

Jenna Silcock

From: Kerry Smith
Sent: 12 June 2012 9:56 a.m.
To: Jenna Silcock
Subject: Fwd: Hurunui Wind
Attachments: CCE10062012_00000.jpg

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Sent from my iPhone

Begin forwarded message:

From: "Tipapa Events" <tipapaevents@tipapa.com>
To: "Holly.O'Connell@justice.govt.nz" <Holly.O'Connell@justice.govt.nz>, "S & B Barnes" <sam.sarah@xtra.co.nz>, "A Baxter & N Stanley" <awbaxter@xtra.co.nz>, "Andrew Beatson" <andrew.beatson@bellgully.com>, "N & B Burgham" <bmb@clear.net.nz>, "Marie Dysart" <marie.dysart@ecan.govt.nz>, "M & K Fitzsimmons" <gretavale@xtra.co.nz>, "Natasha Garvan" <natasha.garvan@bellgully.com>, "A Goodship" <ajgoodship@ihug.co.nz>, "Chris Herbert" <chrisjherbert@xtra.co.nz>, "G & J Higginson" <johig@hotmail.co.nz>, "Lisa Kissell" <lisa.kissell@ecan.govt.nz>, "Marcus Langman" <Marcus.Landman@ecan.govt.nz>, "L Love" <lvlove@xtra.co.nz>, "A Marr" <armarr@ihug.co.nz>, "T McBreen" <mtvenus@farmside.co.nz>, "J & J McKone" <j.mckone@farmside.co.nz>, "J McLachlan" <mclachlan.f@gmail.com>, "H & K McLachlan" <hkmclachlan@hotmail.com>, "G & M McLean" <eastlynne@xtra.co.nz>, "V Meares" <vivi.meares@gmail.com>, "David Meares" <david.meares@gmail.com>, "Lyn Meares" <lynmeares@gmail.com>, "Belinda Meares" <belindameares@live.com.au>, "M Messervy" <murray@greta.co.nz>, "Ellie Messervy" <ellie.m@slingshot.co.nz>, "Eric - NZ Wind Energy Assn" <eric@nzwea.org.nz>, "Heather & John Pankhurst" <jhpankies@gmail.com>, "Scott Pearson" <scottpearson_nz@xtra.co.nz>, "Stuart Ryan" <stuart@stuartryan.co.nz>, "Kerry Smith" <kerry.smith@buddlefindlay.com>, "Judy Symonds" <gjsymonds@xtra.co.nz>, "Gary Thomas" <thomasgnv@hotmail.com>, "H & Y Turnbull" <turnbull.chilternhills@xtra.co.nz>, "Phoebe Vincent" <phoebe_vincent@hotmail.com>, "Malcolm Wallace" <malcolmwallace@bridgesidechambers.co.nz>
Subject: Fwd: Hurunui Wind

----- Forwarded message from johncarr@tipapa.com -----

Date: Tue, 12 Jun 2012 09:15:32 +1200

From: johncarr@tipapa.com

Subject: Hurunui Wind

To: tipapaevents@tipapa.com

Cc: johncarr@tipapa.com

Dear Holly

Please forward this letter and attachment to Judge Harland. Thank you.

Regards

John Carr

Your Honour

There are two matters of, I believe, great significance emerging from the pre hearing conference on 8 June that I wish to formally record.

1. The acknowledgment by Mr Andrew Beatson, Counsel for Meridian, that Mr Tim Lusk, the then Chief Executive of Meridian, did on 28 September 2010 in fact make the commitment set out in the attachment to this letter, both to the local community, and the Mayor, two Councillors, and the Chief Executive of Hurunui District Council. Mr Beatson stated before you that there is and I quote "no dispute that the remarks were made". This admission now goes to the core of this application. Meridian have the obligation to fulfil the undertaking of their Chief Executive to the community, and the Hurunui District Council, and now withdraw their application for Hurunui Wind. I have indisputable information that the vast majority of the community do not want this wind farm. I have detailed this information in my response to Meridian's initial report that I filed in late May 2011. I have written to Mr Mark Binns, Mr Lusk's successor, requesting that with the above admission by Meridian's own Counsel he now withdraws Meridian's application to the Court for Hurunui Wind. It is also to be noted that Shiela Watson who was at the meeting last Friday, and who attended with Mr Lusk on 28 September 2010 did not stand up to deny Mr Beatson's statement.

2. The statement by Mr Wallace, Counsel for the Glenmark Community against Wind Turbines, that due to limited funds of the Society he may not be able to fully and properly represent his client in Court at all times. I have previously advised you that I have no funds to employ a lawyer, and to attend the full hearing is going to cause me very considerable complications. The forthcoming hearing has no basis of equality or fairness.

Subject to their not opposing Meridian's application, Meridian have undertaken to pay all the costs of the Hurunui District Council related to Hurunui Wind, including staff costs, legal fees, and their experts. The same applies to Environment Canterbury. In addition Meridian have unlimited funds to pay their lawyers, an army of experts, and their employees associated with this application. The innocent community however are not paid for their time, and are required to pay the costs of their lawyer, and experts to defend themselves, their properties, and their way of life. We all actually have to pay out of our own pockets money that we do not have to spare, at the same time facing the very real prospect that the capital value of our properties being substantially reduced from the time this wind farm was announced, and then if consented for 25 years or more.

I would like to add that at a meeting I had with Mr Ken Smales, Meridian's General Manager of Renewable Energy, and Mr Alan McKinney, the Hurunui Wind project manager, in early May 2011 when I first heard about the prospect of Meridian paying all Hurunui Council's costs, I

asked Mr Smales to pay for all the costs of the community. He refused on the basis that by paying the Council's costs the Council would be representing the community. At that time I did not know that Meridian's contract with the Council contained a "no opposition clause". Clearly Mr Smales who knew the opposition in the community, also knew that the contract being entered into between Meridian and the Council would make it impossible for the Council to represent their community. In short he intentionally misrepresented the facts to me at that meeting, as he did over his pledge to me on 15 September 2010 that Meridian would pay for a landscape expert of my choice. Shortly thereafter I instructed Morgan and Pollard, landscape architects, only to find Mr Smales denied ever making the commitment to me. Mr Beatson was not at the 15 September 2010 meeting, whilst Mr Lusk was present, therefore he had no basis for denying Mr Smales' statement to me, as he did last Friday.

Your Honour I believe that this application, if not withdrawn by Meridian, should be thrown out by the Court on the grounds of undertakings given by Mr Lusk, as set out above, and unfairness on a monumental scale.

Yours sincerely,

John Carr.

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Mr Tim Lusk, the Chief Executive of Meridian Energy Limited, made the following unconditional statements to residents of the Glenmark ward, regarding "Hurunui Wind", at a meeting held at Tipapa on 28 September.

"If this community does not want the wind farm we will not do it".

"If at the end of the day this community is dead against it we will walk away".

○ Later the same day Mr Lusk repeated the above undertakings to the Mayor, two councillors, and the Chief Executive of the Hurunui District Council.

"If the community is so opposed then they would not go ahead against the clearly expressed wishes of the community".

Mr Lusk has since refused to honour his unconditional statements, by announcing that Meridian will proceed to apply for consent for "Hurunui Wind", regardless of the community's views.

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