

REQUEST FOR A CHANGE TO THE OPERATIVE CENTRAL OTAGO DISTRICT PLAN

HARTLEY ROAD PARTNERSHIP

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Cromwell Dunedin Queenstown Wānaka Alexandra Oamaru Christchurch PO Box 2645 PO Box 9194 PO Box 5933 PO Box 84 PO Box 103 Level 2 PO Box 283 Dunedin 9054 Wakatipu Cromwell 9342 Alexandra 9340 19 Eden Street **Tower Junction** Queenstown 9349 Christchurch 8149 Oamaru 9400 Wānaka 9343 03 477 3245 03 445 1826 03 441 4715 03 448 8775 03 443 8727 03 928 1533

DOCUMENT CONTROL

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1.0 INTRODUCTION

1.1 The Requestor

The requestor is:

Hartley Road Partnership c/- Leon van Boxtel Hartley Road Partnership RD1 Alexandra Email: leon@benchmarkconstruction.co.nz

The address for service is:

c/- Paterson Pitts Limited Partnership P O Box 103 ALEXANDRA 9340

Attn:Peter DymockEmail:peter.dymock@patersons.co.nzPhone: (03) 448 8775(0274) 377 910

1.2 Overview

Hartley Road Partnership ("HRP") requests a change to the Operative Central Otago District Plan ("the ODP") to re-zone approximately 6.6ha of land , located at the intersection of State Highway 8 ("SH8") and Springvale Road , from Rural Resource Area [R] to **Industrial Resource Area [I]**.

The amendments proposed to the Plan are:

- The addition of **Industrial Resource Area** [I] zoning to the Council's on-line GIS planning maps.
- An addition to Rule 12.7.1. (iii) Access to Rural State Highways and Arterial Roads to provide that there be no direct access to any subdivided allotment from the site to SH8 and Springvale Road and to provide for a suitable left turning lane from State Highway 8 into Springvale Road.
- An addition to Rule 9.3.5 (iv) <u>Screening</u> to provide for a landscaped buffer and prevention of development on the terrace riser above the historic water race traversing the site

No changes are proposed to the issues, objectives, methods of implementation, principle reasons for adopting objectives, policies and methods and environmental results anticipated in Section 9 of the Plan.

The existing provisions in the ODP for the Industrial Resource Area are very enabling and will allow a wide range of industrial and commercial uses to establish within the site similar to that in the various existing industrial areas in the District, including limited residential and retail activity subject to existing rules restricting scale and activity and addressing reverse sensitivity effects.

2.0 THE SITE

A plan of the land subject to the request, along with an indicative subdivision layout is shown at **Appendix A.** Note this plan is not a plan of subdivision or a structure plan, but is simply provided as an illustration of the sort of development that could possibly eventuate on the site and as an aid to assessing the environmental impact of the Request.

The land is currently contained within the following record of title:

• Sec 1 Block XXXIV Town of Clyde and Part Block XXXI Town of Clyde and Block XXXII Town of Clyde and Part Block XXXIII and Part Block XXXIV Town of Clyde (title area 6.1663 ha) RT 51710 l owned by L F van Boxtel, JM Scott, CE Ramage & LMA Lodge ("HRP").

A copy of the above title is at **Appendix B**. The title is an amalgam of original town sections of Clyde and is "limited as to parcels". The area of the title has been deduced by LINZ from a series of surveys taking land for roads and severances since the original town survey of Clyde in 1867. A survey (LT 600773) has been undertaken to remove the limitations as to parcels and a copy is at **Appendix B**. By the time the Request is likely to become operative , the legal description of the site will be Lot 1 DP 600773 (6.6070ha) , RT 1170203. The title is currently subject to an easement in favour of the Manuherikia Irrigation Co-operative Irrigation Society Ltd over a defunct water race. This easement is being removed from the title.

The site is currently zoned "Rural" in the ODP and is not subject to any other notation on the planning maps. The terrace riser above the site is subject to a Significant Amenity Landscape Overlay ("SAL"). An extract from Council's GIS planning mapping is at **Appendix C.** The site was formerly zoned "Industrial" under the Transitional (Vincent) District Plan. See attached map from the Vincent Plan at **Appendix C**.

3.0 THE EXSISTING ENVIRONMENT

The site is located at north- east corner of the intersection of SH8 and Springvale Road on the periphery of the township of Clyde. The site is described in detail in the attached infrastructure, geotechnical, soil contamination and landscape reports at **Appendices H-K**

In summary the site is a triangle of land bound by :

- SH8 which is elevated above the site by the Clyde hill approach embankment.
- Springvale Road, part of the berm of which is occupied by a small pine plantation next to the SH8 intersection which is used as an informal carpark. Springvale Road adjacent to the site was formerly named Hartley Road and before that Hull Street. Springvale Road is identified in Schedule 19.7 of the ODP as an Arterial Road.
- A steep 60-80m high terrace riser, part of the more gentle lower slopes of which are included in the site. The riser immediately adjacent to the site forms part of the Clyde Town Belt Reserve. The terrace riser is in depleted dryland pasture, not currently being actively used for pastoral purposes. The riser forms an important landscape backdrop to Clyde and the wider Dunstan Earnscleugh Flat and is subject to an SAL. The SAL notation does not cover any part of the site.

- The NW boundary is an unformed legal road, a severed remnant stub of what was originally surveyed in 1867 as Orchard Street (formerly named Bridlincton Street). It is highly unlikely this unformed legal road will ever be formed, not least that its gradient is a minimum of 1 in 3 and that there is no practical entrance to it off SH8.
- The Clyde Cemetery Reserve forms the eastern boundary, although it is noted that the historic stone wall "apparent boundary" of the cemetery is some 160m east of the site boundary.

The site has been used in the past as a poultry farm by the applicant's parents and is presently used as a contractor's storage yard. The site does not have an irrigation supply and has never been used for any productive rural use. Its present appearance is generally that of a bare, gravel wasteland.

The terminus of the Central Otago Rail Trail is directly across the opposite side of Springvale Road, as is land owned by Contact Energy Ltd which used for industrial storage purposes associated with the Contact's operation of the Clyde and Roxburgh Dams, subject to a scheduled activity overlay of the site's "Rural Residential Resource Area" zoning in the ODP.

Further along Springvale Road, the land is used for lifestyle block purposes with lot sizes being in the 1ha range, in accordance with its "Rural Residential" zoning in the ODP. The decision on PC 19 has re-zoned this area to "Future Growth – Large Lot Residential" which would allow subdivision down to 1500m2.

On the opposite side of SH8 is the Clyde township, generally consisting of lots averaging 800-1000m2 with large standalone dwellings, a reflection of the minimum lot size required for unreticulated areas in the ODP. The site is conveniently linked to Clyde township for walking and biking access by the Daphne Hull underpass linking Albert Drive with the Rail Trail terminus .

In summary, this end of Springvale Road close to its intersection with SH8 does not exhibit a rural pastoral character and none of the adjoining properties are being used for any productive rural use.

4.0 PURPOSE AND REASON FOR REQUEST

Clyde is the only significant urban area in the Central Otago District without any provision for Industrial land in the ODP . Even small rural townships such as Millers Flat, Patearoa, Naseby and Omakau have provision for industrial zoned land in the ODP.

A small parcel of land on the opposite side of Springvale Road is used for industrial storage purposes under a scheduled activity in the ODP. However industrial use of the site is restricted to the specific scheduled activity. The Economics Assessment prepared by Savvy Consulting Ltd at **Appendix F** in support of the Request has identified that there is a demand for Industrial land in close proximity to the Clyde Township. Industrial sites require good access to the transport network which is suitable for heavy vehicles and need to be well separated from incompatible land uses , in particular residential land. The site subject to the Request fulfils both of these requirements.

The purpose of the Request is therefore to provide a suitable site for industrial use in close proximity to the Clyde township to meet an identified demand for industrial land at Clyde. In effect this is a return to previous zoning of the site under the Transitional District Plan.

5.0 PROPOSED CHANGES TO THE DISTRICT PLAN

The proposed changes to the District Plan are as follows:

- (i) Amend the on-line planning maps to insert a new Industrial Resource Area notation incorporating Lot 1 DP 600773.
- (ii) Amend/add to Rule 12.7.1 (iii) <u>Access to Rural State Highways and Arterial Roads</u> as follows:
 - (h) There shall be no access to State Highway 8 from any development or subdivision of Lot 1 DP 600773 and no direct access to Springvale Road from any lot subdivided from Lot 1 DP 600773
 - (i) Prior to subdivision and industrial development occurring on Lot 1 DP 600773 the State Highway 8 / Springvale Road intersection shall be improved by providing a painted median such that the view to the right from Springvale Road is not obscured by a vehicle slowing in the left turn lane on State Highway 8 (that may otherwise obscure a following straight through vehicle).
- (iii) Add Rule 12.7.1 (ix) Breach of Standards as follows:

Any activity that does not comply with the standards stated in Rule 12.7.1 (iii) h) –(i) shall be considered as a <u>non-complying activity.</u>

(iv) Amend/add to Rule 9.3.6 (iv) Screening as follows :

(d) Within lot 1 DP 600773 a landscaped buffer strip with a minimum width of 10 metres shall be provided alongside the boundaries of State Highway 8, Springvale Road, the Clyde Cemetery Reserve and the unformed legal road to the north of the site below an historic water race. The entire landscape strip shall be established at the time of initial subdivision of the site and its retention and future maintenance shall be provided for as a condition of subdivision consent that is to be subject to a consent notice.
(e) Within Lot 1 DP 600773, there shall be no buildings, or earthworks, undertaken that would impact on the integrity of the pre 1900 water race intersecting the site, nor on the slopes above the water race.

A breach of these proposed additions to Rule 9.3.6 (iv) is a <u>restricted discretionary</u> <u>activity</u> under existing Rule 9.3.3.

Proposed Rules 12.7.1 (iii) (i) and 12.7.1 (ix) have been adapted from Rules 7.3.6(vi) (i) and 7.3.6 (vi) (h) introduced into the ODP under PC15 (Clyde Residential Extension) for a similar reason at the State Highway 8 / Sunderland Street intersection at Clyde.

Proposed Rules 9.3.6 (iv) (d) and (e) have been adapted from Rule 9.3.6 (iv) (c) introduced into the ODP under PC11 (Old Cromwell Saleyard Industrial Zone extension) in accordance with the recommendations in the Landscape Assessment at **Appendix K.**

The request includes any necessary consequential changes to the plan required by the Council to accommodate the above proposed changes to the Plan.

6.0 STATUTORY MATTERS

6.1 Part 2 RMA91

5. Purpose

- (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.
- (2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while –
 - a. Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
 - b. Safeguarding the life-supporting capacity of air, water, soil, and ecosystems, and
 - c. Avoiding, remedying, or mitigating any adverse effects of activities on the environment.

The request enables the well-being of the Clyde community and surrounding area by expanding the Industrial area to accommodate an identified demand for land in close proximity to Clyde in the most logical location for expansion. The life supporting capacity of air, water and soil will be maintained by the reticulation and disposal of wastewater into an established reticulation and treatment scheme.

The request includes provisions to avoid, remedy and mitigate adverse effects on the environment as to increased traffic generation and provision of suitable infrastructure.

6. Matters of National Importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.
- (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development.
- (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

- (d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers.
- (e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.
- (f) The protection of historic heritage from inappropriate subdivision, use, and development.
- (g) The protection of protected customary rights.
- (h) The management of significant risks from natural hazards.

Paragraphs (a) and (d) are not relevant to this Request.

(b) The site does not contain any outstanding natural features or landscapes.

(c) The site does not contain any areas of significant indigenous vegetation and significant habitats of indigenous fauna.

(e) & (g) So far as is known, the site does not contain any sites of particular importance to Maori. The best way to deal with this issue is by way of discovery protocols as a condition of consent on any subsequent resource consents to subdivide or develop the site.

(f) A defunct pre- 1900 water race intersects the steep upper part of the site . The race will be preserved as a stormwater intercept drain as recommended in the attached geotechnical assessment at **Appendix J**.

(h) The site is not subject to any significant risk from natural hazards as per the attached geotechnical assessment.

7. Other Matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development and protection of natural and physical resources, shall have particular regard to –

- (a) Kaitiakitanga
- [(aa) The ethic of stewardship]
- (b) The efficient use and development of natural and physical resources
- [(ba) The efficiency of the end use of energy]
- (c) The maintenance and enhancement of amenity values
- (d) Intrinsic values of ecosystems
- (e) Repealed
- (f) Maintenance and enhancement of the quality of the environment
- (g) Any finite characteristics of natural and physical resources
- (h) The protection of the habitat of trout and salmon
- [(i) The effects of climate change]
- [(j) The benefits to be derived from the use and development of renewable energy]

Paragraphs (a), (aa), (ba), (d), (g), (h), (i), and (j) are not relevant to this Request.

(b) It is efficient to provide for industrial land that is close to and well linked to the existing township and the transport infrastructure.

(c) & (f) As discussed in the assessment of environmental effects in **Appendix D**, the site of the Request is a location that is well separated and buffered from other incompatible land uses, therefore there will be no adverse amenity effects on surrounding land owners or on the quality of the environment

No matters arise regarding Sec 8 (Treaty of Waitangi) of Part 2.

6.2 Section 73 and Schedule 1 RMA91

Under Section 73(2) of the Act any person may request a territorial authority to change a district plan, and the plan may be changed in the manner set out in Schedule 1. Clause 22 of Schedule 1 (Form of Request) requires that the request:

• Shall be made in writing and shall explain the purpose of, and reasons for, the change to the plan and contain an evaluation report prepared in accordance with Section 32 for the proposed plan or change; and

A Section 32 evaluation is attached at Appendix E.

• Where environmental effects are anticipated, shall describe those effects, taking into account clauses 6 and 7 of Schedule 4, in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change.

An Assessment of Environmental Effects is attached at **Appendix D**.

Under Clause 25 of Schedule (1) the Council may reject the request in whole or in part but only on certain grounds:

- (a) The request or part of the request is frivolous or vexatious; or
- (b) Within the last 2 years, the substance of the request or part of the request -
 - (i) Has been considered and given effect to, or rejected by, the local authority or the Environment Court; or
 - (ii) Has been given effect to by regulations made under Section 360A; or
- (c) The request or part of the request is not in accordance with sound resource management practice; or
- (d) The request or part of the request would make the policy statement or plan inconsistent with Part 5; or
- (e) In the case of a proposed change to a policy statement or plan, the policy statement or plan has been operative for less than 2 years.
- The request is not frivolous or vexatious.
- Within the last 2 years, the substance of the request has not been considered by the Council or the Environment Court.
- The request accords with sound resource management practice.
- The request would not make the Operative Plan inconsistent with Part 5 of the Act.
- The District Plan has been operative for more than 2 years.

Preliminary discussions were held with Council's Planning & Engineering/3 Waters Departments in this matter and Council staff informally indicated that Council saw no insurmountable obstacles to this proposed Request from either a planning or infrastructure perspective.

6.3 Section 74 RMA91

Section 74 (2) (a) requires consideration of any Proposed Regional Policy Statement (PRPS) or Proposed Regional Plan (PRP). The PRPS is considered in the Sec 32 evaluation at **Appendix E.**

In summary, the Request is consistent with and gives effect to the PRPS. There are no relevant PRPs.

With regard to Section 74 (2) (b):

- The Otago Southland Regional Land Transport Plan prepared under the Land Transport Management Act 2003 is considered in the Sec 32 evaluation at **Appendix E.**
- There are no relevant entries on the NZ Heritage List/Rarangi Korero.

With regard to Section 74(2A). The Kai Tahu ki Otago Natural Resource Management Plan 2005 (NRMP) is considered in the Sec 32 evaluation at **Appendix E.**

With regard to Sec 74 (3), the Request does not involve any trade competition (other than competition in the industrial land and property market).

6.4 Sec 75 RMA91

With regard to Sec 75 (3) any relevant National Policy Statement, National Environmental Standard and the Regional Policy Statement (RPS) are considered in the Sec 32 evaluation at **Appendix E**.

In summary, the Request is consistent with all relevant NPS and NES and is consistent with and gives effect to the RPS.

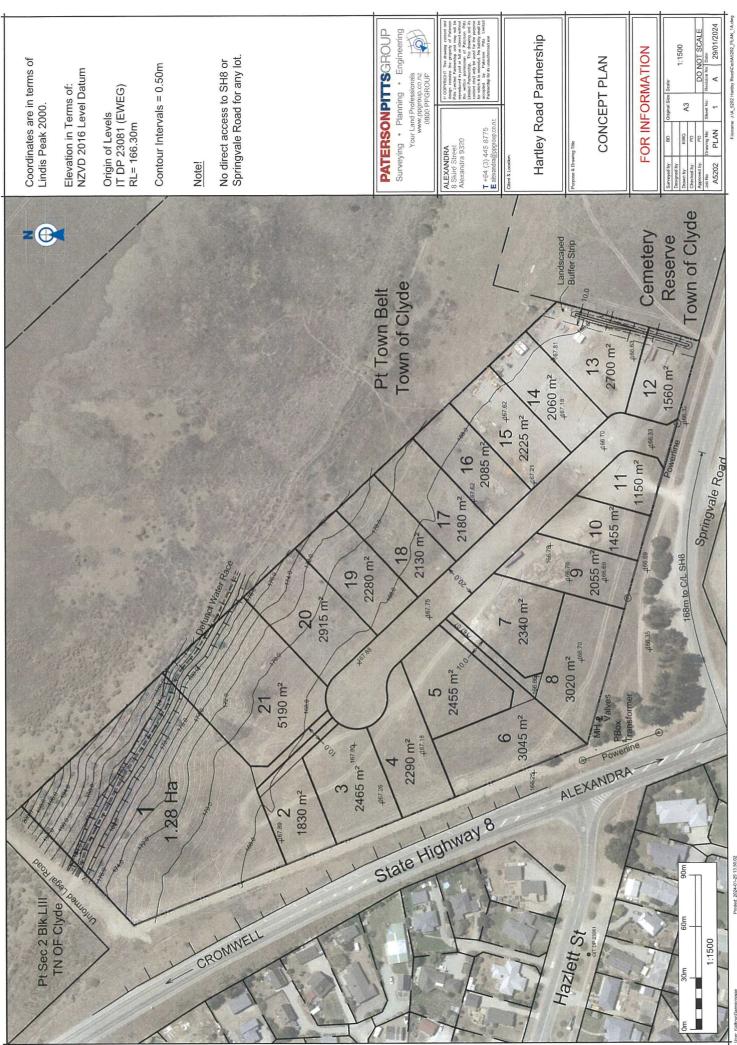
Under Sec 75 (4) there are no relevant Regional Plan considerations. Any consents required under the Regional Plan to give effect to the development enabled by the Request will be applied for at the time of subsequent subdivision and/or development.

7.0 DOCUMENTS TO SUPPORT THE REQUEST

The following additional documents are appended to and form an integral part of the Request :

Appendix	Assessment	Title/Author	Date
D	Assessment of Environmental Effects	Paterson Pitts Limited Partnership (Peter Dymock)	August 2024
E	Sec 32 Evaluation	Paterson Pitts Limited Partnership (Peter Dymock)	August 2024
F	Economics Assessment	Economic Assessment : Savvy Consulting Ltd (Natalie Hampson)	May 2024
G	Integrated Transport Assessment	Carriageway Consulting (Andy Carr) Transport Assessment:	May 2024
Н	Soil Contamination Assessment	Preliminary Site Investigation: Insight Engineering (Claude Midgely)	March 2024
I	I Infrastructure Assessment Paterson Pitts Lim Partnership (Myl Garmonsway)		May 2024
J	Geotechnical Assessment	Geosolve (James Stewart)	June 2024
К	Landscape Assessment	Mike Moore Landscape Architect	June 2024
L	Land Productivity Report	Paterson Pitts Limited Partnership (Peter Dymock)	May 2024

Appendix 'A' - Land Subject to the Request



Appendix 'B' - Records of Title



RECORD OF TITLE UNDER LAND TRANSFER ACT 2017 FREEHOLD Limited as to Parcels Search Copy



Identifier51710Land Registration DistrictOtagoDate Issued07 February 2003

Prior References 34384

Estate	Fee Simple
Area	6.1663 hectares more or less
Legal Description	Section 1 Block XXXIV Town of Clyde
-	and Part Block XXXI Town of Clyde and
	Block XXXII Town of Clyde and Part
	Block XXXIII and Part Block XXXIV
	Town of Clyde

Registered Owners

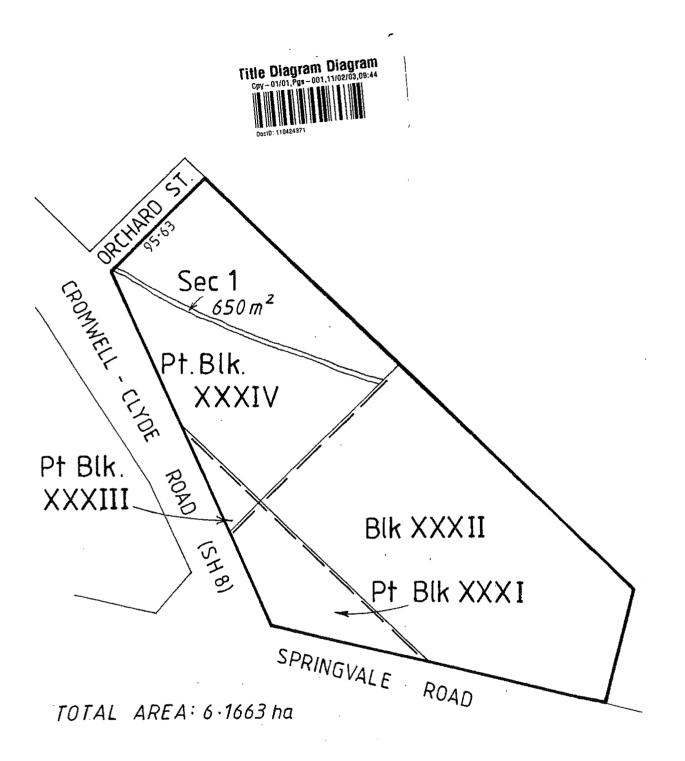
Leon Francis Van Boxtel, Jane Marie Scott, Christine Elizabeth Ramage and Lianneke Mechelina Adriana Lodge

Interests

483128 Proclamation defining the middle line of a portion of State Highway (Timaru- Milton) - 15.8.1977 at 9.39 am

627969 Gazette Notice declaring the part of State Highway No 8 (Timaru-Milton via Cromwell) adjoining the within land to be a limited access road - 20.12.1984 at 11.33 am

Subject to a right to convey water in gross over part Block XXXIV marked as a black line on diagram annexed to Transfer 885846 to Manuherikia Irrigation Co-operative Society Limited created by said Transfer- 30.6.1995 at 2:16 pm







Title Plan - LT 600773

Survey Number	LT 600773					
Surveyor Reference	A5202 Hartley Road					
Surveyor	Elizabeth Sarah Whyte					
Survey Firm	Survey Firm Paterson Pitts Limited Partnership (Cromwell)					
Surveyor Declaration	(a) this dataset provided	being a licensed cadastral surveyor, o by me and its related survey are accu 22 and Cadastral Survey Rules 2021;	rate, correct and in	accordance with th		
	(b) the survey was under Declared on 02 May 2024	taken by me or under my personal dir 4 11:13 AM	rection.			
Survey Details						
Dataset Description	LOT 1 BEING SECTION BLOCK XXXIII & PAR	N 1 BLOCK XXXIV & PART BLOC T BLOCK XXXIV TOWN OF CLY	CK XXXI & BLOO DE	CK XXXII & PART		
Status	Approved as to Survey					
Land District	Otago	Survey Class	Class B			
Submitted Date	02/05/2024 Survey Approval Date 03/05/2024					
		Deposit Date				
Territorial Authoritie Central Otago Distric	-					
Comprised In			·····			
RT 51710 Ltd						
Created Parcels						
Parcels		Parcel Intent	Area	RT Reference		
	n 600773	Easement				
Area A Deposited Plan						
Area A Deposited Plan Lot 1 Deposited Plan (Fee Simple Title	6.6070 Ha	1170203		

Right to convey water

LT 600773 Schedule/Memorandum

	Land registration distri	ct Territo	orial authority
	Otago	Cent	ral Otago District
Schedule of Existing Easements in Gross	Parcels	shown with a prefix of <i>HL</i> - i	nclude height-limited boundaries
PURPOSE	SHOWN	BURDENED LAND	CREATING DOCUMENT

А

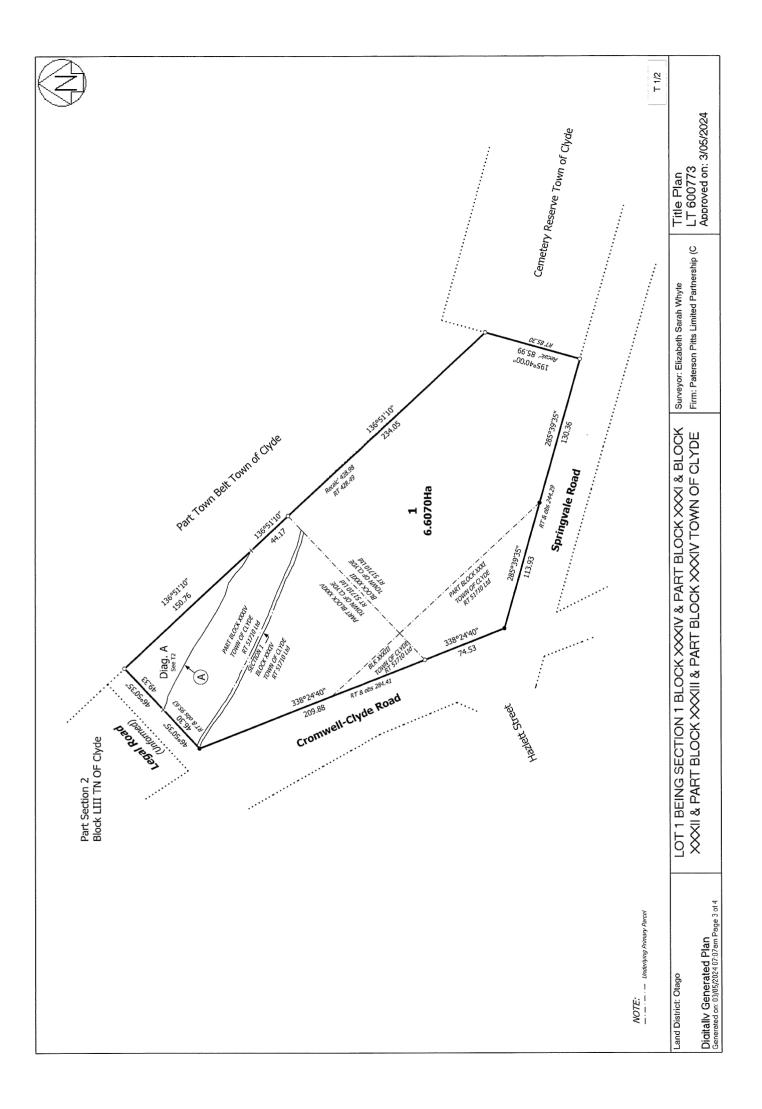
Lot 1

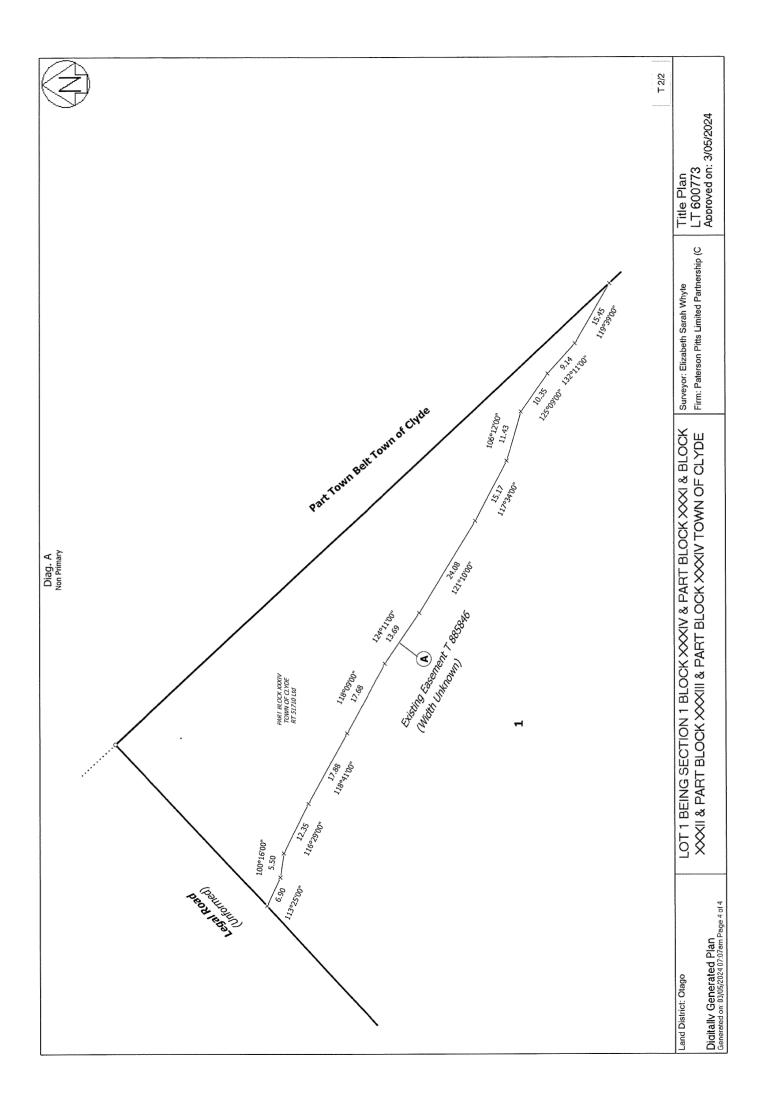
885846

LT 600773 - Schedule/Memorandum

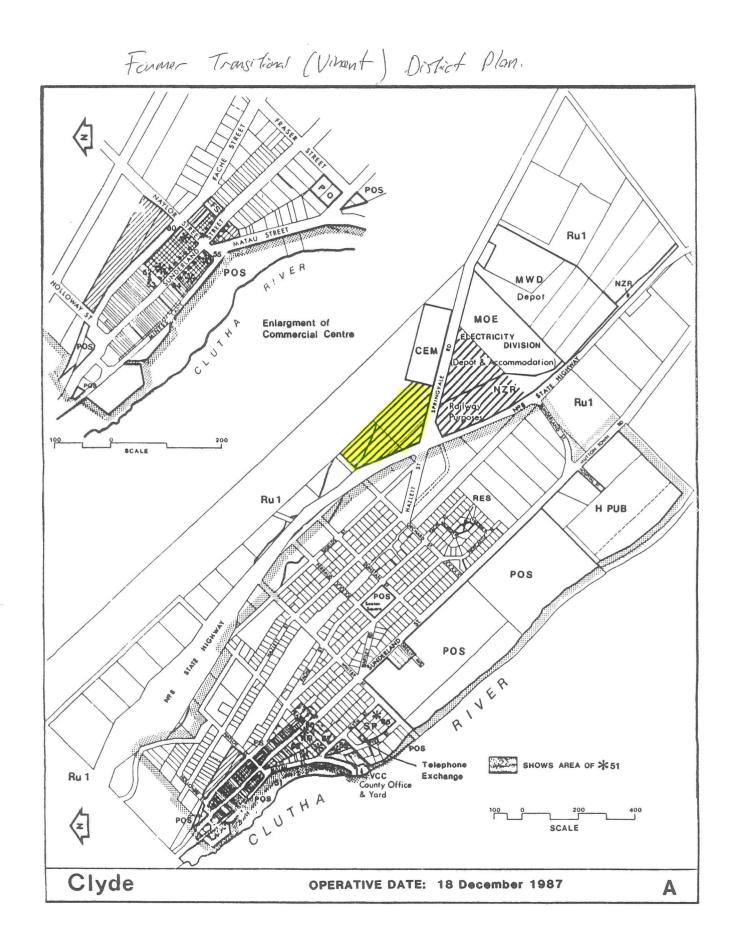
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Page 1 of 1





Appendix 'C' - District Plan Maps

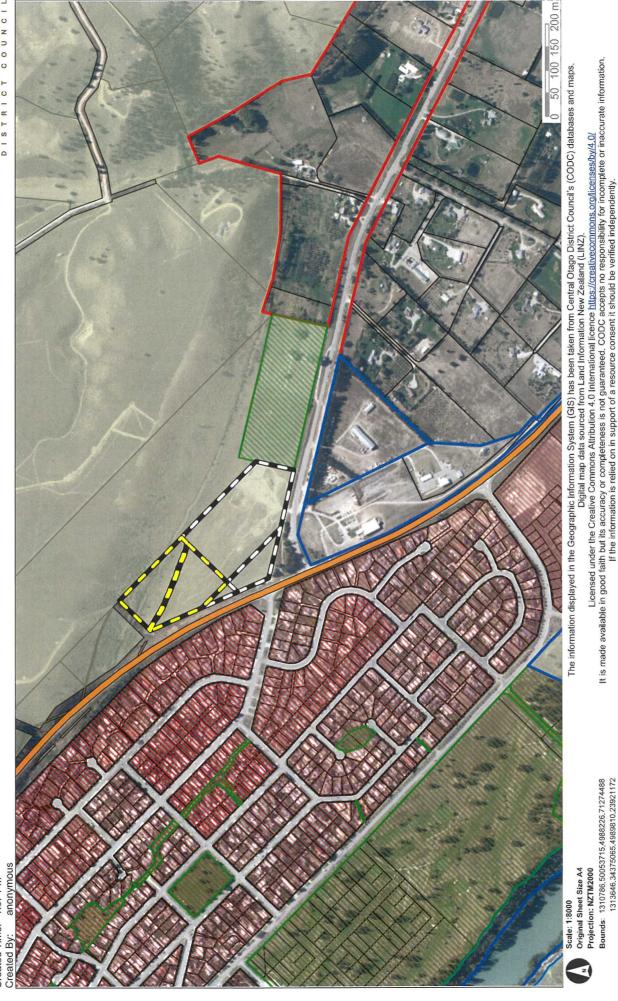


IONS NOTATIONS	Broadcasting Corporation	of Scientific Beearch ion purposes blic	tremqoi	Generation of Electricity the Scheme of State Forest Service in the Scheme in the Scheme Post Office Purpose Post Office Purpose	Telephone Exchange U.Z. Underlying Zoning Public Open Space ===== Suggested Road Reserve Alignment	Recreation Reserve () Anticipated Future Zoning Scenic Reserve Gravel Quarry Vincent County Council Alexandra Borough Council
DESIGNATIONS		DSIR Department Industrial Re Au Stn Auroral Stat Fire Station GOVT Government H PUB Hospital Pu	HR Hiato Muna Minia Minia Minia Minia Minia Natio Natio Natio Elect	NZFS Fore SF Fore SF Fore State NZPO Post	TE Telephor POS Public O RES Reserve	REC RES Recr SC RES Scen GQ Grav VCC Vince ABC Alex
LEGEND ZONES	Residential Residential Bannockburn		RLB Residential Lakeshore B RM Residential Marina DR Deferred Residential Commercial	Runal 1 Rural 2	Ru3 Rural 3 Tourist Service	DESIGNATED AREAS



Created Date: 28/05/2024 Created Time: 1:37 PM **ODP** Zoning

CENTRAL OTAGO



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Appendix 'D' - Assessment of Environmental Effects

Appendix 'E' - Sec 32 Evaluation

Appendix 'F' - Market/Economics Assessment

Appendix 'G' - Integrated Transport Assessment

Appendix 'H' - Soil Contamination Assessment

Appendix 'l' - Infrastructure Assessment

Appendix 'J' - Geotechnical Assessment

Appendix 'K' - Landscape Assessment

Appendix 'L' - Land Productivity