

24 Greens Rd
RD 2
Palmerston North

Rt. Hon. John Key, Hon. Judith Collins, Hon. Dr Smith & Hon. Chris Finlayson
Parliament Buildings
Wellington

29 January 2012

Dear Rt. Hon. John Key, Hon. Judith Collins, Hon. Dr Smith and Hon. Chris Finlayson

Ref. Attached copy of letter to Chief Justice and Judicial Complaints Commissioner concerning lack of due process by Board of Inquiry for Turitea Wind Farm

The basis of our complaint concerning the Board of Inquiry for Turitea Wind farm is:

1. Huatau Marae requested that corrections be made to the Draft Report and Decision. The corrections were not made and were carried forward into the Final report and Decision.
2. Failure to correctly address severe visual impact on Huatau by stating that turbines would not be visible above the marae site when three turbines will be highly visible and intrusive.
3. Failure to address breaches in Code of Conduct for Expert Witnesses, i.e. a peer reviewer evolving into another expert for the applicant to out vote Huatau's noise expert. Lack of a joint signed witness statement from the noise experts.
4. Lack of equity in recommending compensation for two parties but ignoring other parties that are more severely impacted upon where it is admitted consent conditions will not comply, e.g. the Adams.
5. Failure to address the Wind farm Agreement that Palmerston North City Council (PNCC) has signed with Mighty River Power (MRP), whereby PNCC cannot hinder or impede MRP's ambitions for the Turitea Wind Farm. This contract renders PNCC incapable of administering consent conditions. It was also one of the Ministers reasons for a Call-in.
6. Failure of the Board to provide a fair and equitable process to determine the status of Hautika. PNCC withheld information relating to Hautika on the basis that it would prejudice its contractual arrangements with MRP. By sleight of hand PNCC relegated Hautika to the status of accessory building, although Hautika has been consented for human occupation, to bypass non-compliance of consent conditions at Hautika.

Please refer to the two attached letters concerning the lack of due process and natural justice. It is with great sadness that we as a hard working and law-abiding citizens have to write letters like this. Unfortunately, there is no accountability.

Hon. Dr Smith claims that there is nothing he can do because the Board of Inquiry for Turitea Wind Farm has completed its statutory duty. It is our opinion that the Board has not completed its duty to the standard required. The incompetence, prejudice or whatever led to the failures listed is unacceptable. The Board has not completed its statutory duty.

Yours sincerely

John Adams
On behalf of the Adams and Huatau