

## ***The price of apathy towards public affairs is to be ruled by evil men***

***Plato***

### **The Turitea wind farm corruption, fraud and aftermath**

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Guinea pigs are endearing animals but just a few can eat you out of house and home. On a regular excursion around Palmerston North, New Zealand, my wife and I happened on a stretch of road harbouring a rich source of grass to keep our son's pets well supplied. It was here that we found for sale a residential rural section which gave us the opportunity to take our Bed and Breakfast business to the next level.

This was an exciting investment for us but little did we know that we faced a multiyear one-sided battle with our local Council [PNCC] and the Government by proxy through its then State Owned Enterprise, Mighty River Power [MRP]. Our building site, and hundreds of other properties inside the city boundary we were to learn several years later, was smack alongside a proposed wind farm of 131, 125 metre, 3 Megawatt turbines. [1] This appeared to be a world first with the placement of a gigantic 14 km long industrial complex in a protected native bush reserve and off limits water catchment, towering over approximately 2,000 properties and directly affecting about 10% of city residents. 60, 40 story turbines have been approved but the plan is to later "fill in the gaps."

PNCC, parroting the buzzword "sustainability," is signed up to ICLEI, the stalking horse for the UN's Marxist Agenda 21, which informed people now know puts property rights at the mercy of the whims of monolithic Central and local government and its rent seeking hangers on. The city and its recognised ONL, outstanding natural landscape, were to be sacrificed to the NZ emissions trading scheme [ETS] and to Kyoto "obligations"

The people behind this outrage were confident of success. Every step was carefully planned. PNCC as a revenue receiving landowner/partner had been secretly planning since 1995 [2] for a wind farm, subsequently approving the subdivision of residential land right beneath the turbines, taking development fees and property taxes, land which we and many others unwittingly bought.

*"Fraud has to be ferreted out by carefully following its marks and signs, for fraud will in most instances, though ever so artfully and secretly contrived, like the snail in its passage, leave its slime by which it may be traced."*

*Tennessee Supreme Court 1835 Floyd v. Goodwin*

The marks and signs of fraud literally began with signs, signs of spinning turbines, which out of nowhere adorned billboards at city entrances, PNCC vehicles, stationery and its website. [3] The slime of psychologically softening up the locals had begun. I later wrote to PNCC lawyer Annabel asking how this happened, what public input there was and who was behind it. He pretended I had asked about an earlier logo but later admitted there was no public consultation and declined to discuss the matter further. In November 2015 Mighty River Power in its submission opposing social impact assessments in the PNCC District Plan brazenly confirmed the implementation of their psychological tactics on ratepayers stating:

“A Social Impact Assessment can be useful where a proposal may have a significant impact on demographics, such as schooling or other social issue, but **the results are likely to be far less useful or conclusive where the community is *pre-conditioned* to the type of development, such as wind farms in Palmerston North.**” [Emphasis added] Note: there are no wind farms *in* Palmerston North City.

The wind turbine logo appeared on what looked like an innocuous document distributed throughout the city in August 2006, which asked for comment on a change of purpose for the Turitea water catchment. [4] Almost all households would have consigned this document to the trash as yet another inconsequential PNCC missive, but we read it. The then Mayor, Heather Tanguay, had signed off on a deliberately deceptive, amateurishly written, horror story. This fraudulent document is a prominent element in the conspiracy against Palmerston North. It lauded a proposed eco-park, the ultimate bribe for the low information ratepayer, contained deceptive imagery of the Turitea Ranges inside the city boundary and made ridiculous promises which were never going to be kept, including battery powered boating on the city's water supply dams and an Eco lodge right under the turbines.

We immediately distributed flyers throughout the city pointing out that PNCC had sold out both its ratepayers and environment, jeopardizing the city's water supply and was to rubberstamp approval in just a few days. The flyers forced PNCC to open consultation with ratepayers who turned up in such large numbers over a number of evening public meetings that PNCC had to hire security guards. The opposition to the lies told by PNCC and its councilors was overwhelming and despite ratepayer after ratepayer berating them for their treachery they went ahead and approved the change of purpose to the reserve. In November 2006 Tanguay was reported in our local paper.

“Mayor Heather Tanguay said she did not agree there has been a lack of information about the wind farm proposal. I think the information (available) has been very substantial.”

She omitted

1/the number of turbines

2/their size

3/their location

4/where the so called "eco park" was.

This led to a failed and expensive legal challenge which sapped protestors' resources. By now the head to head confrontation between several local landowners participating in the scheme and PNCC had turned ugly. To keep the local Fairfax newspaper “The Manawatu Standard” on a tight leash PNCC withdrew all advertising to punish it for reporting which had come too close to the bone. The paper knew something ratepayers didn't know, something which will be revealed later.

Apart from future very restrained local coverage of the wind farm debacle the rest of the New Zealand media was completely silent on this issue. I soon found out why. The Dominion Post ran a story which gave me the opportunity to post a moderate reader comment about the proposed wind farm in the Turitea Reserve and to link to a website I ran opposing it. The comment was deleted. The website sitemeter recorded a visit from Mighty River Power which showed beyond any doubt that MRP was, with the approval of Fairfax, deleting and censoring comments about the wind farm. [5] I shared the page showing this visit with two opponents, fully realizing its great importance. Our home and work computers were then hacked and the incriminating evidence deleted along with numerous files and emails. Fortunately the page was able to be retrieved from one recipient who had been Bcc'd.

Fairfax CEO at the time was one Joan Withers who had prior to joining Fairfax been a director of Meridian Energy, another state owned enterprise. Withers went on to chair the board at MRP. The

deception and manipulation was there for all to see but what media organization in light of her extensive involvement in radio, TV, and newspapers was ever going to report it? Withers was clearly “too big to fail” [\[6\]](#) but she is not alone. From now on I knew I was a marked man. [\[7\]](#)

RadioLive contacted me to participate in an interview over the proposed wind farm. Joining the interview was MRP CEO Douglas Heffernan. I was introduced as a detractor of wind farms. This was not true. My issue was specifically with the Turitea wind farm which would ruin Palmerston North. At this point no one in the community knew the full extent of the wind farm and Heffernan when asked the size of the wind farm lied stating that it was of a similar size to the nearby Te Apiti wind farm. In reality it was 4 times bigger. Heffernan went on to lie at the Call-In with impunity. The interview which was placed online was subsequently deleted but in a site upgrade many months later accidentally reinstated. [\[8\]](#)

Repeated requests to PNCC to provide us with information were rejected, even insisting that we pay the Council for their time. [\[9\]](#) One day a lawyer at ChanceryGreen emailed me to set up a confidential meeting with MRP to show my wife and I secret photomontages withheld from all other affected parties. We were shocked at what we saw. A map identifying a great swath of affected property was casually left lying around for me to see while MRP staff stood over us. When I said to employee, Mike Omer, that MRP must have a huge war chest, Omer gave a sick grin, turned away and stared out the window. At this stage New Zealand’s Resource Management Act was to be applied to the consent process with right of appeal to the Environment Court. The proposal was so extreme, that instead of this meeting encouraging us to sell up, as was obviously intended, it looked certain to be rejected by the court. At a later meeting, Omer, without prompting, told me exactly that.

To circumvent the Environment Court Environment Minister Nick Smith announced in December 2008 that the wind farm would be “called in” where a Board of Inquiry headed by a judge would make a binding decision which could only be challenged in court on a legal technicality. The local paper 24/4/2009 had this to say.

“At best, the documents obtained by this newspaper lay bare a woefully inept decision-making process. At worst, they are evidence of an orchestrated campaign to deceive the people of this region and usurp the council's statutory role. Either way, the decision to call-in the consent application was a sham.”

After submissions to the Call-In had closed, MRP on 19/3/2009 admitted withholding information essential for the public to be able to make informed submissions.

“Asked about "negative" press coverage, Mr McDonnell said Mighty River Power had previously created an information vacuum through lack of communication. The company planned to be more forward in the coming weeks.”

Our city was now to be subjected to an utter farce which lasted from the 24<sup>th</sup> January 2009 until 6<sup>th</sup> September 2011 when the Board of Inquiry handed down its Final Decision after repeatedly bending over backwards for the applicant. Judge Shonagh Kenderdine was selected by Minister Smith to head the inquiry. Submitters did not know that the Board was rigged and that its members including Kenderdine were global warming fanatics who would deliver the city to Smith whose own carbophobic beliefs were well known. Kenderdine gave the game away when, after issuing the consent, as guest of honour at the 2012 New Zealand Wind Energy Association conference, she exposed the soft underbelly of her intellect in a speech describing how to place wind farms as close as possible to human habitation. Her PowerPoint [\[10\]](#) was briefly placed on the for now triumphant NZWEA website where she concluded by quoting Sir James Lovelock:

“Global warming is now irreversible. Nothing can prevent large parts of the planet becoming too hot to live in with others sinking underwater by about 2040. Our only chance now is to: - Start planning how to survive - Acknowledge we need more technology, not less” Sir James Lovelock

Lovelock has repudiated this utter nonsense. The NZWEA must have been laughing up their sleeves. There has been no global warming now for almost 19 years despite fraudulent downward revision of historical temperature records to seal a deal where the entire world on the basis of a bogus weather catastrophe [\[11\]](#) bows to the UN’s Agenda 21. [\[12\]](#) The New Zealand government had swallowed the fraudulent Michael Mann hockey stick graph, eliminating the Medieval Warm Period and Little Ice Age, hook line and sinker. The IPCC has since quietly abandoned it. Kenderdine was now nothing more than an enabler, a useful idiot.

To present a veneer of probity and democracy in action the Ministry for the Environment [MFE] dutifully put the voluminous Call-In proceedings online along with evidence from all parties. Very few would have looked at it but yours truly did and made startling discoveries. Two legal documents showed that PNCC in a secret agreement with MRP had agreed to cancel its statutory obligations by agreeing to pay Mighty River Power three million dollars if it offered any assistance to ratepayers affected by the wind farm and additionally should PNCC decide to oppose the wind farm that it would have unlimited liability. Kenderdine was fully aware of this outrageous, corrupt contract and so too was our local Fairfax newspaper. [\[13\]](#) It was now a case of either bankrupting individual ratepayers or bankrupting the city. The mafia like jeopardy in this contract explained why everything had unfolded in the way that it had. [\[14\]](#)

The second document which made a brief appearance on the Ministry website was a variation to this contract which stated that if a court ruled against the wind farm that PNCC would join in with MRP to overthrow the decision and subvert the Judicial system – see clause 3.2. [\[15\]](#) The purpose of this variation was to avoid the possibility that a compliant judge, who could be bought to produce the desired result, might not be available. There is a clear implication that the Executive has in the past traversed the mandatory separation from the Judiciary to its advantage. The Ministry of Justice website states:

“The New Zealand system of Government is based on the Westminster model which provides for a separation of powers between the Legislature, the Executive and the Judiciary. This separation ensures there are checks and balances within the system and that accountability and impartiality are maintained.”

PNCC was held hostage by secret financial milestone bribes it had already irrevocably taken and had to toe the line. Kenderdine by her refusal to publicly discuss this contract and its variation ripping up the social contract with all New Zealanders (I raised it in submissions) was engaging in an assault not only on the integrity of the judiciary but on the Bill of Rights and the country’s unwritten constitution. It is conceivable that both these documents on which the wind farm was founded were put online by a whistleblower.

Turbine noise

The wind farm noise conditions were never agreed to but were imposed. These conditions were dictated by the applicant, MRP. Dr Thorne, acoustician, stated:

“In my experience it is very unusual for an applicant to write the approval conditions that it will agree to be bound by and ignore the legitimate professional opinion of a dissenting expert. The Environment Court code of conduct indicates that all experts must meet to agree to the conditions or provide dissent. My dissenting opinions to the earlier conditions have not been stated in the MRP draft conditions nor

has the Board fairly and impartially evidenced the highly detailed alternative noise management conditions produced in evidence by myself and Huatau Marae.” [\[16\]](#)

I presented research to the Board of Inquiry as to how the noise standard NZS6808 2010 was manufactured. The standard is fraudulent but Kenderdine let it pass without comment. [\[17\]](#) Australia now recognises the damage being done to communities by audible noise and infrasound. How the noise conditions are being rigged by fraudulent means has been exposed by Senator John Madigan. [\[18\]](#) Marshall Day Acoustics figures both in Australia *and* at Turitea.

## Earthquakes

For many years I taught natural hazards at a local secondary school. I became very familiar with the high seismic risk our city faced and had personal experience of this when altering and strengthening a building for our Bed and breakfast business. In my very first submission I raised and later expounded at length on the earthquake risk to the wind farm. To my amazement this was totally ignored by Kenderdine and her sycophantic board. The wind farm is directly on top of the Wellington fault line with the Northern Ohariu fault running through the Southern section and under a large substation. These faults deliver earthquakes in the region of 8+ on the Richter scale with very large horizontal and vertical movements. The next major quake, on average every 140 years, is overdue.

Minister Smith who forced the Call-In has a PhD in the geological sciences, specialising in landslides. The then project manager Mark Henry has a degree in geology.

PNCC after the devastation caused by the Christchurch earthquakes in 2011 is required to assess prominent local buildings and infrastructure. The assessments are alarming. The day after the big one strikes our city will be unrecognisable. As an example, former Deputy Mayor, John Hornblow, preacher at All Saints Church, who voted for the wind farm, has been forced to confront the 3% of code strength for his church, eight kilometres from the faults. The iconic church now closed has a very uncertain future.

Smith, now Housing Minister, in May 2015 announced new rules for earthquake strengthening. The areas where the wind farms are placed are identified as high risk seismic zones. Tests via drilling and the placement of explosives on and near the faults have recently been done. No results have been publicised. Smith has subsequently announced that seismic strengthening on potentially lethal buildings or demolition must be done much sooner.

Irrational global warming fears trumped even the most basic commonsense but there was another reason that the earthquake risk was ignored. The government all along planned to sell a 49% share of Mighty River Power to the public. I had exchanges with the Financial Marketing Authority and was assured that the risk to investors would be revealed. [\[19\]](#) It was not. The fraud had now deepened and spread.

How could this possibly get worse?

When the Final Decision was issued on 6<sup>th</sup> September 2011 and we realised that none of our submissions on the Draft Decision were considered or even read we asked that the errors and omissions be corrected by Kenderdine, as she was the judge responsible and it was her statutory obligation. [\[20\]](#) Letters to the Judicial Conduct Commissioner finally drew a very reluctant response which was nothing less than stunning.... Kenderdine was not a judge and had not been a judge for more than 13 months before she issued the final legally binding decision. [\[21\]](#) [\[22\]](#)

Letter after letter has been written to the Prime Minister, cabinet ministers *and* to Attorney-General Finlayson who had permanently removed Kenderdine's warrant on 6 August 2010. Two weeks later he rewarded her by appointing her as chair of the Historic Places Trust. None, if they answered at all, could provide a legal basis for Kenderdine, now just Ms Kenderdine, repeatedly signing off as a judge and being paid [over \$500,000NZ] to impersonate one. [23] This is state sponsored fraud. We issued a Scoop news release and reporters at the Manawatu Standard interviewed us for a local story. They were very nervous about reporting our comments. When John Adams went to lay a complaint of fraud with the police they took one look and said "this is going nowhere." The government's tactic has been to not respond publicly. I have not received any legal threats or a midnight knock on the door. When I posted that Kenderdine was a fraud the post was hacked right before my eyes. The website has been buried by Google who have made numerous, lengthy manual visits obviously at the Government's request. [24] Even the logo in link [3] can no longer be found.

And what did Kenderdine do? On her consultancy website she lied about her time as a judge, adding one year and one month to her professional "history" [25] The Department of Justice has done nothing about this and has made numerous visits to my website. [26]

New Zealand legislation is very specific regarding secret commissions and the involvement, preparation and submission of faulty and deceptive documents to the Government. [27] Kenderdine and others did just that with Government assistance, guidance and remuneration. So can charges be laid? Only if the Attorney-General, Finlayson, who is up to his neck in this fraud, gives his consent! The maximum penalty is two years in jail. But what of Finlayson's legal obligations as a State employee? This is from the NZ Government Cabinet Manual.

4.3 The Attorney-General has particular responsibility for maintaining the rule of law. The Attorney-General has a responsibility to notify Cabinet of any proposals or **government actions that do not comply with existing law** and to propose action to remedy such matters. [Emphasis added]

Keeping Kenderdine in the public eye gave both her and the Government an air of invincibility. When her term expired as chair of the Historic Places Trust on 31 July 2013 [28] Finlayson illegally kept her on for almost another year until 22 May 2014. This incriminating webpage [28] and all Call-In submissions on the MFE website were deleted by the Government but all survive on the internet archive.

In September 2014 Kenderdine received a QSO for her unspecified "services to the judiciary" [29]

Kenderdine's poisonous legacy lives on. She was Chair of the Board of Inquiry established by the Minister of Conservation to report on the 2008 proposed New Zealand Coastal Policy Statement. Her fanatical global warming beliefs have filtered down to other specific localities. 18, 000 homes in Christchurch were under the threat of being rendered progressively valueless on the basis of exaggerated claims of future sea level rise. Fortunately commonsense has prevailed [29/9/2015] as the Government has had to step in.

An announcement on the Law Society website dated 25 June 2014 detailed Kenderdine's career. There was no mention of her chairing the Turitea Board of Inquiry so I emailed the Society to ask why and to also ask why when I emailed a link to the story the link returned a 404 page not found. The Society in its response lied to me and prompted me to complain if there was a lawyer I could identify.

So I searched Karen Price lead Counsel for Mighty River Power at the Call-In, the lawyer who had emailed me years earlier [December 2007] to see the secret photomontages. This led me to her website and to a wall to wall boast of her involvement with the Turitea wind farm from scoping through to consent as supervisor and strategist. Additionally Price exuberantly records her involvement and

oversight of the Puketoi wind farm which will join up with Turitea. She hid her involvement from Turitea submitters by employing a sock puppet, David Kirkpatrick, to do her dirty work. Kirkpatrick suppressed submissions detailing the fact that Puketoi is also right on a major fault line and was duly rewarded with his appointment as an Environment Court Judge in February 2014.

Here at last was the person who had inflicted so much pain on our city and nobody knew she was right under our noses.

“Karen is recognised as a leader in climate change issues internationally. In 1991 she was part of the NZ delegation to the IPCC negotiations having written a master’s thesis on climate change issues and the dynamics of international negotiations.”

She was anointed by Labour Prime Minister, Helen Clark, and now Administrator of the United Nations Development Programme (UNDP), to be a blessed beneficiary of the monetization of CO2. The third most powerful appointee to the United Nations, Clarke, in 2015 was ranked by Forbes as the 23<sup>rd</sup> most powerful woman in the world. It was her Labour Government which introduced the Emissions Trading Scheme in September 2008. A month earlier, Clark in a highly questionable act on 8<sup>th</sup> August 2008 formally and effusively opened Price’s Law firm, ChanceryGreen. [30] Astoundingly Environment Court Judges attended this partisan, political event in blatant defiance of judicial conduct rules defining bias, impartiality and independence.

In love with wind farms Prime Minister Clark opened White Hill in the South Island in 2007 and two right next to Turitea, Te Apiti in 2004 and Te Rere Hau in 2006. During Clark’s reign as Prime Minister Price drew up and signed off on the contract [Sept 2005] and Variation [Oct 2006] between PNCC and MRP. Price was until recently married to David Cunliffe one time leader of the Labour Party and aspiring Prime Minister. Cunliffe made a brazen plug for his wife’s carbon trading business in [October 2012](#) when debating the halting of the expansion of the ETS.

“A bill stopping the expansion of the emissions trading scheme sparked impassioned debate, including claims from Labour MP David Cunliffe that his two "wonderful young sons" face "extinction" from climate change.”

Price acts for four of the country’s five major electricity generating energy companies including the following involved in wind farming, Contact Energy, Meridian and Mighty River Power. She founded the New Zealand Carbon Exchange in 2004 and was using her position at the Call-In to secure her trading position in carbon credits with Mighty River Power. She hid the fact that Turitea is on major fault lines by giving her star geophysical witness scripted, soft ball questions at the Call-In. Described as” notoriously privacy-jealous,” she stands to benefit handsomely from the Turitea and Puketoi wind farms. She knew Kenderdine was not a judge and continued with the rigged Call-In charade for a full 13 months. No one was ever supposed to find out. This is more than a conflict of interest.

I laid a complaint with the Law Society on 10 September 2014.

Price went to ground deleting all reference on the ChanceryGreen website to herself and her colleagues, banner advertising praising her ability as a “strategist” and to Turitea and Puketoi. For legal reasons I am not at liberty to reveal the secret response but I was then able to take it to the next level for review by the Legal Complaints Review Office [LCRO]. Note that when you make a complaint the membership of the Standards Committee handling it is kept secret. I was asked by Price’s lawyer, Les Taylor QC, if I would agree to a review “on the papers” as Price refused to appear before me or her peers. I found that unusual so I asked the LCRO Case Manager to email me Price’s written defence to the Standards Committee. She couldn’t because Price never entered any material in defence, nor according to the Jurisdiction Manager

did she have legal representation. So how can the LCRO review this case when the lawyer under investigation entered no defence, didn't even appear before the Standards Committee and the committee notes were not made available to me? One can assume that all Price did was make a phone call to her friends to the effect of "Get this bastard off my back!"

Doesn't this sound like yet another Kenderdine kangaroo court? Taylor then sent a bombastic letter to the LCRO on Price's behalf, where in her defence he quotes from cases of genital misconduct. There is no embargo. [31] That this man is earmarked as a future judge should concern all New Zealanders.

Here is my reply. [32] The decision by the LCRO is of course secret as publicly exposing Price's role in this fraud would in turn expose a pantheon of panhandlers. The LCRO advised I would have a decision by June 2015 but then told me that I wouldn't hear until an unspecified date in 2016. I forced the issue through a letter to Minister Smith [33] and got it before 40,000 rent seekers landed in Paris to reorder the world economy to feather their nests, claiming "climate justice" while pretending to have made an agreement.

Ex Mayor Tanguay, darling of the left but captured by the right, had this to say as her parting shot when she left the city to live in Auckland.

"Yes, wind farms are contentious and yes, there have been mechanical problems that have made it difficult for the people living near to them, but if I had my time again I certainly would support them again."

Finally there are just two minor details (1) the cost to Palmerston North and (2) the cost to the country.

The Turitea wind farm when applying the results of a UK study by the London School of Economics will devalue Palmerston North residential property by more than \$100 million dollars. [34] This will have a multiplier effect in weaker business activity and potential closures. The LSE study analysed more than 1 million UK property transactions over a 12 year period where dwellings were in the vicinity of wind turbines. This study, in part funded by the Welsh Government, did not take into account the effect of noise and infrasound. There are other studies which confirm this dire consequence.

The cost of a major earthquake crippling the intermittent, uninsurable wind farms [35] on the Tararua Ranges and those yet to be built in the Wairarapa could easily top \$1 billion and put severe stress on the grid.

The Turitea wind farm is a wealth transfer scheme, transferring ratepayer and taxpayer equity to the arrogant, sanctionless elite running the country. Any ordinary New Zealanders trying a scam like this would find themselves behind bars.

For further documentation

<http://palmerstonnorth.blogspot.com>

<https://turiteadocuments.wordpress.com/turitea-wind-farm-documents/>