

Jenna Silcock

From: Jenna Silcock
Sent: 5 July 2012 5:16 p.m.
To: Jenna Silcock
Subject: FW: Letter to Judge Harland

From: Tipapa Events
Sent: Thursday, 5 July 2012 10:09:28 a.m. (UTC+12:00) Auckland, Wellington
To: S & B Barnes; A Baxter & N Stanley; Andrew Beatson; N & B Burgham; Marie Dysart; M & K Fitzsimmons; Natasha Garvan; A Goodship; Chris Herbert; G & J Higginson; Lisa Kissell; Marcus Langman; L Love; A Marr; T McBreen; J & J McKone; J McLachlan; H & K McLachlan; G & M McLean; V Meares; David Meares; Lyn Meares; Belinda Meares; M Messervy; Ellie Messervy; Eric - NZ Wind Energy Assn; Heather & John Pankhurst; Scott Pearson; Stuart Ryan; Kerry Smith; Judy Symonds; Gary Thomas; H & Y Turnbull; Phoebe Vincent; Malcolm Wallace
Subject: Fwd: Letter to Judge Harland

----- Forwarded message from johncarr@tipapa.com -----
Date: Wed, 04 Jul 2012 14:08:34 -0600
From: John Carr <johncarr@tipapa.com>
Subject: Letter to Judge Harland
To: tipapaevents@tipapa.com

Dear Holly

Please pass the below letter to Judge Harland. I will send to all parties this letter on 5 July. Thank you.

Regards

John Carr

To Judge Harland.

Subject. Reply Evidence by Rhys Chesterman on behalf of Hurunui District Council dated 29 June 2012.

Your Honour

I refer to the above submission.

I have read the above evidence by Mr Chesterman on behalf of Hurunui District Council, and I consider the evidence should be dismissed in its entirety for two reasons.

1. In Mr Chesterman's evidence, clause 2.1 he states that he has not undertaken a review of Reeces Road or tried to compare it to Motunau Beach Road, and follows this with supporting Meridan's traffic expert, and the Meridian's application.

I submitted substantial evidence. This included evidence from Mr Messervy who for over 30 years owned the Greta Valley garage, and was responsible for all accident recovery on the roads in question, in addition he was, and still is, driver of the school bus. My submission also included evidence from Mr Archbold who

has lived in Greta Valley all his life, and for many years has had the mail run and been a member of the Scargill/Greta Valley fire service, and also knows and understands intimately the dangers on the roads in question. I consider Mr Chesterman's evidence should be summarily dismissed on grounds of total unprofessionalism begetting an expert, as a result of his failure to assess Reeces Road and to do a comparison with Motunau Beach Road.

2. At the prehearing conference on 8 June. Mr Kerry Smith, Counsel for Hurunui District Council, clearly and unambiguously stated on behalf of Hurunui District Council that the Council's position on the whole application was Neutral.

Mr Chesterman's evidence clearly states that it was written on behalf of the Council. His evidence was submitted by Buddle Findlay, of whom Mr Smith is a partner, on behalf of the Council. The evidence is explicitly in support of Meridian's application for the exclusive reason that the Cost Sharing Agreement entered into between Meridian and Council requires Council, their lawyer and experts to support Meridian's application, and in so doing Meridian will pay all costs of Council, their lawyer, and their experts.

Had the above not been the case Mr Smith, acting on behalf of Hurunui Council, would have advised Council that in their position of Neutrality no response to my evidence was required to be given as Council had a Neutral position on the matter. It is for this reason also Mr Chesterman's evidence should be dismissed. Mr Chesterman would not have submitted a report without being given an instruction by a person or persons working for the council, or by Mr Smith himself. This compounds the lie in Mr Smith's statement to Your Honour on 8 June.

I reiterate my request that a Direction be given that both access routes will be given full consideration by the Court at the forthcoming hearing. The above accentuates the importance of the Court in determination of this matter.

Yours sincerely

John Carr

On behalf of Tipapa Limited.

----- End forwarded message -----

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