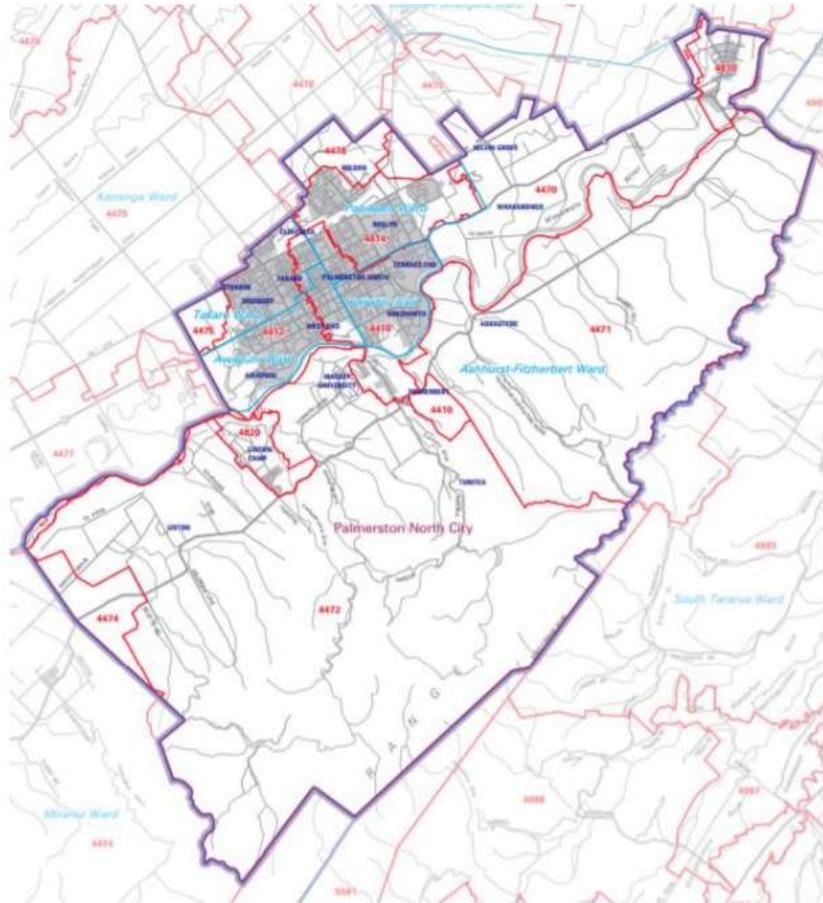


Complaint

The Turitea Wind Farm consent is illegal and corrupt and is the result of a concerted effort to deceive and defraud ratepayers in Palmerston North. Approximately 10,000 people live in the foothills directly under the wind farm. The wind farm is almost entirely inside the city boundary. Roads and subdivisions are not shown on this map in the southern section under the city boundary which goes to the top of the Ranges.



This postcode map also defines the boundaries for Palmerston North

While the substance of this complaint is the illegal consent it is important that the Court is familiar with what happened prior. What follows is an overview.

Background

1/ A document circulated to all city households announced that the city's highly restricted access water catchment, the Turitea Reserve, was to have

a change of purpose to permit wind farm activity. This document laid out a series of inducements to garner ratepayer approval including

- an eco-park to reintroduce rare native birds
- boating trips on the two Turitea dams
- horse trekking
- an eco-lodge under the turbines
- These promises were, as suspected at the time, nothing more than blatant lies, as too was the Kahuterawa Outdoor Recreation Plan which surfaced at the same time for public input and subsequently disappeared. There was overwhelming opposition to The Change of Purpose as flyers were hastily circulated throughout the city identifying the total lack of relevant information and that a scheduled PNCC meeting was going to rubberstamp The Change of Purpose.
- The Turitea Reserve Consultation Document [which was quickly deleted from the internet]

<https://web.archive.org/web/20190124074823/https://turiteadocuments.files.wordpress.com/2012/04/reserveconsultationweb.pdf>

2/ PNCC was then forced to hold a series of public meetings which were very well attended where submitters against the Change of Purpose passionately berated the Mayor and Councillors. Security guards were employed by PNCC to police the meetings in the Convention Centre.

3/ The Council voted to approve The Change of Purpose, a vote which received widespread condemnation. PNCC's fallback position was that the conventional RMA process was the correct manner to assess the worthiness or otherwise of this "project."

4/ *PNCC Ratepayers did not know and still do not know that there is a contract between MRP and PNCC which requires*

- complete secrecy
- PNCC [described in the media as a partner] not to oppose MRP's plans in the reserve and on neighbouring land on penalty of unlimited liability

- Payment of a \$3 million penalty if it helps any individual or group affected by their wind farm.
- Authorises a fake public consultation if required
- Correspondence with Judge Newhook, Acting Principal Environment Judge

<https://web.archive.org/web/20140605093845/http://turiteadocuments.files.wordpress.com/2011/11/letter-re-pncc-mrp-contract.pdf>

- Contract

<https://web.archive.org/web/20180611083840/https://turiteadocuments.files.wordpress.com/2011/11/christopher-shaw-attachment-1-part-a.pdf>

- PNCC Financial performance
- At the time PNCC finances were graded as one of the worst of all Local Authorities in the country. PNCC for its submissive cooperation received a series of substantial milestone payments.

Opotiki	56	51	24	16	8	●	●	Lower performance
Porirua	56	52	24	12	12	●	●	Lower performance
Wanganui	56	67	24	12	12	●	●	Marked improvement but High Debt (\$5 to \$10 K per ratepayer)
Western Bay of Plenty	58	42	25	10	15	●●	●●	Marked drop in performance and High Debt (\$5 to \$10 K per ratepayer)
Rotorua	59	61	23	10	13	●	●	Little change and High Debt (\$5 to \$10 K per ratepayer)
Hamilton	62	50	23	10	13	●●	●	Marked drop in performance and High Debt (\$5 to \$10 K per ratepayer)
Invercargill	62	60	22	11	11	●	●	Little change
Palmerston North	62	63	22	8	14	●	●	Little change and High Debt (\$5 to \$10 K per ratepayer)
Whangarei	62	62	22	7	15	●	●	Consistent "cellar-dweller"
Buller	64	64	21	9	12	●	●	Consistent "cellar-dweller"
Kawerau	65	66	19	10	9	●	●●	Consistent "cellar-dweller". Low debt
Horowhenua	66	56	18	8	10	●	●●	Consistent "cellar-dweller" down further
Kaipara	67	65	18	6	12	●●	●●	Serious financial difficulties and High Debt (\$5 to \$10 K per ratepayer)

5/ Objectors and those wanting information were then subjected to a multiyear campaign of lies and obstruction by PNCC seeking to avoid the \$3 million penalty.

- Community website covering the wind farm deleted for a time at Govt request by Google owner of Blogger



- Link
<https://web.archive.org/web/20100604073607/http://www.palmerstonnorth.blogspot.com/>
- Deception by PNCC recently recovered from a discarded hard drive
https://web.archive.org/web/20180601134620/http://newzealandjusticeandpolitics.weebly.com/uploads/7/5/7/1/7571844/supplementary_evidence_pw_pk_stichbury_case_ref_120553_1.pdf
- The Elliot family
<https://web.archive.org/web/20190402145330/https://turiteadocuments.files.wordpress.com/2012/04/the-problem-faced-by-the-elliott-family-plus-photo-email-redacted.pdf>
- PNCC email responses to Alison Milden who gets too close to the truth
<https://web.archive.org/web/20190402074039/https://turiteadocuments.files.wordpress.com/2012/04/pncc-secretly-teams-up-with-the-government-against-city-ratepayers.pdf>
- Sound cloud – interview with MRP CEO
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. Start @3 min mark

<https://soundcloud.com/paul-stichbury/the-turitea-wind-farm-fraud>

- Transcript from the Call-In where Heffernan compounds his lie

<https://web.archive.org/web/20190402104439/https://turiteadocuments.files.wordpress.com/2012/04/heffernan-lies-to-the-board-of-inquiry.pdf>

6/ The Friends of the Turitea Reserve then sought a judicial review. This sapped protestors' resources and was a failure. What was unknown at the time was that a Variation to the secret PNCC/MRP contract was sending a clear message to any judge adjudicating this case that any lawful judgment impeding the wind farm would be overthrown jointly by PNCC, the Executive and MRP which was then a 100% Government owned SOE [State Owned Enterprise].

- The Variation

<https://web.archive.org/web/20180611084033/https://turiteadocuments.files.wordpress.com/2012/04/variation-to-the-wind-farm-agreement.pdf>

7/ The Decision in the Judicial review was deliberately withheld from litigants until discovered nine years later when it was inadvertently put online by the Department of Justice. It is clear it was withheld to prevent details of the Contract and Variation from ever becoming public knowledge.

- Judgment discovered 28 April 2016

<https://web.archive.org/web/20160603225144/https://turiteadocuments.files.wordpress.com/2012/04/judgement-the-friends-of-turitea-reserve.pdf>

8/ Fast-forward to December 2008 when the wind farm was Called In by Minister Nick Smith. A Call-In was a new process to speed up approval of major projects.

- *The Turitea Call-In met trenchant opposition. The secret contract was and still is the driving factor forcing the wind farm on the city.*
- In essence the Call-In was totally rigged and all the players, i.e. the Judge and Board, MRP and its legal team were playing kabuki theatre to 700 perplexed and angry submitters.

- 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.” Manawatu Standard

- A scathing editorial 3/4/2009 [now deleted from the Fairfax archive]

<https://web.archive.org/web/20190403011903/https://turiteadocuments.files.wordpress.com/2017/12/manawatu-standard-editorial-2009.pdf>

- 15/4/2009 Smith tells PNCC not to submit on Turitea if it is unwilling to pay.

<http://archive.is/DPBio>

- The Manawatu Standard wrote 24/4/2009

“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.”

- MRP colluded with Fairfax where a reader post on the DomPost discussing the Turitea wind farm was deleted – MRP i.e. the Government had access to reader comments. The site meter records MRP clicking on the link in the post.

<https://web.archive.org/web/20190402072154/https://turiteadocuments.files.wordpress.com/2012/04/palmerston-north-visit-858.pdf>

9/ The Final Decision, ignored all submitter evidence that a fraud was being perpetrated, in particular relating to the now discovered contract which had been put online on the Ministry for the Environment website for more than a year as part of MRP's evidence.

- <http://web.archive.org/web/20110525075744/http://www.mfe.govt.nz/rma/call-in-turitea/rebuttal-evidence/index.html>

- Submission – wind farm on the Wellington-Mohaka and Northern Ohariu fault lines, noise standard rigged, the Contract corrupt

<https://web.archive.org/web/20181031035233/https://turiteadocuments.files.wordpress.com/2012/04/stichbury-325-final-submission-turitea-wind-fram-draft-decision.pdf>

- There is much more to the corrupt Final Decision, e.g. repeating the stunning lie that the wind farm is 10 KM outside Palmerston North when it is *inside* the city. 10 KM outside Palmerston North's boundary puts the wind farm down the main street of Pahiatua.
- Map showing the fake "location" of the wind farm 10 km outside the city boundary which goes to the top of the Tararua Ranges.



From The Final Decision

[1] The proposed Turitea wind farm is located along the ridgelines of the northern Tararua Ranges in the *Turitea* Reserve and on surrounding farmland, 10 kilometres to the south east of Palmerston North. The notified proposal submitted by Mighty River Power (MRP) consisted of 122 turbines. This was later revised by MRP to 104 turbines.

- PNCC Planner Virginia Shaw realises the Call-In is rigged – see in particular paragraph 11 and following

<https://web.archive.org/web/20190402150347/https://turiteadocuments.files.wordpress.com/2012/04/22-june-09-affidavit-of-virginia-shaw.pdf>

11. Exhibit "B" is an email received from MRP's lawyers after advice from PNCC that it objected to the additional and new evidence of MRP. The third paragraph demonstrates that MRP's approach in light of the content of PNCC's independent assessments. It threatens to remove PNCC's submission and also, and perhaps more alarmingly, claims to know the response of the Board to PNCC's position and its likely regard for it. I consider this response from MRP inappropriate.

- List of errors in the Final Decision

<https://web.archive.org/web/20140605103020/http://turiteadocuments.files.wordpress.com/2012/04/the-turitea-wind-farm-errors-and-omissions.pdf>

The consent is corrupt and not worth the paper it is written on

10/ The Board of Inquiry chaired by Judge Kenderdine will go down in infamy. For its last 13 months 5 days it was a private club financed by the taxpayer where its chair had no warrant or authority but impersonated a judge with a wink and a nod from the executive branch of government. Kenderdine apart from receiving very substantial illegal payment was awarded the Chair of the Historic Places Trust [illegally extended for almost a year by personal friend Finlayson who shared her interest in the Futuna Chapel] and a QSO in 2014.

- Ministry of Justice concerned about costs

<https://web.archive.org/web/20190402152739/https://turiteadocuments.files.wordpress.com/2012/04/ministry-of-justice-concern-over-turitea-costs.pdf>

11/ How was this found out? Kenderdine kept varying her designation in correspondence sent to submitters

<https://web.archive.org/web/20140605103700/http://turiteadocuments.files.wordpress.com/2012/04/a-tissue-of-lies-and-a-fraudulent-turitea-wind-farm-consent-2-january-20132.pdf>

- An identical forged signature used on the Draft and Final Decision placed electronically on both. Compare it to Kenderdine's actual signature on emailed attachments sent to submitters

<https://web.archive.org/web/20190402144327/https://turiteadocuments.files.wordpress.com/2012/04/copied-signature.pdf>

12/ A request was made to the Judicial Conduct Commissioner asking when Kenderdine retired in order to get her to correct the egregious errors in her Final Decision. After a second letter was sent Commissioner Gascoigne revealed the fraud which successive governments have amateurishly done all they can to cover up.

- Gascoigne comes clean

<https://web.archive.org/web/20190402143828/https://turiteadocuments.files.wordpress.com/2019/04/gascoigne-letter.pdf>

- Scoop news release

<http://www.scoop.co.nz/stories/PO1301/S00065/complaint-lodged-with-sfo-over-turitea-wind-farm.htm>

- Reported in the Manawatu Standard

<http://archive.is/ENeeb>

Note: there was no reaction from the Government, threat made of a law suit or contradiction of the facts in the Scoop release or the Manawatu Standard interview

13/ A letter was immediately sent to then Minister of Justice Judith Collins in an attempt to solve this constitutional crisis.

<https://web.archive.org/web/20190313025301/https://turiteadocuments.files.wordpress.com/2012/04/letter-email-to-the-minister-of-justice-rt-hon-judith-collins-13-december-2012.pdf>

Collins did not reply to this or a follow up letter –simply because she cannot challenge the legal facts in Kenderdine's fraud.

<https://web.archive.org/web/20170127122057/https://turiteadocuments.files.wordpress.com/2012/04/letter-to-judith-collins-minister-of-justice-8-april-2013.pdf>

Through the office of the Governor General Collins lied claiming the matter had been dealt with.

<https://web.archive.org/web/20190403132915/https://turiteadocuments.files.wordpress.com/2012/04/holm.jpeg>

This failure by Collins is a massive dereliction of duty.

In 2010 she had been involved in buying out Judge Wilson's by comparison trivial threat to the integrity and reputation of the judiciary.

Auckland University associate professor Bill Hodge said the resignation stopped ongoing "immeasurable damage and harm to the courts of New Zealand at the highest level".

<http://archive.is/QMstJ#selection-4541.0-4470.71>

14/ Correspondence with Attorney-General Finlayson

<https://web.archive.org/web/20140605094149/http://turiteadocuments.files.wordpress.com/2012/04/letter-to-hon-c-finlayson-26-august-20131.pdf>

Finlayson's only response copied to his co-conspirators was to lie.

<https://web.archive.org/web/20181113035412/https://turiteadocuments.files.wordpress.com/2012/04/hon-c-finlayson-responds-11-september-2013.pdf>

The top legal mind in the country does not reply.

<https://web.archive.org/web/20190403134113/https://turiteadocuments.files.wordpress.com/2012/04/letter-to-hon-c-finlayson-12-september-2013.pdf>

Nor does he reply to this because it is true. He has no defence.

<https://web.archive.org/web/20140605100548/http://turiteadocuments.files.wordpress.com/2012/04/letter-to-hon-c-finlayson-5-november-2013.pdf>

Finlayson posted this on Scoop May 15 2018.

<https://web.archive.org/web/20180515070024/http://www.scoop.co.nz/stories/PA1805/S00192/fact-check-number-of-judges-has-not-decreased.htm>

"For some years I had been concerned about the number of temporary appointments which raised questions about the independence of the judiciary from the executive. That is why the reforms removed the ability for temporary judges to be appointed.

"It is constitutionally wrong for a person to be given a short term judicial warrant lest it create the impression that judges must please the executive in order to obtain a permanent warrant. Judges must be independent, and be seen to be independent, from the day of their appointment.

Finlayson actively participated in Kenderdine's fraud and cover up.

"It is constitutionally wrong to have a member of the public impersonating a judge for 13 months"

Finlayson's then responsibilities

Law officer role

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.

Link between the judiciary and the government

4.8 The Attorney-General is the link between the judiciary and executive government. The Attorney-General recommends the appointment of judges and has an important role in defending the judiciary by answering improper and unfair public criticism, and discouraging ministerial colleagues from criticising judges and their decisions.

<https://dpmc.govt.nz/our-business-units/cabinet-office/supporting-work-cabinet/cabinet-manual/4-ministers-law-and-1>

15/ Kenderdine lies on her website about her term as a judge claiming she was a judge until 2011. She deletes her website once she knows she has been found out and then later reinstates it.

<https://web.archive.org/web/20140516071437/https://turiteadocuments.files.wordpress.com/2012/04/about-shonagh-kenderdine-fraud.png>

<https://web.archive.org/web/20170408014745/https://en.wordpress.com/typo/?subdomain=skenderdine>

- Official retirement party August 2006 organised by the Ministry of Justice – they all knew by August 7 2010 she was no longer a judge.

<https://web.archive.org/web/20190402072740/https://turiteadocuments.files.wordpress.com/2012/04/kenderdines-farewell-in-2006.pdf>

- Kenderdine’s final 2 year appointment as an alternate Environment Judge - her warrant expiring 7 August 2010.

<https://web.archive.org/web/20190127200753/https://gazette.govt.nz/notice/id/2008-go6333>

- Finlayson rewards Kenderdine with the position of Chair of the Historic Places Trust.

<https://web.archive.org/web/20130206092952/http://www.mch.govt.nz/funding-nz-culture/agencies-we-fund/heritage/new-zealand-historic-places-trust>

- Kenderdine’s term as Chair of the Historic Places Trust expired in July 2013 but as of May 22 2014 she was still there under Finlayson’s “protection” by fraudulently, illegally and secretly extending her term.

16/ Minister Smith’s deep involvement in the Kenderdine fraud

<https://web.archive.org/web/20190404045149/https://turiteadocuments.files.wordpress.com/2015/08/letter-to-dr-smith-6-june-2015.pdf>

Smith replies trying to muddy the waters and of course cannot quote any legal basis for his “opinions”

<https://web.archive.org/web/20190404045333/https://turiteadocuments.files.wordpress.com/2015/08/envi-13123-paul-stichbury-1.pdf>

Two replies to Smith – he does not reply

<https://web.archive.org/web/20190404045510/https://turiteadocuments.files.wordpress.com/2015/08/judicial-warrants-dr-smith.pdf>

<https://web.archive.org/web/20190404045630/https://turiteadocuments.files.wordpress.com/2012/04/mrp-pncc-contract-dr-smith.pdf>

17/ Timeline of events

- <https://web.archive.org/web/20140525215157/https://turiteadocuments.files.wordpress.com/2012/04/turitea-consent-issues.pdf>

18/ Relevant Acts of Parliament

These Acts cover

1/ The Judicial fraud by Shonagh Kenderdine with the connivance of the Attorney-General Chris Finlayson and knowledge of all NZ govt Cabinet Ministers

2/ Huge, illegal and corrupt payments made to participants, in particular Kenderdine, paid to *pretend* she was a judge. Kenderdine contravened the [Crimes Act Part 6](#)

The Crimes Act 1961 part 6 contains criminal offences related to, amongst other things, the corrupt use of official information and the corruption and bribery of:

- the Judiciary
- ministers of the Crown
- members of Parliament
- law enforcement officers
- public officials.

[Secret Commissions Act 1910.](#)

Kenderdine was an agent in the service of the Crown.

1 (c) every person in the service of the Crown, or acting for or on behalf of the Crown, or holding any office in the public service, shall be deemed to be an agent of the Crown:

6 Giving false receipt, invoice, etc, to agent an offence

1 Every person is guilty of an offence who, with intent to deceive the principal, gives to any agent, or signs or otherwise authenticates for the use of any agent, any receipt, invoice, account, or other document of any nature whatsoever in relation to the affairs or business of the agent or his principal which contains any statement which is false, defective, or misleading in any material particular or which omits to state explicitly and fully the fact of any commission, percentage, bonus, discount, rebate, repayment, gratuity, or deduction having been made, given, or allowed, or agreed to be made, given, or allowed, in relation to the matters referred to in that document.

7 Delivery of false receipt, etc, to a principal an offence

Every agent is guilty of an offence who delivers or presents to his principal any receipt, invoice, account, or other document of any nature whatsoever in relation to the business or affairs of his principal which to the knowledge of the agent is false or defective in any material particular, or is in any way likely to mislead the principal...

The collusion by Karen Price, the supervision of this crime by Attorney-General Finlayson and Minister Nick Smith, the cover-up by Judith Collins, the perjury by Mark Henry and Douglas Heffernan would additionally put them and others behind bars.

19/ Karen Price

Wife of David Cunliffe, the potential next Prime Minister, was, unknown to submitters the supervisor of the Turitea and Puketoi wind farm projects and stands to make substantial money from carbon trading through the New Zealand Carbon Exchange which she set up in 2004. She was lead counsel for MRP at the Call-In.

A complaint regarding Price's unethical conduct and failure to heed the practice of law was made to the Law Society. She got off using a loophole. She presented no evidence.

<http://bit.ly/2RNq4EK>

"35 So, in summary, Price depended on Kenderdine's cooperation to remain silent about her massive conflict of interest and Kenderdine depended on Price to remain silent about her not being a judge with a warrant." See link below.

<https://web.archive.org/web/20180628001304/https://turiteadocuments.files.wordpress.com/2012/04/response-to-mr-taylor-qc-re-karen-price-complaint-lcro-13-january-2015-2.pdf>

Price is also covered in a recent email to all Members of Parliament.

<https://web.archive.org/web/20181114001157/https://turiteadocuments.files.wordpress.com/2018/11/to-the-prime-minister-13-november-20181.pdf>

20/ Correspondence with the Minister of Justice

Letter 1 to Parker and Little



[Download File](#)

Letter 2 Parker and Little reply



[Download File](#)

Letter 3 reply to Parker and Little



[Download File](#)

Letter 4 Little replies



[Download File](#)

Letter 5 response to Little



[Download File](#)

Note Attorney-General David Parker did not reply

Conclusion

The evidence that fraud has been the underlying activity forcing the Turitea wind farm on Palmerston North and Pahiatua residents is overwhelming and incontrovertible. The fraud has been covered up at the highest level. The Turitea Final Decision is not one that can be defended because it was manifestly false and illegal in the first place. The indefensible has been protected from scrutiny by the Ministry of Justice, the Executive and a compliant media.

The consent must be struck down. New Zealand is either a country of laws or it isn't. As of today it is the latter and leaving this matter to stand corrodes the reputation of the entire judiciary making New Zealand an unreliable country in which to do business.

In closing there are two additional points we make.

1 When Rodney Hide was contacted about the fraud he carefully read all documents relating to Turitea. Note that In the Fifth National Government he was the Minister of Local Government, Associate Minister of Commerce and Minister of Regulatory Reform until 2011.

Here is his reply 21 Apr 2017.

Hi Paul

I read the documents last night. Appalling

I wondered how they did it!!

The role of the "judge" shocked me. I had a hand in dealing to her coastal policy work here in CHCH.

I will reread it all.

Best

Rodney

2 A twitter account dedicated to unmasking the Turitea fraud has received approx 250,000 views since it was activated. The account has only 27 subscribers, only 8 are New Zealanders. The view count has been massively increased by secret followers who have been directing tweets to the NZ government, Mercury and other wind industry players. A recent tweet stated the following

yumchar @yumchar Feb 20

NZ Cabinet members, lawyers and judges have perverted the course of justice. Read the e-book for the proof that would put them behind bars for 7 years. <http://bit.ly/2JlqIMs>

[@TheWarRoomNZ](#) [@nztreasury](#) [@jacindaardern](#) [@winstonpeters](#)
[@NZNationalParty](#) [@CorinDann](#) [@nzlabour](#) [#nzlaw](#)

To date this tweet has had a record number of views totaling 1,737. They know full well what they have done.

<https://twitter.com/yumchar/status/1098448557240012800>