Dear Hon. Dr Smith

Ref. Your letter dated 4 May 2012

Thank you for your letter dated 4 May 2012 in response to the letter I wrote to you dated 24 January 2012 on behalf of the Adams and Huatau Marae.

Although you are no longer the Minister for the Environment you were responsible for commissioning the Board of Inquiry for Turitea Wind Farm. At the time you expressed confidence that the Board members met s149K (4) of the RMA, i.e. the members had the knowledge skills and experience to conduct the hearing. The Board has betrayed the confidence you placed in them, in terms of process.

In your letter you claim that I disagree with the decision. I do not disagree with the decision. The Adams and Huatau disagree with the process, which is not a point of law that is judicially review able. The disagreement about the process relates to what we believe is incompetence that is factually verifiable, i.e.

1. The Board failed to amend errors concerning Huatau Marae that were pointed out via written submissions at the Draft Report stage. As a result of this failure the Final Report contains errors of fact. A file of correspondence is available.
2. There is no disagreement about visual impact. Professionally prepared photomontages commissioned by the applicant, Mighty River Power, clearly show three turbines highly visible and intrusive above Huatau Marae. The Board has failed to correctly and competently report this matter.

The attempted dismissal of our concerns as a subjective matter, i.e. disagreement about visual impact, is a denial of the natural justice required for inquiries in s4.73 of the Cabinet Manual, and also a blatant failure of the terms of reference for the Board to include findings of fact in the final report.

The Board of Inquiry has produced a final report that contains errors of fact that are disturbing and unacceptable to the Adams and Huatau Marae. The Adams and Huatau believe such a matter amounts to ethical and moral corruption.

Yours sincerely

John Adams
(On behalf of the Adams and Huatau Marae)