

## Jenna Silcock

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**From:** Holly O'Connell [Holly.O'Connell@justice.govt.nz]  
**Sent:** 6 July 2012 8:02 a.m.  
**To:** John Carr  
**Cc:** Natasha Garvan; 'andrew.beatson@bellgully.com'; malcolmw Wallace@bridgesidechambers.co.nz; Jenna Silcock; Kerry Smith; N & B Burgham; Marcus Langman; Marie Dysart; j.mckone@farmside.co.nz; mtvenus@farmside.co.nz; belindameares@gmail.com; jhpankies@gmail.com; Fitzsimmons Kathryn and Mark; lynmeares@gmail.com; mclachlan.f@gmail.com; vivi.meares@gmail.com; 'david.meares@gmail.com'; murray@greta.co.nz; G&J Higginson; John Daniel Perriam Fran; H&K McLachlan; phoebe\_vincent@hotmail.com; Gary Thomas; A Marr; 'ajgoodship@ihug.co.nz'; Gemma Fellowes; Holly O'Connell; 'belindameares@live.com.au'; eric@nzwea.org.nz; EMesservy; stuart@stuartryan.co.nz; tipapaevents@tipapa.com; John Carr <johncarr@tipapa.com>; C Herbert; G & M McLean; gjsymonds@xtra.co.nz; lvlove@xtra.co.nz; sam.sarah@xtra.co.nz; Scott Pearson; turnbull.chilternhills@xtra.co.nz; 'awbaxter@xtra.co.nz'  
**Subject:** Re: Letter to Judge Harland  
**Attachments:** Re: Email for Judge Harland.

Hi John

please see the **attachment** below

Please note the Judge is not dealing with any matters that relate to substantive evidence until the hearing commences.

Holly O'Connell  
Hearing Manager | Environment Court  
Ministry of Justice | Tahu o te Ture  
DDI (09) 916 9284 | Fax: (09) 916 9090  
CX 10086 | Auckland 1141  
<http://www.justice.govt.nz/courts/environment-court>

>>> John Carr <johncarr@tipapa.com> 7/2/2012 4:52 p.m. >>>  
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 in getting an expert, as a result of his failure to assess Reeves 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

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## Jenna Silcock

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**From:** Holly O'Connell [Holly.O'Connell@justice.govt.nz]  
**Sent:** 5 April 2012 10:01 a.m.  
**To:** John Carr  
**Cc:** Charles Manning  
**Subject:** Re: Email for Judge Harland.

Good morning Mr Carr

If you wish to make an application to the Court in relation to this issue, you must do so formally.

Commissioner Manning maybe able to assist you in this area of procedure.

I am unable, at this stage, to pass on any of this information to the Judge as it has not been formally presented to the Court.

Please note also, when you communicate via email or letter with the Court you must copy all of the other parties in on your correspondence.

Kind Regards,

Holly O'Connell  
Hearing Manager | Environment Court  
Ministry of Justice | Tahu o te Ture  
DDI (09) 916 9284 | Fax: (09) 916 9090  
CX 10086 | Auckland 1141  
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>>> John Carr <[johncarr@tipapa.com](mailto:johncarr@tipapa.com)> 4/5/2012 9:28 a.m. >>>

Dear Holly

In my letter to Judge Harland dated 26 March I raised the matter of the "Cost Sharing Agreement" between Meridian Energy Limited and Hurunui District Council.

Unknown to me on friday 30 March the Hurunui District Council put out a press statement on the subject of the Cost Sharing Agreement. This was reported on in The Press on monday 1 April on page A8. The Council's actions have put the debate on the agreement into the public domain.

In view of the above I feel that it is appropriate that I send the above Cost Sharing Agreement to Judge Harland rather than wait for Meridian's or the Council's solicitors to do so. The agreement is attached and I ask that you forward it to Judge Harland.

The core clause that I ask Her Honour to adjudicate upon is Clause 8.1 on page 5. Further, the clauses that may also be relevant are Clauses 4.5(f) and 4.5(g), particularly the latter.

Please acknowledge receipt of this letter. Thank you.

Regards

John Carr