

Tabled at E&P 2019-03-07

I would like to share my recent dealings with TDC's E&P department with their involvement in lifting the Freilich Subdivision deferment and our subsequent consent application.

In 2013 Freilich were issued with 2 water consents for bores 8014 and 8031 for a combined total of 560m<sup>3</sup>. One consent was issued to bore 8014 a collapsed bore on Freilich's land that had not produced water (according to TDC records) for a least 9 years. The other to bore 8031 on our land that Freilich had an easement over. This bore had a legally binding agreement that the easement would be relinquished upon the Freilich's no longer requiring water for their orchard.

3 months after the issue of these consents I found out about them and contacted TDC enquiring as to why we were <sup>not</sup> notified. Apparently we weren't an affected party. This easement is now spread over 80 titles and we were forced into a 2 year delay in our application, I think that qualifies as affected. TDC was asked to revise this consent and refused. I believe Freilich by not disclosing this agreement committed a form of fraud.

Freilich also now had no legal access to bore 8031 and therefore could not be classified as a bonafide user.

These two consents were tied to each other where either one or both could pump the allowed 560m<sup>3</sup> / week. 8014 was collapsed so this left 8031 to produce 560m<sup>3</sup>. Its sustainable limit determined by future test was set at 300m<sup>3</sup> a short fall of 260m<sup>3</sup>. No test was done on either bore to set limits.

THIS IS THE SITUATION IN PLACE WHEN YOU LIFTED THE DEFERMENT

1 collapsed bore and one with no legal access. Steve Markham was aware of this when he wrote the report for lifting of the deferment. A proven water source was eventually provided 2 years later from a newly drilled 400m bore.

This bore was basically TDC giving themselves a consent with MJV applying for it. At 400m it apparently was only just producing enough sustainable water. The consultant doing the enviro report was also a TDC consultant who later was used to try and discredit our application.

Even though there was a "consent" on bore 8031 it was not required to be considered when assessing the new bore.

All very cosy. Where these consents Legal? I believe not. Was the lifting of the deferment legal or proper?

We eventually were in a situation to apply for a water consent for a community supply. Our application was denied. I objected and an "independent" commissioner was appointed. Non other than Rob Leifferring, ex TDC consent manager, ex manager to the two TDC staff processing our application and ex peer of one other TDC staff member involved. A direct conflict of interest! Rob Leifferring is also an MWH employee, an employee of a firm that has million dollar plus contracts with TDC. Under TDC's code of conduct and the Members Interest Act I believe he is forbidden from sitting on any TDC committee and therefore follows he has broken the Act. A criminal offence. I understand this is not an isolated occasion. Therefore his findings would be invalid. We eventually had to do 3 applications as when we fulfilled the criteria a new set was thrown up.

One of the final criteria was to test all 24 bores in a 2k radius on full allocation to see if our bore was affecting them. This was reduced by 16 when TDC could not produce figure for the 16 5m<sup>3</sup> house hold flows. One of the final 8 bores was non other than the collapsed 8014 Freilich bore. The architect of this brilliant unobtainable, unrealistic criteria was non other than the TDC consultant who did not feel the need to consider our bore when doing the Enviro report for the MJV bore, distance 850m.

TDC as a trade competitor of ours in that it was a community water supply consent TDC did not consider the need to have it independently heard. A direct conflict of interest seeing a TDC report written considered Private supplies as competition and to be avoided and TDC were probably trying to get a demand to support their dam process.

I asked throughout this process at least 10 times to have meetings with TDC staff, non were arranged. I also asked 3 times about this being referred directly to the EC, no response.

This whole event has been an incompetent, I believe legally unsound and morally reprehensible with a high degree in vindictiveness and vexation.

I believe it needs to be investigated and criminal proceedings taken against any one found to have broken the law.

Dennis Bush-King as manager of this dept and a prime player in this needs to accept responsibility and be held accountable for this toxic atmosphere that has corrupted the RMA process as I believe this is not an isolated case.

One last bit I paid a \$ 200 deposit for my objection. Nowhere has this appeared on any TDC statements or been credited.

I expect to be contacted by a TDC representative within 10 working days to try and find a solution or I will start further action.

The TDC staff involved Dennis Bush-King. Consents Manager  
Neil Tyson consent issuer  
Leif Piggott. Consent approver  
Phill Doyle. Consent manager  
Steve Markham. Planning report  
Rob Leiffering "Independent" commissioner

I believe this some way explains why TDC water situation is a shambles, and there is very little faith or trust in TDC processes.

All this is documented in consents, emails and reports to an R100 level

Richard Johns