Dear Mr Stichbury,

Thank you for your email.

It is not my role to provide legal advice directly to members of the public. I therefore have no response to the comments or questions you raise in your email.

However, if you have any factual questions, please advise and I will consider them as a request for information. Alternatively, if you would like to draw these matters to the concern of the Mayor and Councillors, you may wish to do so by one of the means outlined in the following link:


| JOHN B ANNABELL | Legal Counsel |
| Palmerston North City Council | Private Bag 11034, Palmerston North 4442 |
| P: 06 356 8199 | F: 06 355 4115 |
| www.pncc.govt.nz |

From: Paul & Monica Stichbury [mailto:thegables.pn.nz@xtra.co.nz]
Sent: Thursday, 29 May 2008 10:08 p.m.
To: John Annabell
Subject: Wind farm question

Dear Mr Annabell,

John Adams has copied an email to you to me where he questions whether PNCC has followed the spirit of the Local Govt Act 2002 which states as its purpose:

"to promote the social, economic, environmental, and cultural well being of communities, in the present and for the future".

For close to a year now my wife and I have had our Ngahere Park property on the market and it has not drawn a single offer despite it having
arguably one of the best building sites in the Manawatu only 9 kms from the square with views to the Tasman Mountains behind Nelson to the Central Plateau. We have recently changed agencies and have had widespread coverage on the internet. Potential purchasers have been put off by the planned Turitea wind farm. Other neighbours have also been unable to sell. At the time of the Turitea submissions I made a submission where I asked a number of legitimate questions which were not answered, as you may recall, due to Council policies. One of those questions related to what extent the Council was liable to be sued by residents for loss of equity. Are you able now to express an opinion on the Council's vulnerability to a civil law suit in light of the fact that the Local Govt Act specifically aims to protect communities at large rather than cater for the financial ambitions of a very small number of land owners? The Council entered into secret negotiations with these land owners at the time and here we are in 2008 with the general public still unaware of the true extent of the project. Mighty River Power did of course under duress eventually show my wife and I photomontages, but only of the turbines in the reserve. At a meeting several weeks ago they acknowledged that we as land owners will have a significant problem with the wind farm in respect of noise and visual effects. They have refused to buy us out - please note that at this stage this information is confidential.

My question as to Council vulnerability to a class action law suit is not intended to be vexatious. My wife and I have already suffered significant financial loss as a result of the planned wind farm. Mighty River Power's response to us has been, "Why don't you build a house?"

We are not that stupid. Of course if we build a house and the wind farm goes ahead we face an intolerable wind farm towering over us and Mighty River Power can then say we have no grounds for complaint as we knew there was going to be a wind farm anyway! We would also be sinking equity into a house that in all probability would never find a buyer. Whatever way you cut it we stand to loose.

Looking forward to your reply

Kind regards
Paul Stichbury.

Caution: The content of this email is confidential and may be legally privileged. If it is not intended for you, please email the sender immediately and
destroy the original message. You may not copy, disclose or use the contents in any way. Thank You.