



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 65-89
To adopt Amendment Number 159
to the Official Plan of the City
of Brampton Planning Area

The council of The Corporation of the City of Brampton, in accordance with the provisions of the Planning Act, 1983, hereby ENACTS as follows:

1. Amendment Number 159 to the Official Plan of the City of Brampton Planning Area is hereby adopted and made part of this by-law.
2. The Clerk is hereby authorized and directed to make application to the Minister of Municipal Affairs for approval of Amendment Number 159 to the Official Plan of the City of Brampton Planning Area.

READ a FIRST, SECOND and THIRD TIME, and PASSED, in OPEN COUNCIL,

this 13th day of March, 1989.

APPROVED
AS TO FORM
LAW DEPT.
BRAMPTON

[Signature]

DATE

[Signature of Peter Robertson]

~~KENNETH G. WILLIAMS~~
PETER ROBERTSON, ACTING MAYOR

[Signature of Leonard J. Mikulich]

LEONARD J. MIKULICH - CLERK

ORIGINAL

By Aw 65-89

AMENDMENT NUMBER 159
TO THE OFFICIAL PLAN OF THE
CITY OF BRAMPTON PLANNING AREA

21-0P 0031-159-1

AMENDMENT NO. 159
TO THE
OFFICIAL PLAN FOR THE
CITY OF BRAMPTON

**This Amendment No. 159 to the Official Plan for the City of
Bampton which was adopted by the Council of the Corporation
of the City of Brampton is hereby approved under Sections 17
and 21 of the Planning Act, 1983.**

Date: 1990-10-22

Diana Jardine

Diana L. Jardine, M.C.I.P.
Director
Plans Administration Branch
Central and Southwest
Ministry of Municipal Affairs



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READ a FIRST, SECOND and THIRD TIME, and PASSED, in OPEN COUNCIL,

this 13th day of March, 1989.

AM

~~XXXXXXXXXXXXXXXXXXXXXXX~~
PETER ROBERTSON, ACTING MAYOR

LEONARD J. MIKULICH - CLERK

CERTIFIED A TRUE COPY

ACTING City Clerk
City of Brampton
MARCH 16 1989

19 89

AMENDMENT NUMBER 159
TO THE OFFICIAL PLAN OF THE
CITY OF BRAMPTON PLANNING AREA

1.0 Purpose

The purposes of this amendment is to permit the lands shown outlined on Schedule A to this amendment to be used for specific Highway Commercial purposes and to provide appropriate development policies for the specific Highway Commercial use.

2.0 Location

The lands subject to this amendment are located on the southwest corner of the intersection of Highway Number 7 and Mississauga Road, being part of Lot 10, Concession 5, W.H.S., in the geographic Township of Chinguacousy, in the City of Brampton.

3.0 Amendment and Policies Relative Thereto

3.1 Amendment Number 159:

The document known as the Official Plan of the City of Brampton Planning Area is hereby amended:

- (1) by changing, on Schedule A thereto, the land use designation of the lands shown outlined on Schedule A to this amendment, from AGRICULTURAL to COMMERCIAL (NUMBER 40);
- (2) by identifying, on Schedule F thereto, the lands shown outlined on Schedule A to this amendment as SITE SPECIFIC DESIGNATION with the number 40.
- (3) by adding to PART II, CHAPTER 2, Section 2.2 thereto, the following:

"2.2.25 SITE 40 (Part of Lot 10, Concession 5, W.H.S., geographic Township of Chinguacousy).

2.2.25.1 Definition

The property designated "Commercial" and identified by the number 40 on Schedules A and F shall only be used for gas bar and convenience store purposes."

4/89/icl

HWY. NO. 7

of original road allowance

74.0m

79.0m

MISSISSAUGA ROAD

of original road allowance

LOT 10
CON. 5 W.H.S. CHING.

LANDS SUBJECT TO THIS AMENDMENT

OFFICIAL PLAN AMENDMENT NO. 159



CITY OF BRAMPTON
Planning and Development

Schedule A

1:760

Date: 89 03 09 Drawn by: KMH
File no. C5W10.2 Map no. 38-10D

BACKGROUND MATERIAL TO
AMENDMENT NUMBER 159

Attached are copies of planning reports, dated December 3, 1987,
a copy of a report dated March 4, 1988, forwarding the notes of a
Public Meeting held on Wednesday, March 2, 1988, after
notification in the local newspapers and the mailing of notices
to assessed owners of properties within 120 metres of the subject
lands and a copy of all written submissions received.

Ministry of Transportation of Ontario

April 13, 1987

March 10, 1988

Ministry of Agriculture and Foodland
Preservation

April 30, 1987

4/89/icl

INTER-OFFICE MEMORANDUM

Office of the Commissioner of Planning & Development

December 3, 1987

TO: The Chairman of the Development Team
FROM: Planning and Development Department
RE: Application to Amend the Official Plan
and Zoning By-law
Part of Lot 10, Concession 5, W.H.S.
(Chinguacousy Township
Ward Number 6
CALLDRON GAS BARS LIMITED
Our File Number: C5W10.5

1.0 Introduction

A proposal has been submitted to the Clerk's Department to amend the Official Plan and zoning by-law to permit the development of a gas bar facility by redesignating land as Highway Commercial.

2.0 Property Description

The subject lands are located at the southwest corner of the intersection of Highway Number 7 and Mississauga Road. The site is approximately 0.405 hectares (1 acre) in area with a distance of 64.1 metres (210.3 feet) along Highway Number 7 and 63.614 metres (208.7 feet) along the west side of Mississauga Road.

On the site are a 2 1/2 storey brick dwelling, a wood shed, about 5 large spruce trees along the east side between Mississauga Road and the house and several smaller spruce trees between the house and Highway Number 7. Access to the site is from driveways both on Highway Number 7 and on Mississauga Road.

The site, being part of a larger 100 acre parcel which is actively farmed, abuts land to the west and south that is actively used for agricultural purposes. Immediately to the south is a small pond. Across Highway Number 7 to the north is the "Apple Factory Inc.", a retail outlet that sells baked goods, groceries and fruits and vegetables. Across Mississauga Road to the east is a farm property in active use, and similarly on the northeast corner of the intersection is another farm in active use.

Mississauga Road, a Regional road, is designated a major arterial road and Highway Number 7 is a Provincial Highway, both are 2 lanes.

The intersection is signalized with exclusive left turning lanes in all directions and exclusive right turn lanes for both the east and west bound traffic on Highway Number 7.

3.0 Official Plan and Zoning Status

The subject property is designated Agricultural on the General Land Use Designations, Schedule "A" of the Official Plan of the City of Brampton. By-law 861, as amended, designates the subject property as Agricultural Class 1 (A1).

4.0 Proposal

The applicant proposes to install a 6 pump gas bar on the site. There will be four self-serve and two full-serve pumps plus a prefabricated kiosk with self-serve consol. The kiosk with a gross floor area not to exceed 65 square metres (700 square feet), is not intended to be used for retail convenience sales.

5.0 Comments from Other Agencies and Departments

Public Works and Building Department

Development and Engineering Services Division has advised the following:

1. A grading and drainage plan showing existing and proposed elevations to ensure that drainage on abutting properties is not affected, and
2. Ministry of Transportation and Communications, Region of Peel to provide driveway locations and details as per our Traffic Department requirements.

Traffic Engineering Services Division has no comments because the roads are not within municipal jurisdiction.

Community Services Department - Parks and Recreation, Transit Department, Fire Department, Zoning and By-law Enforcement Division, and Planning Policy and Research Division have no comments.

Planning and Development Department - Community Design Section wish to reserve their comments pending the information received from the Ministry of Transportation and Communications and Region with regard to road widenings and access.

Region of Peel - Public Works Department advised the following:

1. Sanitary sewers and water services are not available;
2. A 7.26 metre widening is required on Mississauga Road;
3. Reinstatement of the 15 metres by 15 metres daylighting triangle is required at the southwest intersection, and

4. Funds shall be provided for the construction of a centre median and any associated works to restrict the access points on Mississauga Road to right-turns-in and right-turns-out only.

The Regional Public Health Department indicate that although they have no objection in principle to a gas bar at this location being serviced by private sewage disposal and private water supply, a much larger area is required for the septic system leaching bed. The specifics of the location and design should be dealt with when the site plan is reviewed.

Ministry of Transportation and Communications advised that the entrance design to Highway Number 7 as proposed is not recommended. Once the site plan is revised and meets the commercial entrance standards of the Ministry, permits for the building/land use entrance and sign may be obtained.

Ministry of Agriculture and Food - Foodlands Preservation Branch, indicate that the agricultural capability of the subject property is rated 60 percent Class 1 and 40 percent Class 2 with a topography limitation, by the Canada Land Inventory Mapping System. The subject property and the surrounding lands are predominantly agricultural in nature. The proposed amendments would introduce a non-farm related use into a strong agricultural area. Therefore the Ministry is unable to support the proposed amendments.

6.0 Discussion

The subject property is located in the midst of intensive agricultural uses, an area formally designated Agricultural in the Official Plan, General Land Use Designations, Schedule "A". The use proposed, Highway Commercial, has not been justified and does not appear appropriate for the area. The evaluation of this application requiring amendments to both the Official Plan and zoning by-law, shall be based on both the City's Official Plan and Foodland Guidelines of the Ontario Government.

6.1 Official Plan Considerations

The manner of detailing the Official Plan, with its objectives, policies and land use designations, is done through secondary plans where the land use, transportation and servicing policy plans for the sub-areas of the City of Brampton area described.

Secondary plans will conform to and be designed to implement the objectives, policies and land use designations of the Official Plan. Without a secondary plan indicating how the infrastructure and land use designations will interact, the proposal should be considered premature.

The applicant has not provided reasons why the proposal should be approved. Normally a market analysis or a traffic study to show the advantage of the location, and why they are proposing a gas bar would be produced.

The Official Plan indicates that when reviewing the location of gasoline stations, the type of trade area should be considered. A greater level of service would be provided if the gasoline station were oriented to a neighbourhood such as in a settlement area. Because of its isolation, located about 3 kilometres from Norval and Huttonville, and 5.7 kilometres from the intersection of Highways Number 7 and 10, the station does little to serve the residents of these settlements and the City of Brampton.

Secondly, permitting the proposed gas station will only further add to the pressure to create a (highway) commercial node at this corner, whereas more commercial development should be located in a designated settlement area not amongst intensive agricultural uses.

In addition, a gas bar with the potential audio, visual and air pollution in this location may impact the abutting agricultural uses. The Official Plan has identified that areas having long term resource capability for agriculture should encourage the retention and expansion of agricultural uses, uses compatible with agriculture, uses directly related to agriculture and uses necessary in close proximity to agriculture. A gas bar does not complement the agricultural area, nor is it compatible, and it is not necessary in this specific location.

Another criterion of the Official Plan relates to effects on traffic circulation and the effects on traffic movement on adjacent streets. The Region of Peel, Public Works have requested that access from Mississauga Road be restricted with a centre median, to limit turns to right-in and right-out only.

The predominant trade will come from motorists on Highway Number 7 requiring left and right turns from the highway. Traffic volumes indicate this is a busy intersection and circulation problems may arise because of the disruption to traffic flow on Highway Number 7 by vehicles turning into the flow of traffic.

Preservation of agricultural landscape is also an objective of the Official Plan. The location of the proposed gas bar is situated in the agricultural area rated 60 percent Class 1 and 40 percent Class 2 by the Canada Land Inventory Mapping System. This inventory is supported by the Official Plan in preserving good agricultural lands having Class 1 to Class 4 soil capability for agricultural.

The preceding analysis of the proposed use is the basis for staff's conclusion that the subject application conflicts with the Official Plan and should be refused.

6.2 Foodland Guidelines

The Foodland Guidelines, a policy statement of the Ontario Government, indicate that agricultural uses must be given priority in evaluating alternative uses. The Guidelines indicate that the need for alternative uses must be documented and that need must be justified based on four basic issues; 1) the necessity for the land use; 2) the amount of land need; 3) the reasons for the choice of location, and 4) consideration of alternative locations on lower capability agricultural land.

The proposed Policy Statement on Foodland Preservation released February 4, 1985 in which the Province's responsibilities for protecting the overall public interest are outlined, is more stringent than the Foodland Guidelines. For prime agricultural lands as designated on the land use schedule of the Official Plan, the proposed Policy Statement states the lands "be contiguous and uninterrupted by non-agricultural designations." The land uses which are compatible with agriculture are:

- " - those directly relating to agriculture,
- unrelated uses which do not preclude or restrict farming, and
- woodlots and wild life areas.

Incompatible land uses are:

- rural residential uses,
- conventional residential development,
- institutional or public uses which do not serve the local community, and

- industrial or commercial uses not directly related to agriculture."

More importantly, the general policies for non-agricultural development on prime agricultural land indicate:

- "- farming will be given priority,
- non-agricultural development will be directed to other designations, and
- the need for non-agricultural development must be justified and the justification documented."

In response to the proposed Policy Statement, the application does not meet the proposed criteria, specifically regarding the intrusion of a non-agricultural use into an intensive agricultural area; the infringement on the identified priority of farming, and the general inappropriateness of the proposal in this location.

With respect to the Foodland Guidelines the four basic issues of need, quantity, reasons and alternatives should be examined. The necessity for the proposed gas bar can be analysed by examining the inventory of gas bars in the surrounding areas. To the west, Norval is the closest at 3 kilometres with facilities of gas and service; to the east, gas and automotive service is located at and around the Highway Number 7 and 10 intersection, a distance of 5.7 kilometres. There are no similar facilities along Mississauga Road North, and to the south, the recently approved proposal at Mississauga Road and Steeles Avenue West is the nearest location on Mississauga Road. The settlement areas appear to have adequate gas and automotive service facilities.

Staff have no information of previous request for gas bar or service station facilities located in this area, hence necessity for the proposed land use is difficult to support.

With respect to the amount of land required for the proposed use, the applicant has agreed to vary the dimensions, in order to protect the agricultural land. By reducing the distance along Highway Number 7 and increasing the dimension along Mississauga Road, less of the viable Class 1 land will be taken out of production. The Foodland Guildelines also indicate that the land area needed should be based on consideration of existing vacant developable land already designated or proposed for this purpose. The land, in the surrounding area, is designated for agricultural uses, hence no areas are designated for the proposed use.

An appropriate location for the proposal is in an area currently designated, or where the proposal would be considered an infill application. A designated settlement area would be an appropriate alternative location, and also serve a specific market area.

Traditionally, highway commercial establishments, such as the one being proposed, do not need to be located on good agricultural land to operate effectively. In fact, this use should be directed to urban areas or permitted only on low capability agricultural lands. This application, however, is situated on Class 1 and on Class 2 agricultural land according to the Canada Land Inventory.

As mentioned earlier, this application is not an infilling situation. It does not allow for development between existing non-agricultural developments because the site is surrounded by farms. Similarly, it is not a logical extension of an existing community, nor is it identified as a special use that requires special locational requirements, particularly on good agricultural land.

The preceding analysis of the proposed use is the basis for staff's conclusion that the subject application conflicts with the Foodland Guidelines.

The conclusion that it conflicts with the Foodland Guidelines is supported by the comments from the Ontario Ministry of Agriculture and Food. For this reason, the Ministry does not support the proposed application.

7.0 Recommendation

Staff have reviewed the proposal for a gas bar and recommend that it be refused because the land use is inappropriate and contrary to the policies of the Official Plan.

Respectfully submitted,

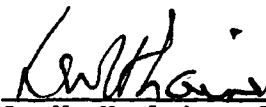


Ron Burnett, M.C.I.P.
Development Planner

AGREED:

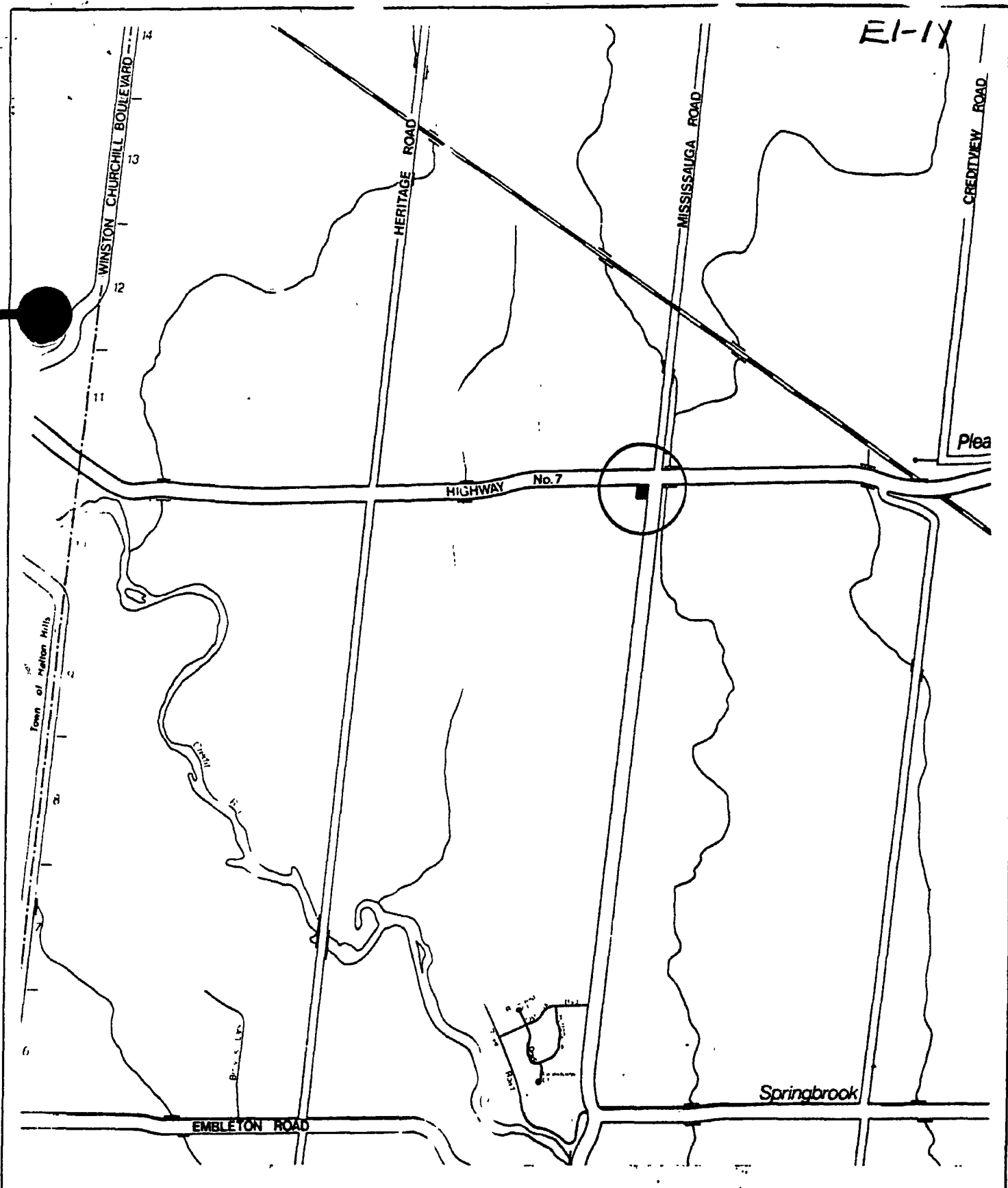


F. R. Dalzell, Commissioner of
Planning and Development



L. W. H. Laine, Director,
Planning and Development
Services Division

RB/hg/3



LOCATION MAP

CALLDRON GAS BARS LTD.

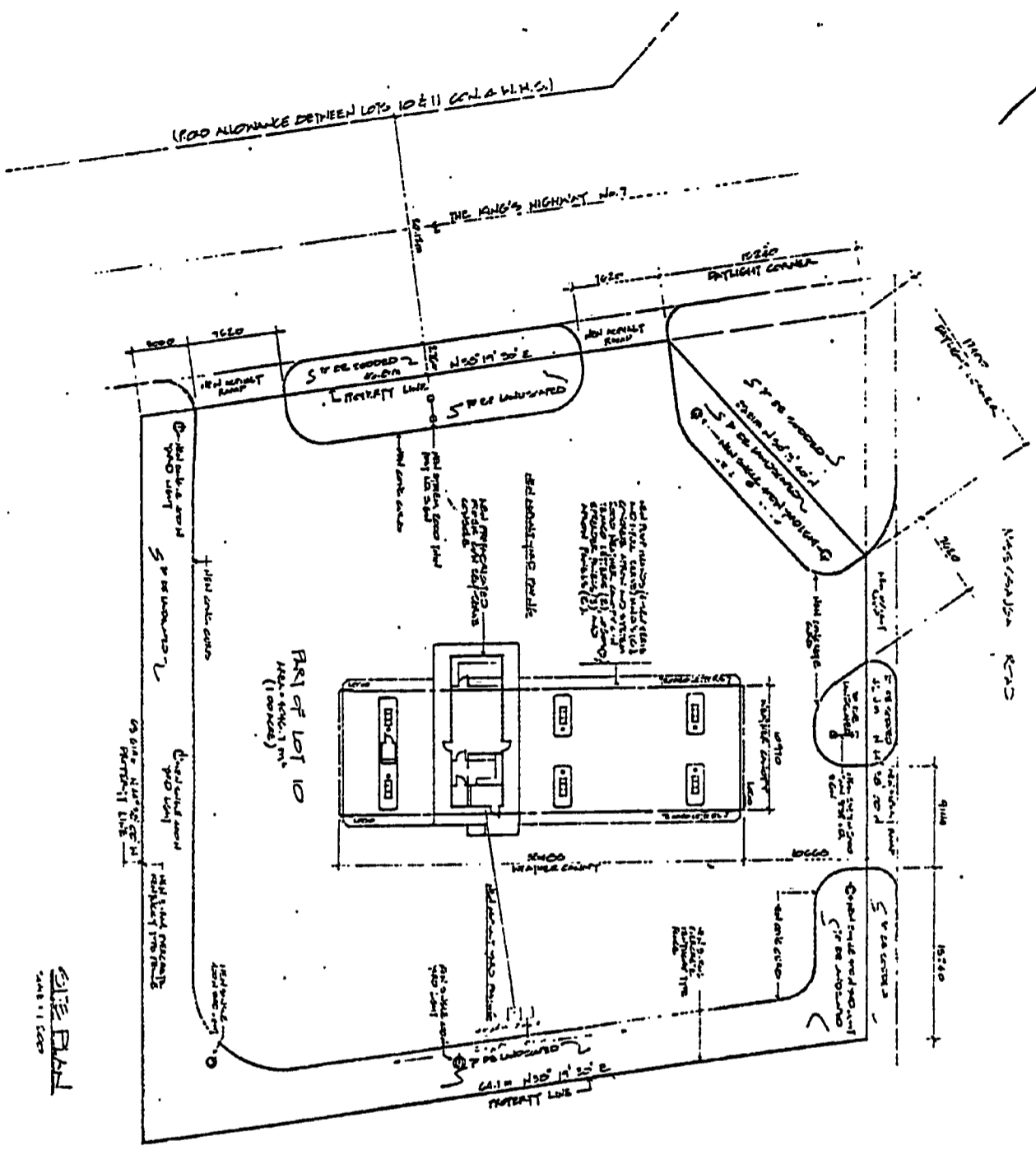


1:25000

CITY OF BRAMPTON
 Planning and Development

Date: 87.03.27 Drawn by: J.K.
 File no. C5W10.5 Map no. 38-10A

E1-12



SITE PLAN
MAY 11 2000

CALLDRON LIMITED

Site Plan



1:540

CITY OF BRAMPTON
Planning and Development

Date: 87 12 01 Drawn by: RB
File no. C5W10.2 Map no. 38-11b

INTER-OFFICE MEMORANDUM

Office of the Commissioner of Planning & Development

March 4, 1988

TO: The Chairman and Members of
Planning Committee

FROM: Planning and Development Department

RE: Application to Amend the Official Plan
and Zoning By-law
Part of Lot 10, Concession 5, W.H.S.
(Former Township of Chinguacousy)
Ward Number 6
CALLDRON GAS BAR LIMITED
Our File Number: C5W10.2

The notes of the Public Meeting held on Wednesday, March 2, 1988, are attached for the information of Planning Committee.

No members of the public appeared at the meeting to express concerns or comments. In addition, no communications have been received with respect to the application.

The approval of City Council of January 25, 1988, did not include development conditions which should be imposed with respect to the requirements of the Ministry of Transportation; the Region of Peel : Public Works and Health Department, and other Municipal Departments. Further amendments to the Official Plan and Zoning By-law will be required to permit the approved use.

IT IS RECOMMENDED THAT Planning Committee recommend to City Council that:

- A) the notes of the Public Meeting be received;
- B) the application be approved, subject to the following condition:

- 1) Conditions apply to the site plan dated February 10, 1987 and revised as follows:
 - a) a 7.26 metre road widening along Mississauga Road;
 - b) a 15 by 15 metre daylighting triangle at the southwest corner, the intersection of Highway Number 7 West and Mississauga Road;
 - c) the entrance design from Highway Number 7 adjusted to meet the Ministry of Transportation standards, and
 - d) the site be enlarged to satisfy the Regional Public Health Department standards for private sewage disposal and private water supply;

- 2) Development of the site shall be subject to a development agreement and the development agreement shall contain the following provisions:
 - a) an agreement to pay City levies in accordance with the Capital Contribution Policy prior to the issuance of a building permit;
 - b) an agreement to provide funds for the construction of a centre median and any associate works to restrict the access points on Mississauga Road to the satisfaction of the Region of Peel;
 - c) an agreement to erect fencing abutting agricultural land to the satisfaction of the City;
 - d) an agreement that the proposal must receive Site Plan Approval from the City prior to application for a building permit, and
 - e) an agreement that prior to the issuance of a building permit, deeds shall be granted to the Region of Peel for any necessary widenings.

3) the Official Plan be amended to permit a Gas Bar only;

4) the zoning by-law shall incorporate the following:

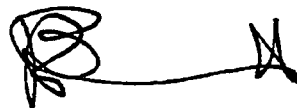
a) a Site Plan Schedule;

b) the site shall only be used for a Gas Bar, and

c) the kiosk shall not exceed a gross floor area of 65 square metres.



C) staff be directed to present the appropriate documents to Council.

Respectfully submitted,



Ron Burnett
Development Planner

AGREED:


F. R. Dalzell, Commissioner
of Planning and Development
L. W. H. Laine, Director,
Planning and Development
Services Division

RB/hg/4

D7-4

PUBLIC MEETING

A Special Meeting of Planning Committee was held on Wednesday, March 2, 1988, in the Municipal Council Chambers, 3rd Floor, 150 Central Park Drive, Brampton, Ontario, commencing at 7:33 p.m., with respect to an application by CALLDRON GAS BARS LIMITED (File: C5W10.2 - Ward 6) to amend both the Official Plan and zoning by-law to permit the development of a 6-pump gas bar on the subject property.

Members Present: Alderman J. Hutton - Chairman
Alderman P. Palleschi
Councillor F. Russell
Councillor F. Andrews
Alderman J. Shadrach
Alderman H. Chadwick
Alderman S. DiMarco
Alderman L. Bissell

Staff Present: F. R. Dalzell, Commissioner of Planning and Development
L.W.H. Laine, Director, Planning and Development Services
C. Brawley, Policy Planner
K. Ash, Development Planner
R. Burnett, Development Planner
G. Speirs, Development Planner
E. Coulson, Secretary

The Chairman inquired if notices to the property owners within 120 metres of the subject site were sent and whether notification of the public meeting was placed in the local newspapers.

Mr. Dalzell replied in the affirmative.

There were no interested members of the public in attendance and the meeting adjourned at 7:34 p.m.



Ontario

Ministry of
Agriculture
and Food
Foodland Preservation

416/965-

9433
[Handwritten signature]

Legislative Buildings
Queen's Park
Toronto, Ontario
M7A 2B2

30 April 1987

Mr. L.W.H. Laine
Director of Planning and Development
City of Brampton
150 Central Park Drive
Brampton, Ontario, L6T 2T9

[Handwritten signature]

Dear Mr. Laine:

Re: Official Plan Amendment &
Zoning By-law Amendment
City of Brampton - Peel
Concession 5 WHS; Lot 10 (Chinguacousy)
Calldron Gas Bars Limited
File No. C5W10.2

47.05.06

Staff have considered the proposed Official Plan and Zoning By-law Amendments in view of the Foodland Guidelines, and based on present knowledge, offer the following comments.

The agricultural capability of the subject property is rated 60% class 1 and 40% class two with a topography limitation, by the Canada Land Inventory mapping system. Presently there is a house located on the subject property. The lands immediately north of the subject property across Highway #7 are occupied by a fruit and vegetable Market called "The Apple Factory". The lands further to the north, south, east and west are in agricultural use. This area is, therefore, predominantly agricultural in nature.

These amendments would introduce a non-farm related use into a strong agricultural area. Therefore the Ministry is unable to support the proposed amendments.

If you have any questions, please contact Shirley Bailey, District Manager (Central Ontario) or Heather Gariepy, Land Use Specialist at (416) 965-9433.

Yours truly,

[Handwritten signature of Donald Dunn]

DONALD DUNN



City of Brampton
 PLANNING DEPT.
 Date MAR 16 1983 Rec'd
 File No. 114-7001

Ministry of
 Transportation and
 Communications

Planning and Zoning Division
 Central Region
 5000 Yonge Street
 Willowdale, Ontario
 M2N 6G9
 Telephone: 224-7001

March 10, 1983

Mr. A.D. Duncan
 Alex Duncan & Associates Ltd.
 1885 Wilson Avenue
 Weston, Ontario
 M9M 1A2

Dear Sir:

Re: Site Plan for Proposed Gas Bar
 Part of Lot 10, Con. 5 W.H.S.
 Highway 7, City of Brampton

This letter is to acknowledge the receipt of four copies of the above-referenced site plan for the Ministry's review and comment.

We advise that zoning and severance issues must be resolved to the satisfaction of the municipality prior to site plan approval. Any comments the Ministry may have with respect to the site plan at this time would be premature.

However, we do look forward to providing you with any assistance you may require in the course of your development proposal.

Yours truly,

S. J. S.

Susan Lo, P. Eng.
 Sr. Project Manager

cc: R.A. Galloway
 D. Hanna
 R. Burnett, City of Brampton

3000



Ontario

City of Brampton PLANNING DEPT.	
Date	APR 22 1987
File No.	C5W10.2

Ministry of
Transportation and
Communications

Rec'd.
Corridor Control Section
Room 226, Central Building
1201 Wilson Avenue
Downsview, Ontario
M3M 1J8

Telephone No. ~~248-3658~~
209-3237

File C5W 10.2

April 13, 1987

Mr. L.W.H. Laine, Director
The Corporation of the City of Brampton
150 Central Park Drive
Brampton, Ontario
L6T 2T9

Dear Mr. Laine:

Re: Zonnig By-Law - Official Plan Amendment
Part of Lot 10, Concession 5 W.H.S.
CALLDRON GAS BARS LIMITED. Hwy No. 7
District No. 6, Toronto.

This is in reply to your request for comments dated
March 25th, 1987 on the subject noted property.

The entrance design to Highway No. 7 is not recommended
by this Ministry and attached we are forwarding a copy of
our CS-27 commercial entrance standard.

The site plant should be revised and submitted to our
District Building Inspection at which time permits for
building/land use, entrance and sign may be obtained.

Yours truly

K. Ainsworth

Per: A Zembal
Section Head

Encl.

cc: Distric #7
Central Region

MINISTRY
OF TRANSPORTATION AND COMMUNICATIONS
- ONTARIO -

CS-27
RURAL 2-LANE HIGHWAY
FAR SIDE LOCATION

ONE HIGHWAY ACCESS - RESTRICTED PROPERTY

DATE: 1982-04

REV:

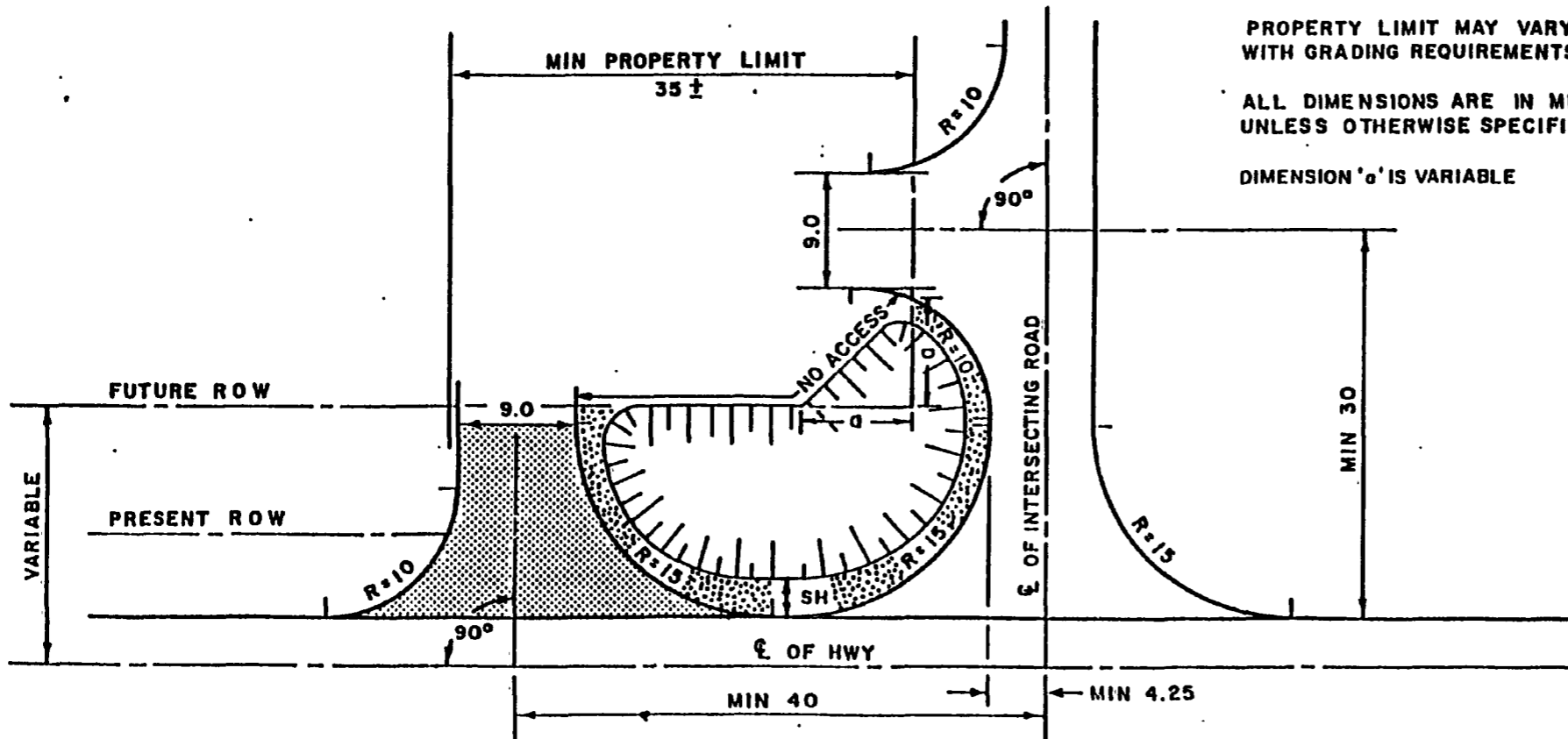
 AREA TO BE PAVED

 GRAVEL

PROPERTY LIMIT MAY VARY
WITH GRADING REQUIREMENTS

ALL DIMENSIONS ARE IN METRES
UNLESS OTHERWISE SPECIFIED

DIMENSION 'a' IS VARIABLE



SCALE 1:500