



**Mr. Speaker**, the purpose of this letter was to give the developer 14 Days' Notice to remove the illegal structure – and in the event that there was failure to comply with this Notice, the Government would take the necessary steps to remove the structure, sue for damages and seek costs for having to do so.

**Mr. Speaker**, as I am a visual person, and not as familiar with St. Georges as some, I took the opportunity of visiting the site on Sunday June 28<sup>th</sup> so that I could see for myself the nature of the infraction. On that occasion MP Kim Swan, the MP for the district and the Deputy Speaker, the Hon. Derrick Burgess along with many of those persons who have makeshift slips on the site met me there. Some of them had also received the trespass notices advising of 14 days to remove their structures. I indicated to them that I would consider all the issues and render a decision before the expiry of 14 days and instructed them to take no action until a final decision was made.

I subsequently met with technical officers in the Ministry to ascertain the magnitude of the problem and how it had been ignored for so long. Not wishing to penalize everyone with a blanket approach, I am mindful that many of these slips are makeshift and actually bring character to the area and have existed in some cases for 40 years. However, there is a huge difference between a makeshift wooden structure that can be destroyed by the slightest of storms and a concrete one that is permanent by its very nature. To that end, I have asked my team to prepare license agreements for those persons at Rocky Hill Park so that their presence can be regularized.

**Mr. Speaker**, I also had an opportunity to speak with the developer who conceded he did not have the requisite approvals and agreed that, although his intention was to build a “public dock” for all to use – it had to come down.

**Mr. Speaker**, the demolition works were quickly put out to tender with invitations sent to the following six (6) contractors:

1. ECM (Building Blocks)
2. Crisson Construction
3. Island Construction Services Ltd.
4. Overnight Construction
5. Gorham's MDS
6. Robbie Richardson (Smith Hauling)

Four of these contractors attended the site meetings, namely Island Construction Services Ltd., ECM (Building Blocks), Gorham's MDS and Robbie Richardson (Smith Hauling) – with three of them submitting bids. The three in this instance were Island Construction at \$2,200.00, Gorham's MDS at \$23,288.00 and Robbie Richardson (Smith Hauling) at \$7,895.35. The Government Estimate for this demolition was \$10,811.00. So the lowest bidder was selected.

**Mr. Speaker**, the 14 days eventually passed and on July 14<sup>th</sup>, the selected contractor along with Planning and Estates Officers were on site to commence the demolition of the illegal structure. I would like to thank the Bermuda Police Service who provided support on the day to ensure there were no incidents.

**Mr. Speaker**, I would like to take this opportunity to remind the public of the basic process for securing approval to construct a boat dock. There may be other factors to consider but this is the “layman's guide”.

1. First, you must seek permission from the Department of Public Lands and

Buildings to occupy the Queen's Bottom.

2. The Chief Surveyor in the Department is the point person who in turn will assign an Estates Surveyor who can guide the applicant through this process.
3. Before liaising with the Chief Surveyor, the applicant will need to provide a plan showing the size and location of where the new dock is to be constructed.
4. After securing authorization from the Department of Public Lands and Buildings, it is highly recommended that the applicant consult with the Department of Marine and Ports to ensure that the new dock will not interfere with existing moorings or be a hazard to navigation. The Harbourmaster should be able to provide assistance in this regard.
5. Authorization from the Department of Public Lands and Buildings and from the Department of Marine and Ports should then be attached to the Development Application Board application and submitted to the Department of Planning.
6. That form can be found on the Governments website at [www.gov.bm](http://www.gov.bm).
7. If permission is granted, a building permit from the Department of Planning may be required to carry out the actual works.

**Mr. Speaker**, this incident has highlighted a far wider problem with foreshore protection, user permission and of course outstanding government revenue. This is the start - as I have tasked the team in the Estates Department to carry out a full assessment of all foreshore encroachments with the objective of preparing a full report and a plan of action with recommendations for sorting this issue out. Our Estates team estimates that there are around 552 foreshores that either have illegal docks or docks due for renewal. Although this seems like a large number, the Ministry will be taking the necessary action to address any illegal structures similar to that taken at Rocky Hill Park. There are several that have been approved and are legal structures but the owners have ignored all requests thus far to sign a lease and pay the fee.

Yesterday I signed *Correspondence Before Action* to the first identified owner who falls into this category – an excerpt from that letter follows “*By this letter, this Ministry is offering you the opportunity to regularize your occupation by the 31<sup>st</sup> of July 2020 by completing the lease and paying the agreed premium.*”

*“Please note that if you do not take the action required in paragraph 5 above within the timelines set, the Government would have no option but to take concrete steps to safeguard its interests by either issuing trespass proceedings in court against you or causing any developments on the encroached foreshore to be demolished without recourse to you and seek the cost for having to do so.”*

**Mr. Speaker**, let me clarify that not all foreshore developments are illegal as many members of the public have already entered into formal agreements with the Government and legally occupy the foreshore. However, the Ministry is aware that there are a number of unapproved or unlicensed foreshore encroachments. This cannot be tolerated and we encourage anyone without a formal agreement to occupy the foreshore to contact the Estates Department within the Ministry immediately in order to take corrective steps to deal with any unauthorized occupation before the Ministry takes the necessary action to reclaim its land.

**Mr. Speaker**, I think it is safe to say that we are serious about addressing all the outstanding foreshore matters and our actions this week at Rocky Hill Park should leave no one in doubt about our determination to respond decisively to those who willingly flout the law.

Thank you **Mr. Speaker**.