

**PP235/2019-1**

**8 Main Street BIRREGURRA**

**C/A: PT. 7 SEC: B V/F: 9626/470**

**Change of Use to Café and the Sale and Consumption of Liquor (On Premises Liquor Licence), Display of Business Identification Signage and Reduction in Parking Provision.**

**A F Badham**

**Officer - Ravi Ayyagari**

# **EXHIBITION FILE**

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Submissions to this planning application will be accepted until a decision is made on the application.

If you would like to make a submission relating to a planning permit application, you must do so in writing to the Planning Department

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**Office Use Only**

VicSmart?

Specify class of VicSmart application:

Application No.:

Date Lodged: / /

# Application for a Planning Permit

If you need help to complete this form, read MORE INFORMATION at the back of this form.

▲ Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the Planning and Environment Act 1987. If you have any concerns, please contact Council's planning department.

▲ Questions marked with an asterisk (\*) must be completed.

▲ If the space provided on the form is insufficient, attach a separate sheet.

■ Click for further information.

Clear Form

## Application Type

Is this a VicSmart application?\*

No  Yes  
If yes, please specify which VicSmart class or classes:  
▲ If the application falls into one of the classes listed under Clause 92 or the schedule to Clause 94, it is a VicSmart application.

## Pre-application Meeting

Has there been a pre-application meeting with a Council planning officer?

No  Yes  
If 'Yes', with whom?: Ian Williams  
Date: 27/9/19 day/month/year

## The Land

Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address \*

Unit No.: St. No.: 8 St. Name: MAIN ST  
Suburb/Locality: BIRRECURRA Postcode: 3242

### Formal Land Description \*

Complete either A or B.

▲ This information can be found on the certificate of title

If this application relates to more than one address, attach a separate sheet setting out any additional property details.

A Lot No.:  Lodged Plan  Title Plan  Plan of Subdivision No.:  
OR  
B Crown Allotment No.: Section No.:  
Parish/Township Name:

# The Proposal

**A** You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application.

**i** For what use, development or other matter do you require a permit? \*

Open a cafe / Dining business  
Using the site as is.  
All utilities will be portable.  
See attached floor plan.

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Provide additional information about the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

**i** Estimated cost of any development for which the permit is required \*

Cost \$

**A** You may be required to verify this estimate. Insert 0 if no development is proposed.

In the application is for land within metropolitan Melbourne (as defined in section 9 of the Planning and Environment Act 1987) and the estimated cost of the development exceeds \$1 million (adjusted annually by CPI) the Metropolitan Planning Levy must be paid to the State Revenue Office and a current law certificate must be submitted with the application. Visit [www.sro.vic.gov.au](http://www.sro.vic.gov.au) for information.

## Existing Conditions **i**

Describe how the land is used and developed now \*

For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

Vacant building at present has been operating lawfully as a mechanics for over 15 yrs. Recently as a secondhand shop/dealer.

Provide a plan of the existing conditions. Photos are also helpful.

## Title Information **i**

Encumbrances on title \*

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

- Yes (If yes, contact Council for advice on how to proceed before continuing with this application.)
- No
- Not applicable (no such encumbrance applies)

Provide a full, current copy of the title for each individual parcel of land forming the subject site. The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', for example, restrictive covenants.

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# Applicant and Owner Details **1**

Provide details of the applicant and the owner of the land.

## Applicant \*

The person who wants the permit.

Please provide at least one contact phone number \*

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

## Owner \*

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

Name:  Same as applicant

Title: **Ms** First Name: **ANNE** Surname: **BADHAM**

Organisation (if applicable):

Postal Address:  Individual PO Box (enter the details here)

Unit No.: St. No.: **19** St. Name: **SCOLLER ST**

Suburb/Locality: **BIRREGURRA** State: **Vic** Postcode: **3242**

Contact information for applicant OR contact person below

Business phone: Email: **anne.1962@live.com.au**

Mobile phone: **0418355494** Fax:

Contact person details  Same as applicant

Name:  Same as applicant

Title: First Name: Surname:

Organisation (if applicable):

Postal Address:  Individual PO Box (enter the details here)

Unit No.: St. No.: St. Name:

Suburb/Locality: State: Postcode:

Name:  Same as applicant

Title: **MR** First Name: **JOSH** Surname: **McGoldrick**

Organisation (if applicable):

Postal Address:  Individual PO Box (enter the details here)

Unit No.: St. No.: St. Name:

Suburb/Locality: State: Postcode:

Owner's Signature (Optional): Date: **10-10-19**  
day/month/year

## Information requirements

Contact Council's planning department to discuss the specific requirements for his application and obtain a planning permit checklist.

Is the required information provided?

Yes  No

## Declaration **1**

This form must be signed by the applicant \*

Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

I declare that I am the applicant and that all the information in this application is true and correct, and the owner (if not myself) has been notified of the permit application.

Signature: **A. Badham** Date: **10-10-19**  
day/month/year

## The Proposal

**⚠** You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application.

**i** For what use, development or other matter do you require a permit? \*

Open a cafe.  
Using the site as is.  
All utilities will be portable.  
See attached floor plan.  
We will a reduction of car parks from 4 to 3.

Provide additional information about the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

Cost \$

**⚠** You may be required to verify this estimate. Insert '0' if no development is proposed.

If the application is for land within metropolitan Melbourne (as defined in section 3 of the *Planning and Environment Act 1987*) and the estimated cost of the development exceeds \$1 million (adjusted annually by CPI) the Metropolitan Planning Levy must be paid to the State Revenue Office and a current levy certificate must be submitted with the application. Visit [www.sro.vic.gov.au](http://www.sro.vic.gov.au) for information.

**i** Estimated cost of any development for which the permit is required \*

## Existing Conditions **i**

Describe how the land is used and developed now \*

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- Not applicable (no such encumbrance applies).

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**REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958** Page 1 of 1

VOLUME 09626 FOLIO 470

Security no : 124080275911D  
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**LAND DESCRIPTION**

Crown Allotment 7 Section B Township of Birregurra Parish of Birregurra.  
PARENT TITLE Volume 00043 Folio 570  
Created by instrument L675168L 20/05/1985

**REGISTERED PROPRIETOR**

Estate Fee Simple  
Joint Proprietors  
JOSHUA MARCUS MCGOLDRICK  
SUZANNE CLAIRE HOWARD both of 40 WEMBLEY AVENUE YARRAVILLE VIC 3013  
AL668019J 09/02/2015

**ENCUMBRANCES, CAVEATS AND NOTICES**

MORTGAGE AL668020A 09/02/2015  
AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD

For details of any other encumbrances see the plan or imaged folio set out under DIAGRAM LOCATION below.

**DIAGRAM LOCATION**

SEE TP579469A FOR FURTHER DETAILS AND BOUNDARIES

**ACTIVITY IN THE LAST 125 DAYS**

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 8 MAIN STREET BIRREGURRA VIC 3242

**ADMINISTRATIVE NOTICES**

NIL

eCT Control 16165A ANZ RETAIL AND SMALL BUSINESS  
Effective from 22/10/2016

DOCUMENT END



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Number of Pages (excluding this cover sheet)	<b>1</b>
Document Assembled	<b>17/11/2019 21:05</b>

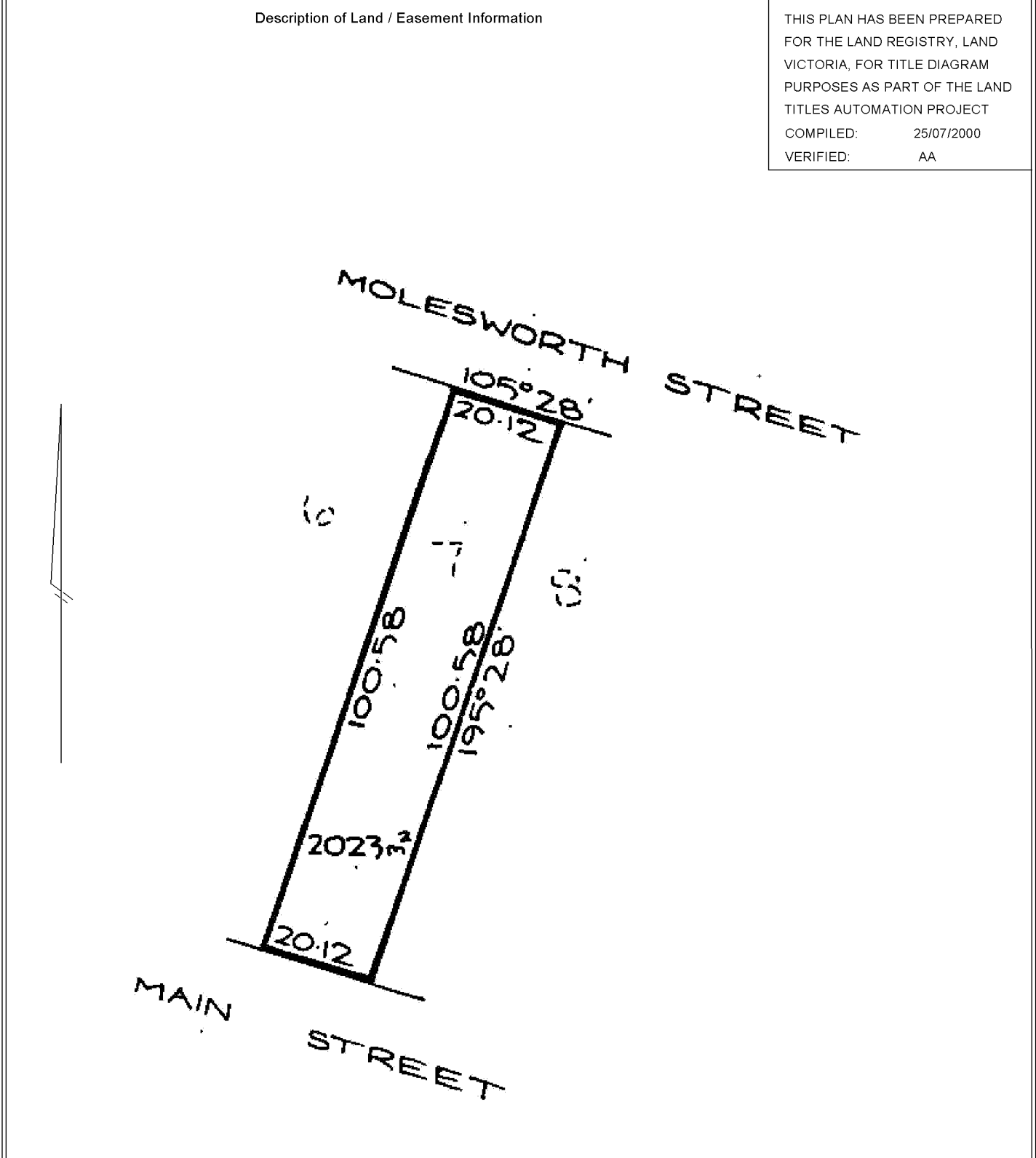
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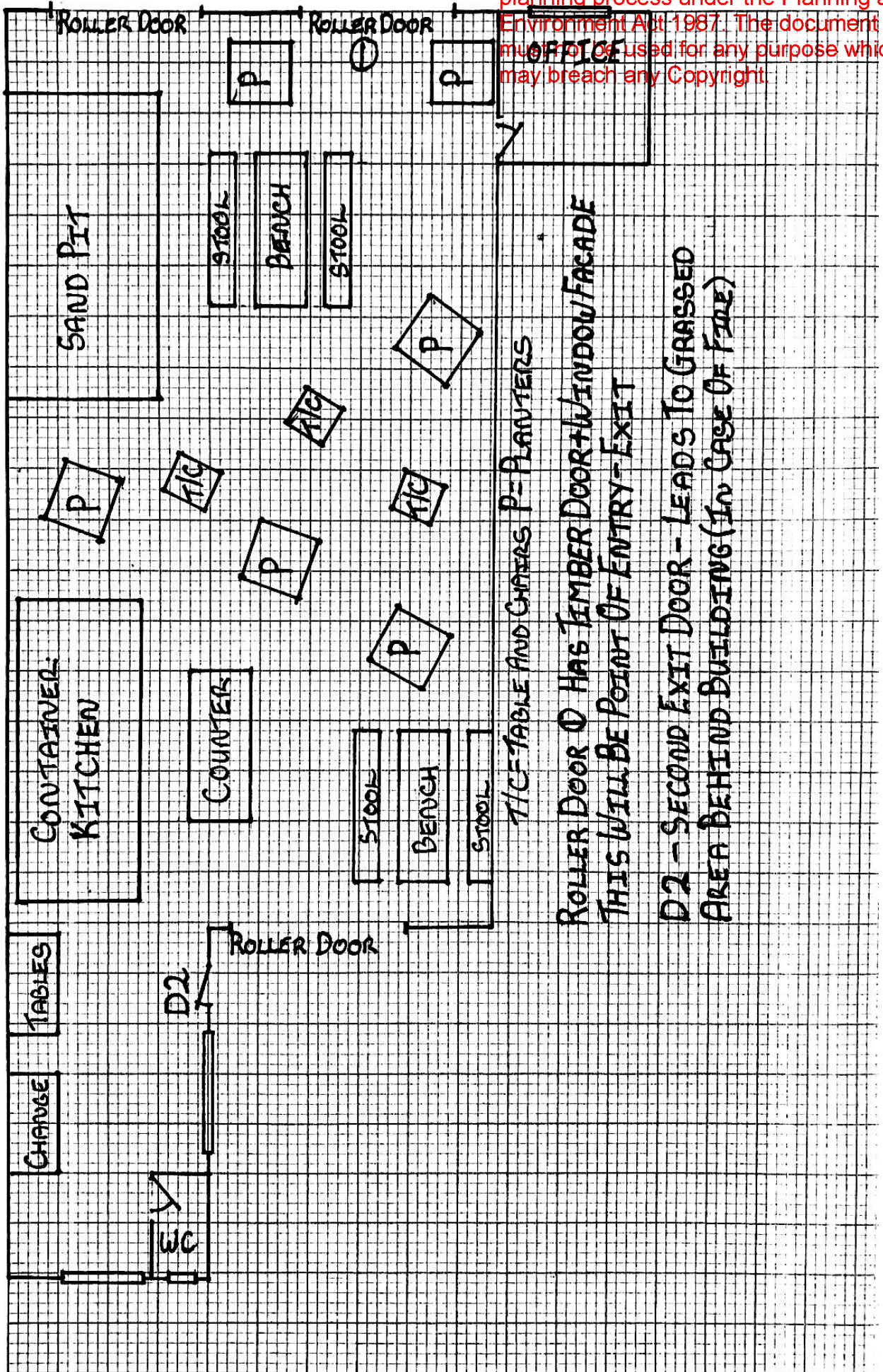
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TITLE PLAN		EDITION 1	TP 579469A
Location of Land Parish: BIRREGURRA Township: BIRREGURRA Section: B Crown Allotment: 7 Crown Portion:		ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN	
Last Plan Reference: Derived From: VOL 9626 FOL 470 Depth Limitation: NIL			







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## **BUSINESS PLAN**

**BIRREGURRA**

**8 Main Street,  
Birregurra, VIC, 3242**

**15 September 2019**

## **Executive Summary**

### **The Ownership**

The Company will be structured as a partnership

### **The Management**

Anne and Nicole will be sharing the roles within the business. Nicole will handle the bookkeeping aspects of the business

### **The Goals and Objectives**

To create a niche market of Grazing platters and light meals  
To provide a child / family friendly cafe venue in Birregurra  
Obtain a Liquor Licence

### **The Product**

Fresh homemade grazing platters  
Fresh made light meals  
Hot and cold beverages  
Alcoholic Beverages  
Homemade cakes and slices

### **Operating Hours**

0800 – 1700 Wednesday to Monday  
Closed Tuesday

(extended trading hours on a Friday and Saturday night over the Summer period)

Operating hours subject to change due to customer demand and seasons

**Target Market**

<b>Weekday</b>	<b>Time of Day</b>	<b>Demographic</b>	<b>Consumer Needs</b>
light breakfast, brunch, Morning coffee/ Morning Tea, School Lunches, Customers on their way to work	0800 - 1100	Parents Elderly tourists	Child friendly Relaxed Environment Quick coffee takeaway
Lunch Trade	1100- 1400	Trades Local Businesses Parents Elderly tourists	Quality lunch options Prompt service
Afternoon tea/ coffee Trades on way home After school trade	1400-1700	Trades Parents School Kids Elderly Tourists	Quick light snack Child Friendly
<b>Weekend</b>	<b>Time of Day</b>	<b>Demographic</b>	<b>Consumer Needs</b>
Weekend Breakfast Brunch	0800 – 1100	All Ages	Atmosphere Quality Breakfast Food
Lunch / Snack / Coffee and Cake	1100 – 1700	All Ages	Quality fresh light meals and snacks

**Pricing Strategy**

To provide affordable fresh healthy food

**The Competitors**

- Birregurra General Store
- Otway Gluten Free Bakery
- Enchanted Tastes Cafe

## **Business Plan – Birregurra**

### **The Company**

#### **Business Sector**

The owners would like to start a business in the food service sector

#### **Company Goals and Objectives**

To create a niche market of homemade fresh and healthy light meals and grazing platters

To provide a child friendly cafe venue in Birregurra

Obtain a Liquor Licence

#### **Company Ownership Structure**

The company will be structured as a partnership

#### **Ownership Background**

##### **Nicole Milne (Partner)**

Certificate III in Small Business Management

Certificate III in Retail Operations

Nicole has an employment history in office and practice management over the past 16 years. Nicole has gained experience over many different industries including retail/ hospitality industry, property management, building industry and the health sector.

##### **Anne Badham (Partner)**

Anne has experience running her own small businesses

Managing a school canteen.

Experience developing and managing a successful dental practice.

Currently works in the health sector.

#### **Company Management structure**

Anne and Nicole will be sharing the roles within the business. Nicole will handle the bookkeeping aspects of the business

#### **Organisational Timeline**

To be open for business early 2020

#### **The Product**

Fresh homemade platters - seasonal food provided

Fresh made light meals

Hot and cold beverages  
Light Alcoholic Beverages  
Homemade cakes and slices

## **Marketing Plan**

### **The Target Market**

Family's looking for a child friendly venue to be able to get together for a light meal.  
Providing a safe environment for children to play off the street whilst parents relax.

### **Location Analysis**

The location has a large open plan area inside and outdoor area.

### **Pricing**

Family affordable healthy snacks

### **Advertising**

Advertising on social media  
Local Publications- Birregurra Mail, School/ Kindergarten Newsletter  
Signage  
Word of Mouth  
Local radio

### **The Competitors**

Birregurra General Store  
Otway Gluten Free Bakery  
Enchanted Tastes Cafe

### **Operations**

#### **Staffing**

Initially staffing would consist of Anne and Nicole as sole staff. Additional staff will be hired once the business can support additional staff and the need arises

**From:** [Josh McGoldrick](#)  
**To:** [anne.badham](#)  
**Subject:** 8 Main St Birregurra  
**Date:** Sunday, 6 October 2019 9:00:47 PM  
**Attachments:** [McGoldrick UPS Decommission Report.pdf](#)

---

Hi Anne,

To provide to council.

Please find attached decommission report for the petrol tanks.

These were removed, prior to settlement, by Len Bowan operator of the mechanics business workshop at 8 Main St.

The vintage of the bowser was certainly 1950's / 1960's when we purchased. Len was still operating a business when we purchased and had been doing so since he and his wife purchased the building (council can check rates) but was greater than 15 years. He took over the business when he purchased.

Since settlement, Bethune Colac Pty Ltd operating as Birregurra Automotive and subsequently Birregurra Emporium leased the building off us for 4 years + to run a business.

So in terms of continually operating a business I am confident it has been doing so for 15 plus years.

In addition, the council rates the workshop separately from then house and classifies it as Commercial/Industrial use and charges accordingly. I have had numerous conversations with council and the advice I have is that you can operate a business without a permit, however will need to apply for permits to operate certain businesses - food being one.

Barwon water can confirm the sewer is connected however our rates charge for sewerage.

I hope this helps.

Kind regards,  
Josh McGoldrick

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**2020  
ENGINEERING  
SOLUTIONS**

2020Engineering Solutions  
1745 Colac - Forrest Rd  
Colac, Vic. 3249  
Ph 0428 141441 Fx (03)5233 4608  
ABN 57 215 499 312ACN 11 9460 865  
www.2020es.com

## UPS DECOMMISSION REPORT

**SITE:** 8 MAIN ST.  
BIRREGURRA, VICTORIA

**DEVELOPER;** L & J BOWEN

**REPORT NUMBER;** ES14185

**DATE;** 27 OCT. 2014

**REPORTING TO;** AUSTRALIAN STANDARD 4976:2008  
THE REMOVAL AND DISPOSAL OF  
UNDERGROUND PETROLEUM STORAGE TANKS

*Received  
10/10/2019*



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Executive Summary

The project involved the decommission of two 5,300 l underground petroleum storage tanks, this was completed to AS4976-2008 *The Removal and Disposal of Underground Petroleum Storage Tanks*, Section 4 and Section 7.



Received  
10/10/2019

1. Background

A number of properties in older, established townships contain underground tanks previously used to store petroleum products.

Removing from use these tanks presents a problem for the owners and the broader community. Standards Australia has developed a set of requirements and procedures to safely rehabilitate the land containing tanks, this standard is known as AS4976-2008 *The Removal and Disposal of Underground Petroleum Storage Tanks*.

Other documents controlling this project include hazard and risk analysis associated with toxic and explosive atmospheres.

This report has been commissioned to report to AS4976-2008 with respect to the subject land and infrastructure.

1.1 Developer

L. & J. Bowen

1.2 Project Description

The Project is the abandonment of two 5,300l tanks in situ. The preferred course of action is the removal and off-site disposal of the tanks. This project departs from the preferred option because of the potential for major structural damage due to the undermining of footings by tank excavations.

1.3 Owner of Project

L. & J. Bowen

1.4 Regulatory Authorities

Colac Otway Shire

1.5 Consultant Company

2020 Engineering Solutions  
1745 Colac Forrest Rd  
Colac 3249  
ACN 11 9460 865

Sub-Contractor/s;

Colac Mini Mix  
Richardsons Liquid Waste

1.5.1 Personnel

Mr. Michael Delahunty BEng(Mining) MEAust

1.5.2 Equipment

Kobelco 007 Excavator  
IXT Multi-Gas Monitor,  
Water pump  
Various hand and power tools

1.6 Test Procedures

1.6.1 Desktop

Review standard  
Review hazard analysis and safe work methods

1.6.2 Site

Identify, locate services.  
Identify tank site and breather/filler tubes  
Check status of tank

Excavate to expose top of tank  
Fill tank with water as per Appendix B3.3 AS4976:2008  
Direct analysis of site atmosphere  
Cold cutting methods to remove vent pipe/filler tubes  
Cold cutting method to breach/s tank  
Remove and dispose of water  
Direct delivery of cement sand sully into tank via breach/s.  
Over fill and vibrate sully material to ensure minimum void  
Remove service pipes  
Cold cut remaining pipes  
Plug remaining pipes with concrete mix  
Cover tank openings with premix concrete  
Establish tank location with respect to temporary height benchmarks and surrounding infrastructure  
Backfill excavation  
Track roll fill material  
Level site

1.7 Test Methods

Direct analysis of tank site atmosphere by exposure of meter to released gasses

2.0 Site

Large urban block with existing masonry walls close to tank location/s

2.1 Address

8 Main Street  
Birregurra, Victoria.

2.2 Tank Locality Plan

See Section 6.2 for description.

2.3 Plan of Survey

Not applicable, however the site has a very slight northern aspect.

2.4 Site Owner

L. & J Bowen

2.5 Title Details of Site

LGA Number 314  
TP579469

2.6 Site Access

Site access is directly from the sealed Main Road.

2.7 Underground Services

Power to redundant bowsers

2.8 Pre-existing and Referenced Documents

AS4360-2005  
AS4976-2008  
AS1726:1993  
2020ES JSA 01.20.10.14  
[www.dse.vic.gov.au](http://www.dse.vic.gov.au)



### 2.9 Adjoining Property/s

Adjoining properties are not anticipated to be impacted on or by works associated with the subject land.

### 2.10 Underground and Adjoining Assets

No underground services noted, however the adjoining dwelling presents as a substantial risk of structural damage if tanks excavated as footings would be close to tank excavation.

## 3. Site Parameters

### 3.1 Layout of Development

The location of the tanks is indicated in Attachment One.

### 3.2 Budget

N/A

### 3.3 Level and Orientation of Principal Structural Units

Geological maps of the area indicate the site is located in a region of quaternary sediment at shallow angle/s. There are no anticipated geotechnical issues associated with the project.

### 3.4 Footing Loads

N/A.

### 3.5 Sensitivity to differential movement

Developers should be aware the fill material over the decommissioned tanks would be classified as 'rolled fill' and may be subject to settlement, however the tanks are extremely unlikely to move.

## 4. Objective of Project

The objective of the project is to render safe and stable the underground petroleum storage tanks.

### 4.1 Scope

The scope of the Project is limited to tanks and associated infrastructure located within the subject land.

Compliance to relevant Section 4 and Section 7 of AS4976:2008.

## 5.0 Report

Following an on site inspection which identified approximate locations and dimensions of two underground petroleum storage tanks, recommendations indicated in-situ disposal was the preferred option.

### 5.1 Decommission Process

Site Condition and Process photos by author.





Establish Safe Working Zone.

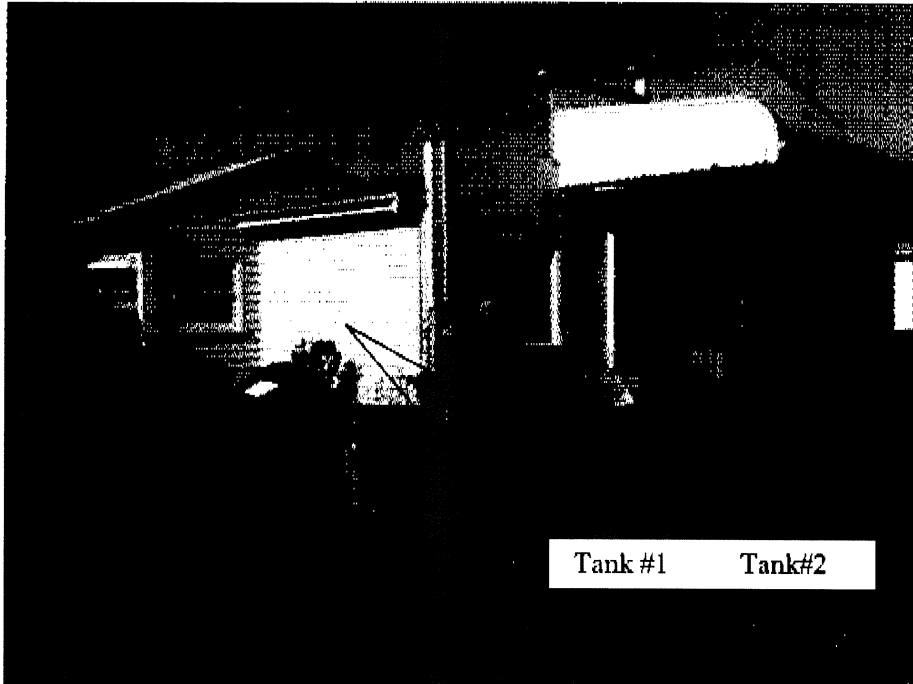


Fig 1 Signs and Barricades for Tank #1 as per AS4976-2008. (Source; Author).

Note; Process identical for each tank, condition photos may show either tank.  
Exposure of tank top.



Fig 2. Exposure of tank top and fittings



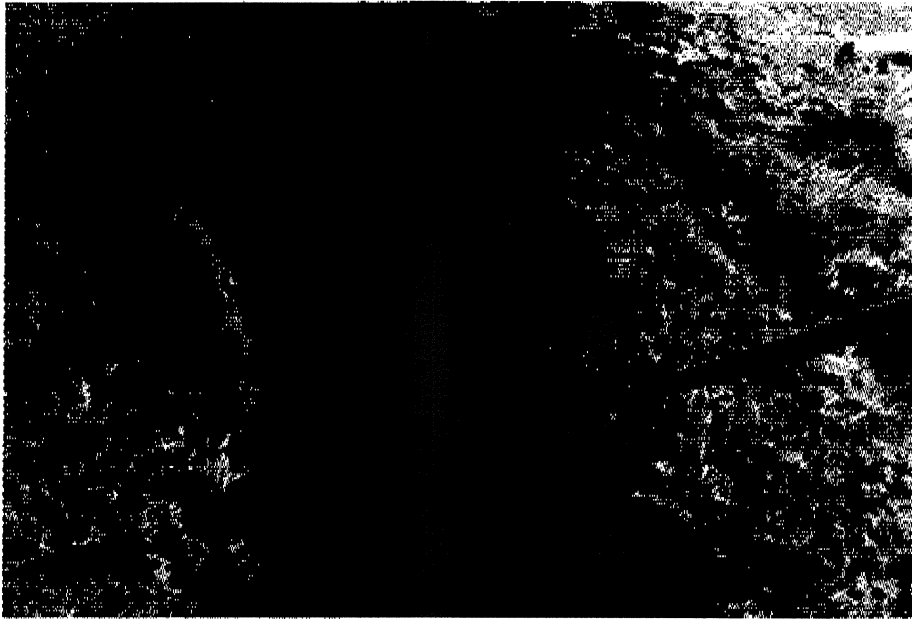


Fig. 3. Fittings exposed, Tank #2.

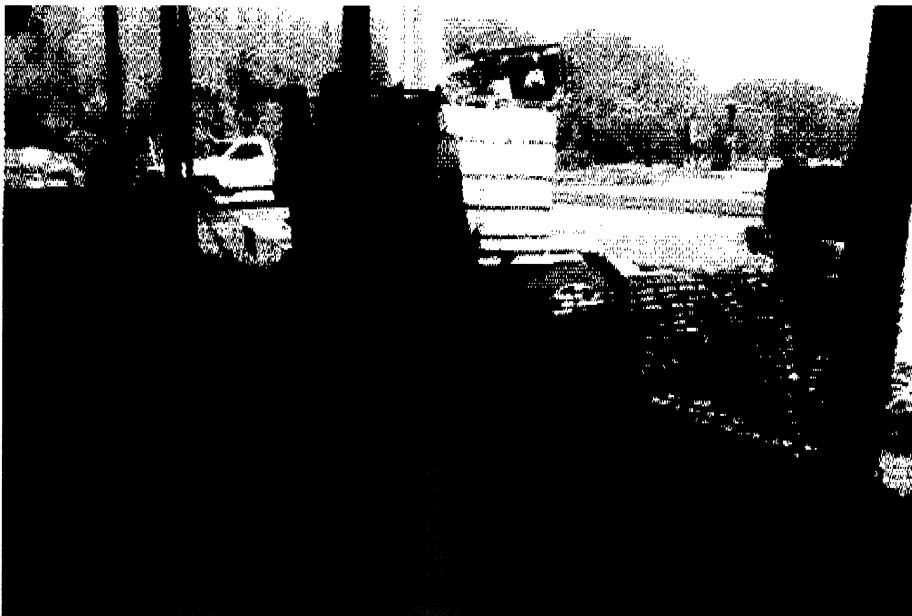


Fig 4. Filling Tank#2 with water

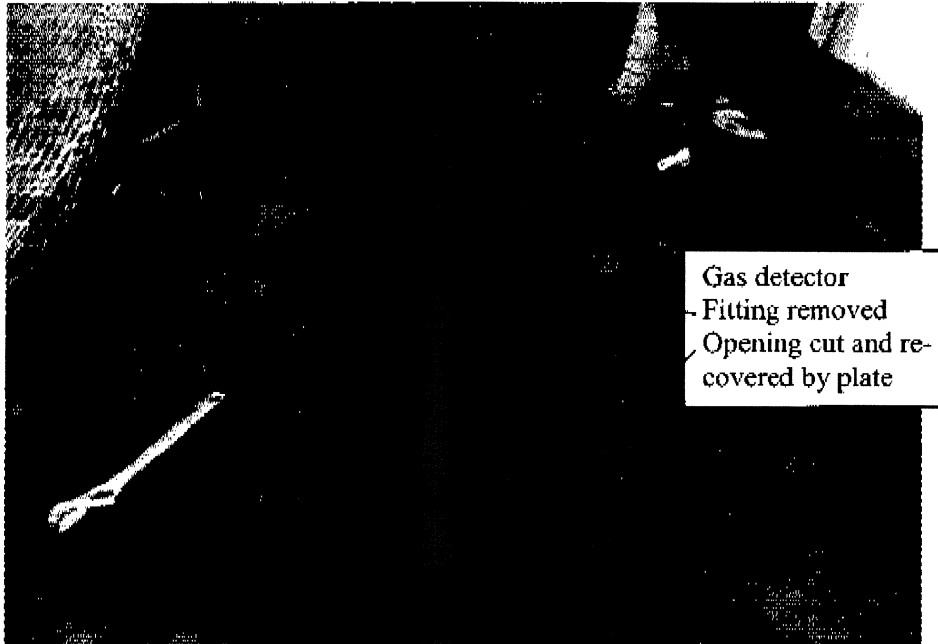


Fig. 5 Tank #2 with some fittings removed and first opening cut. Note gas detector. Once cutting was complete on tank #2 the contained water was pumped into tank #1 and the process fitting removal and opening cutting repeated.

Following the cutting procedure on tank #1 the now contaminated water was removed for safe and legal disposal.

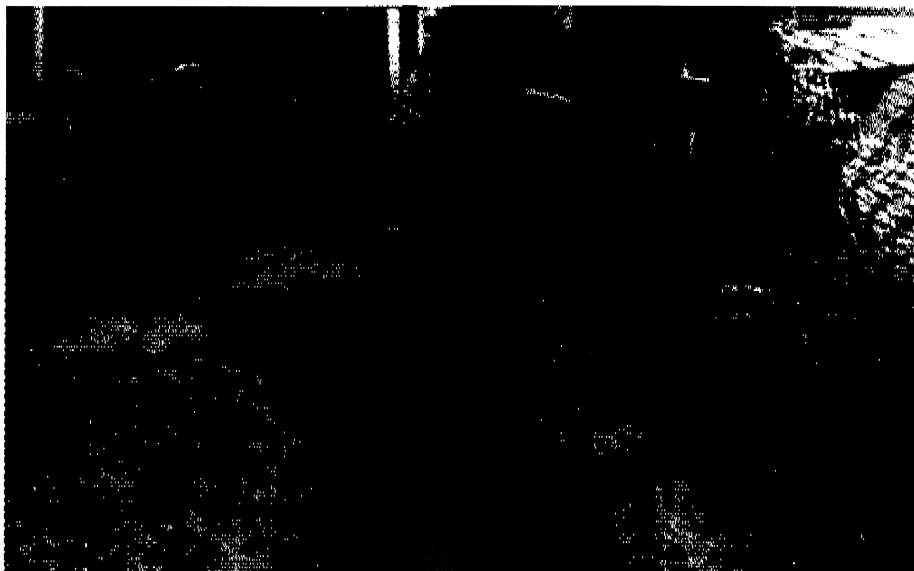


Figure 6. Concrete slurry pored into tank via opening. Note concrete vibrated to ensure complete filling of tank.



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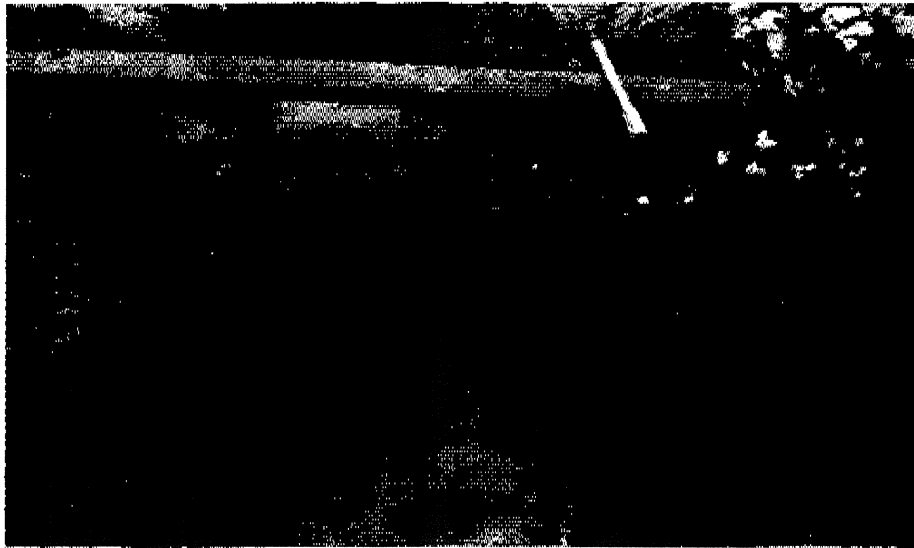


Fig. 7 Overfilled tank, prior to backfilling with site derived soil.



Fig. 8 Rehabilitation complete, Tank #2.



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**6.0 Conclusion.**

The disposal process was completed without incident. No near misses were noted. The procedure delivered two 5,300l tanks filled with sand/cement slurry, removed or plugged service pipes and levelled site.

**6.1 AS4976:2008 Statement.**

This is to certify that the works described herein substantially complied with the relevant sections of AS4976:2008.

**6.2 Tank Location Record**

Tank #1 western end is located 4.9m from the western property boundary and the centre line is 1.50m from the wall of the existing structure.  
GPS S038° 20.301' E143° 47.404' Elv ~97m.

TBM: Top of sewer lid on opposite side of Main Road at 10.000m  
Top of tank, 9.536m Top of non-return valve, 9.546m.  
Tank #2 eastern end is located 3.6m from the eastern property boundary and the centre line is 1.90m from the wall of the existing structure.  
GPS S038° 20.301' E143° 47.405' Elv ~97m.

TBM: Top of sewer lid on opposite side of Main Road at 10.000m  
Top of tank, 9.386m Top of non-return valve, 9.486m.

Note: The process removed all fittings, pipework etc from above non-return valve height.

**7.0 Report Limitations**

Should the final proposal differ substantially from the assessed proposal, the testing and resultant recommendations, may not be valid. This report also assumes the 'as tested' conditions are consistent across the site. If this is not the case, the client would be advised to contact the author, should encountered conditions vary from those reported.  
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**8.0 Professional Compliance Statement**

The author has valid professional indemnity insurance at the time of inspection and reporting. As part of a commitment to on-going professional development the author is undertaking the process of accreditation and attainment of chartered status.

Michael Delahunty  
BEng MIEAust



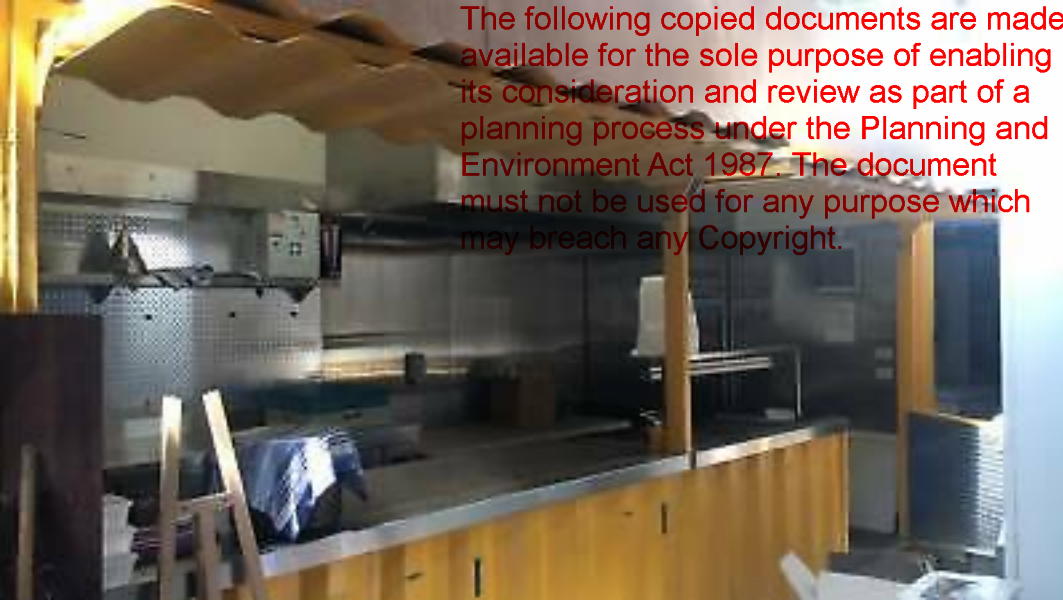
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# BIRREGURRA EMPORIUM

ANTIQUES

RETRO

VINTAGE

BIRREGURRA  
EMPORIUM  
ANTIQUES  
BRIC-A-BRAC  
VINTAGE  
RETRO  
COLLECTABLES

APPOINTMENT

# BEAVANS @ BIRRI



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**From:** [anne.badham](#)  
**To:** [Ravi Ayyagari](#)  
**Subject:** Re: SAVED IN CM: 8 Main Street Birregurra  
**Date:** Tuesday, 19 November 2019 11:26:52 AM

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Hi Ravi,

The outdoor area will not have seating only standing area.

The background of the sign will be white.

The lettering on the parapet will be 700mm high and length will be proportionate to the template sent through.

The lettering on the aluminium sign will be 300mm high.

All signage will be the same as the previous business.

Regards

Anne

Sent from my iPhone



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Fig 1. Site plan - proposed lease in green

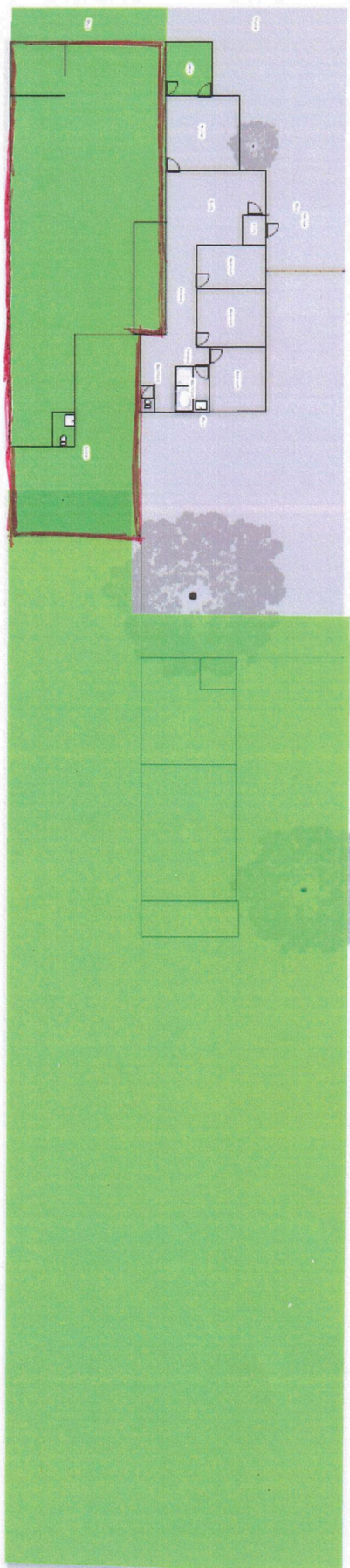


Fig 2. Plan view showing dimensions of workshop (approx.)

