in the absence of either public consultation or relevant approvals.

The carefully cultivated confusion can be seen in three glaring examples – firstly, the question of official responsibility – with Minister Tewarie referring detailed queries to UDECOTT, whose chairman refers those queries back to that Minister. Secondly, according to MPSD, the 10.2 acre parcel allocated to Derek Chin was valued at \$204.5M, yet Chin is reported as saying that “...the price is \$130M...”. Finally, the entire property is 70 acres and 23.2 acres have been allocated, so it seems that 46.8 acres are to be left undeveloped at this stage. So, how can UDECOTT be responsible for only 51 acres, with Minister Tewarie saying that “...there are about 40 acres of land at Invader’s Bay still open for development...”?

These are a few of the real concerns with this proposed Invaders’ Bay development.

Afra Raymond

JCCPresident

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