

Please attach additional sheets if there is not enough space for your submissions. If you do not wish to use this form, please ensure that the same information required by this form is covered in your submission.

2 This is a submission on an application from (name, address & activity) –

Number: LU/0231/25 - 3831 Cambridge road Demoworx

3 Trade competition

Select one	☐	I am	a trade competitor for the purposes of section 308B of the Resource Management Act 1991.
	☒	I am not	
Select one	☒	I am	directly affected by an effect of the subject matter that – (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition
	☐	I am not	

4 Attendance at Council hearing

Select one	☒	I do	wish to be heard (attend and speak at the Council hearing) in support of my submission
	☐	I do not	

If others make a similar submission, I will consider presenting a joint case with them at the hearing.

☐ Yes
☐ No

5 The specific parts of the application that my submission relates to are:

See attached document

6 My submission is either in part or all:

☐ In support

☒ Opposed

☐ Neutral

The reasons for my submission are:

See attached document

7 I seek the following decision from the consent authority:

(Give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought)

See attached document

8 Hearings Commissioners

Select one	☒	I request	that you delegate your functions, powers, and duties to hear and decide the application to one or more hearings commissioners who are not members of the local authority.
	☐	I do not request	

9 Signature of submitter *(note: a signature is not required if you make your submission by electronic means, however please type your name below)*

Name and Signature of submitter:
(or person authorised to sign on behalf of submitter)



Tessa Marsden

Dated 23-6-26

Notes to submitter

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

You must serve a copy of your submission on the applicant as soon as reasonably practicable after you have served your submission on the consent authority.

If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Submission form

Notice of submission under the Resource Management Act 1991 (pursuant to section 96) form 13

Notes

- A signature is not required if you are lodging your submission by electronic means.
- If you are making a submission to the Environmental Protection Agency (EPA) please use form 16B. Refer to the EPA website www.epa.govt.nz or call 0800 CALL EPA (22 55 372).
- The closing date for providing your submission to Waikato Regional Council is 20 working days after public notification or notice is served. You must also provide a copy of your submission to the applicant. This should be done as soon as possible.
- If you need any further help, please phone our Resource Use staff on **0800 800 401**.
- You can send your submission by:
 - Post: Waikato Regional Council, Private Bag 3038, Waikato Mail Centre, Hamilton 3240
 - Fax: 07 859 0998
 - Email: RCsubmissions@waikatoregion.govt.nz

Office use only

File no:
Consent no:

Section 1: Application details

Applicant name: Tessa Jean Marsden

Description of proposal:

(Briefly describe the type of consent, and the nature and location of the activity. If the proposal is for a change or cancellation of an existing consent condition, please detail the type and location of consent, the relevant condition and the proposed change. If the application is for a transfer of a water or discharge permit, provide details of the existing activity site and, if relevant, the part of the permit proposed to be transferred.)

FORMAL SUBMISSION IN OPPOSITION - Demoworx - Number: LU/0231/25 - 3831 Cambridge road

The specific parts of the application that this submission relates to are:

Please see attached document for full details

Section 2: Submitter details

We will use your email address as preferred address for service, unless you advise otherwise.

Name	Full name of submitter:
	Contact person (include designation if applicable):
Postal address	Street/RD/PO Box/Private Bag:
	Suburb:
	Town/city:
	Postcode:
Residential address If different from postal address	Street:
	Suburb:
	Town/city:
	Postcode:
Email address	
Phone number/s	Home: Business:
	Mobile:

Waikato Regional Council, 160 Ward Street, Private Bag 3038, Waikato Mail Centre, Hamilton 3240.

Phone our enquiries officer on 0800 800 401. waikatoregion.govt.nz

Section 3: Submission on proposal

Please detail your submission below. Attach additional pages if necessary.

I/we (tick one option only):

- ☐ Support the application/s
- ☒ Oppose the application/s
- ☐ Neither support nor oppose the application/s (neutral submission)

My submission:

See attached document

The reasons for my views are:

See attached document

I seek the following decision from the consent authority:

(Give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought.)

See attached document

Please tick either yes or no to the following options:

I/we wish to be heard in support of this submission

☒ Yes

☐ No

I/we will consider presenting a joint case at a hearing if others make a similar submission

☒ Yes

☐ No

Signature of submitter:



23-6-26

Date:

(or person authorised to sign on behalf of submitter)

The information you have provided on this form will be stored on a public register and held by the council. The details (including your name and submission contents) may also be made available to the public on the council's website or on request, with your contact details removed. These details are collected to inform the general public and community groups about all consent applications which have been received by the council. If you would like to request access to, or correction of your details, please contact the council.

FORMAL SUBMISSION IN OPPOSITION

To: The Waipā District Council and Waikato Regional Council

In the Matter of: Resource Consent Application by Demoworx (Level 3 Managed/Contaminated Fill Operation)

1. Purpose & Core Statutory Standpoint

This submission is lodged in total opposition to the resource consent application by Demoworx to establish and operate a large-scale, 20-year managed fill activity.

The Assessment of Environmental Effects (AEE) provided by the applicant is fundamentally deficient. The extreme scale of environmental uncertainty, paired with critical modelling omissions, means this application fails to meet the core sustainable management thresholds of the Resource Management Act 1991 (RMA). Consequently, the Councils are urged to apply the Precautionary Principle and refuse consent.

2. Definitive Proof of Hydrogeological Connection & Section 107 Breach

The most critical threat posed by this application is the irreversible contamination of the local aquifer system. The applicant's documentation treats the quarry void as an isolated, dry basin. Direct evidence completely invalidates this assumption:

Direct Evidence of Hydrological Connection:

Historical observations from previous landowners, explicitly corroborated by the applicant's own site manager, Aaron, when in the affected parties meeting on Sunday 21 June 26, he stated that "water often percolates from the southern bank of the site."

This explicit admission proves that the quarry void is not a dry, sealed container—it sits directly upon and intersects with an active local watercourse.

Mandated Engineering Controls & Protection of the Cambridge Aquifer

Should the Councils consider granting this consent despite the obvious environmental peril, a strict, engineered impenetrable physical barrier system must be mandated. This barrier must provide an absolute boundary between the managed fill materials and the natural ground to isolate the verified water course.

Crucially, the imposition of a barrier system must not be utilized by the applicant as a justification to elevate the site classification to accept higher-risk or Level 1 contaminated soils. The purpose of this engineering requirement is purely to safeguard the existing environment and

protect what we have—it must not be twisted into a loophole to increase the toxicity or volume of hazardous materials brought into the area, thereby escalating the potential long-term risk to the wider Cambridge community.

The Section 107 Hard Gate

Because this operation involves the deposition of Level 3 managed and potentially contaminated fill, this verified water percolation creates an immediate conduit for leachate migration into surrounding bores and the wider Waikato catchment.

Under Section 107 of the RMA, a consent authority cannot grant a discharge permit if it is likely to give rise to significant adverse effects or render receiving waters unsuitable for consumption or ecosystems. Because the applicant has failed to conduct deep hydrogeological fracture mapping to trace this verified southern bank percolation, the Councils cannot be satisfied that Section 107 thresholds are met. Legally, the consent must be refused.

3. Gross Inconsistency with the Finalized Plan Change 1 (PC1) Framework

On 8 June 2026, the Environment Court issued its final decision directing the implementation of Waikato Regional Plan Change 1 (PC1). This landmark ruling cements the regulatory architecture for an 80-year intergenerational journey to restore and protect the health of the Waikato and Waipā River catchments.

The core objective of PC1—giving practical, enforceable effect to Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River)—is to progressively reduce the discharge of contaminants into local water systems to ensure they are safeguarded for future generations.

Direct Contradiction of Regional Intergenerational Targets

The applicant is seeking a 20-year consent to operate a Level 3 managed fill directly over a verified, percolating watercourse that feeds the wider catchment. To grant a long-term consent to dump managed, potentially contaminated soils in an unmapped hydrogeological zone is a glaring, direct contradiction to the PC1 directive.

While local farmers, growers, and communities are currently being tightly regulated to reduce diffuse discharges to meet this 80-year regional vision, it is completely unacceptable for the Council to simultaneously permit a commercial waste operator to introduce acute, long-term contamination risks into the very same aquifer. Under Section 104(1)(b) of the RMA, the decision-makers must consider relevant planning documents. The sheer scale and 20-year duration of the Demoworx proposal is fundamentally misaligned with both the spirit and the strict new legal realities of the finalized PC1 framework.

4. Fundamental Technical Flaws in the AEE (Section 104(1)(a))

Under Section 104(1)(a), decision-makers must accurately evaluate all actual and potential effects. The applicant's AEE relies on flawed, generalized modelling that fails to reflect the unique topography of the site:

Micro-Climate Air Modelling Flaws: The applicant utilizes standard "flat-land" meteorological modelling to predict dust and airborne contaminant dispersal (including potential asbestos fibres). A deep quarry pit creates its own distinct micro-climate, characterized by wind swirling, vortex tracking, and dust trapping. The current air quality assessments are scientifically invalid for this landform.

Absence of Vibration & Peak Noise Metrics: The AEE completely omits a vibration assessment under DIN 4150 thresholds for continuous heavy compaction and heavy vehicle movements. Furthermore, it completely lacks peak noise ($L_{\max}$) modelling to address the severe amenity spikes caused by tailgates banging, heavy machinery impact, and rock handling. The logged complaint investigated in March 25 when significant potentially damaged vibration and transferred noise was logged by Waipa DC enforcement team members clearly shows the potential adverse affects to local properties. Even when an adjustment to vibration frequencies were made, noticeable effects were present in a number of properties. This shows a clear geological link for transference of vibration and noise through the ground in this area. This should not be overlooked given the expected 20 year lifespan of this site.

5. Misalignment with Part 2 of the RMA (Sections 5, 6, 7 & 8)

The scale of uncertainty over the proposed 20-year timeline represents a direct failure to safeguard the environment under Part 2 core tenets:

Section 6(e) & Section 8 – Te Tiriti o Waitangi & Cultural Values

The failure to map the fractured rock and investigate the southern bank water percolation constitutes a failure to recognize and provide for the relationship of Māori with their whenua and taonga (s6(e)). Injecting contaminated fill into an unmapped water path directly threatens the mauri (life force) of the local groundwater springs and the downstream Waikato River system. The application demonstrates no structural alignment with iwi environmental frameworks or the principles of active protection and precaution required by Section 8.### Section 7(c) & 7(f) – Amenity and Environmental Quality

The application fails to maintain or enhance amenity values or environmental quality. It relies on understated traffic volumes, unproven containment engineering, and incorrect operating hours to artificially suppress the perceived impacts on surrounding homeowners.

6. Procedural Distortions & Section 92 Failures

The traffic and operational modelling presented by the applicant understates heavy vehicle frequencies to downplay reverse sensitivity and safety impacts.

We submit that these understatements represent an attempt to minimize the perceived scale of effects to avoid full notification and rigorous public scrutiny. The Councils should have halted the progression of this application via a robust Section 92 Further Information Request to demand deep fracture mapping and realistic micro-climate modelling. Progressing an application with gaps this severe poses a severe procedural risk.

7. Precautionary Principle (Established Case Law)

While not explicitly spelled out in the text of the RMA, the Precautionary Principle is firmly established in New Zealand case law for applications of this nature. Where potential environmental effects are long-term, cumulative, and potentially irreversible, and where the applicant's hydrogeological and micro-climatic data is flawed or highly uncertain, the law requires a precautionary approach. That approach dictates a refusal of consent.

8. Conclusion & Relief Sought

A managed fill of this hazardous scale cannot be approved on "hope" or reactive management conditions. The confirmed percolation on the southern bank proves an active connection to the wider water system, running entirely counter to the newly finalized 80-year intergenerational goals of PC1.

The submitter requests that the Joint Councils:

1. Refuse the resource consent applications in their entirety; or, at minimum,
2. Halt all proceedings until the applicant undergoes deep hydrogeological fracture mapping specifically investigating the southern bank water path, alongside quarry-specific micro-climate dust modelling; and,
3. Mandate Significant Consideration for a Physical Barrier System: Should the Councils perversely resolve to grant consent, they must require a robust, engineered, impenetrable physical barrier to provide an absolute line of defence protecting the local aquifer and the Waikato River catchment. This barrier system must be strictly treated as a protective measure for existing values and must not be used as a justification to upgrade the site to accept higher-grade Level 1 contaminated soils.

4. Ensure locally affected neighbours both current and future as part of the Cambridge developments which are to be released for sub division shortly (2030?) Should have a mandated option to request their properties, including outdoor amenities such as sheds, sub dwellings etc, to be soft washed up to twice yearly, at the operators expense in a range of 1.5km measured (more if the council(s) see fit) from the extremities of site known as 3831 Cambridge Rd, without this being challenged by the operator in any way. To be carried out by a registered business operator of good reputation with applicable insurances in place in case of damage or error in cleaning process

5. Significant Bond should be held. Given this process is somewhat new to the landscape of NZ and given the horrific costs endured by Canterbury Councils when the Christchurch venture of extremely similar process, and the recently failed venture in Hawkes Bay, I request that a significant bond be held until conclusion of the fill of the site is completed. Thus preventing either Regional Council or Local council from having to foot the bill should this venture fail. The clean up or sealing off this project could be significantly costly and this price should not be the responsibility of rate payers.