RNTPC Paper No. A/YL-NSW/343 For Consideration by the Rural and New Town Planning Committee on 2.5.2025

APPLICATION FOR PERMISSION UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NSW/343

Applicant : Vily Field Investment Limited represented by Tai Wah Development

Consultants Limited

Site : Lots 3723 S.B ss.1 (Part) and 3723 S.B ss.2 (Part) in D.D. 104, Tai Sang

Wai, Yuen Long

Site Area : About 12,980m²

<u>Lease</u> : Block Government Lease (demised for agricultural use)

<u>Plan</u>: Approved Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/10

(currently in force)

Draft Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/9

(at the time of submission)

Zoning : "Other Specified Uses" annotated "Comprehensive Development to include

Wetland Restoration Area" ("OU(CDWRA)")

[restricted to a maximum plot ratio of 0.4 and a maximum building height

of 6 storeys including car park]

(no change on the current OZP)

Application: Proposed Temporary Warehouse (excluding Dangerous Goods Godown)

with Ancillary Facilities and Associated Filling of Land for a Period of 3

Years

1. The Proposal

1.1 The applicant seeks planning permission for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities and associated filling of land for a period of three years at the application site (the Site), which falls within an area zoned "OU(CDWRA)" on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). Filling of land within "OU(CDWRA)" zone also requires planning permission from the Board. The Site is currently fenced-off, formed, hard-paved and partially vacant with some vacant structures and scattered trees (**Plans A-2 to A-4b**).

- 1.2 According to the applicant, the application is to facilitate the relocation of a business operation at a site (with an area of about 11,045m²) in Ngau Tam Mei (NTM) which will be affected by government projects, i.e. Potential Development Area under the Land Use Review Study for NTM Area¹ (NTM development) and NTM Depot of the MTR Northern Link² (NOL). The site of the affected operation is anticipated to be resumed for implementation of the NTM development and NOL projects.
- 1.3 The Site is accessible via a local track leading to Kam Pok Road which connects with Kam Pok Road East (Drawing A-1, Plans A-1 and A-3). According to the applicant, the proposed temporary warehouse is for storage of miscellaneous goods (including packaged food, apparel, footwear, electronic goods and furniture, etc.), comprising one two-storey structure (about 11m in height) which will be fully enclosed for warehouses, site office, washroom, and one rain shelter for loading/unloading (L/UL) activities (about 7m in height), and the total floor area is about 19,084m² (**Drawing A-2**). All items will be stored within the enclosed structure, and no dangerous goods will be stored and no workshop or open storage activities will be carried out at the Site. Solid metal fencing of 2.5m in height is also proposed along the boundary of the Site to minimise potential nuisance to the surrounding areas. Six private car parking spaces and four loading/unloading spaces for container vehicles will be provided within the Site. Sufficient manoeuvring space will be provided within the Site to ensure that no vehicles will turn back outside the Site. The applicant also applies for regularisation of filling of land for the entire Site with concrete in a depth of not more than 0.2m, from a level of +3.8mPD to +4.2mPD, for site formation of structures, vehicular circulation, parking and loading/unloading spaces (Drawing A-3). The existing Kam Pok Road along the southern boundary of the Site will be retained. The scattered trees within the Site will be felled for the construction of structures. The proposed operation hours are between 9:00 a.m. and 7:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. The vehicular access plan, layout plan and land filling plan submitted by the applicant are at **Drawings A-1 to A-3** respectively.
- 1.4 Parts of the Site are involved in two previous applications (No. A/YL-NSW/38 and 71) respectively for temporary open storage for light vehicles with container trailer park and repairing workshop, and temporary open storage for new unlicensed light/medium vehicles. Both applications were rejected by the Rural and New Town Planning Committee (the Committee) of the Board in 1998 and 2000 respectively (**Plan A-1**) (details at paragraph 6 below).
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with supplementary planning (**Appendix I**) statement (SPS) and supplementary information (SI) received on 10.3.2025 and 11.3.2.2025 respectively
 - (b) Further Information (FI) received on 27.3.2025 * (Appendix Ia)

¹ According to the latest programme, the works for NTM development is anticipated to commence in 2027.

² According to the latest programme, the construction works of the NOL Main Line is anticipated to commence in 2025 for targeted completion in 2034.

(c) FI received on 28.4.2025 #

(Appendix Ib)

accepted and exempted from publication and recounting requirements

2. <u>Justifications from the Applicant</u>

The justifications put forth by the applicant in support of the application are detailed at the Application Form, SPS, and FI at **Appendix I to Ib**. They can be summarised as follows:

- (a) The proposed use is to facilitate the relocation of the applicant's affected business operation (i.e. a storage yard and warehouse) in NTM to a fully enclosed structure at the Site to facilitate the implementation of NTM development and NTM Depot of NOL, under which the site of the affected business is anticipated to be resumed.
- (b) The applicant has conducted a thorough site search for relocation of the affected operation, but sites identified were considered not suitable due to various issues such as incompatibility with the surrounding areas, environmental concerns and land ownership. Although the area of the Site is larger than that of the affected operation, it could help address the pressing demand for indoor storage space and enhance operational efficiency of the relocated operation. Approval of the current application can facilitate relocation of the affected operations and minimise the impact on implementation of government projects.
- (c) The proposed use would support the transformation of brownfield operations in the New Territories, which echoes with the Government's intention to consolidate brownfield operations in a more land-efficient manner and enhance storage condition by protecting stored items from environmental harm.
- (d) Although the site area of about 1.3ha is slightly larger than the affected business operation (site area of about 1.1ha), there is substantial growth in demand for local indoor storage space, and the increase in site area can enhance the operational efficiency with additional space.
- (e) The surrounding areas of the Site are mainly occupied by brownfield operations, including warehouses, logistics centres and open storage yards. The proposed use is considered not entirely incompatible with the surrounding areas.
- (f) The Site is currently largely vacant with no known long-term planned development. The proposed use is temporary in nature and approval of the current application will not frustrate the long-term planning of the "OU(CDWRA)" zone.
- (g) The proposed use will not create significant nuisance and traffic impact on the surrounding areas. The applicant will follow relevant requirements in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' (the 'CoP') issued by Environmental Protection Department (EPD) to minimise any potential environmental impacts. The applicant will also strictly comply with all environmental protection/pollution control ordinances.
- (h) The applicant will reinstate the Site to an amenity area upon the expiry of planning approval period.

3. <u>Compliance with the "Owner's Consent/Notification" Requirements</u>

The applicant is not a 'current land owner' but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the 'Owner's Consent/Notification' Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by publishing notice in local newspapers and sending notice to the San Tin Rural Committee. Detailed information would be deposited at the meeting for Member's inspection.

4. <u>Town Planning Board Guidelines</u>

According to the Town Planning Board Guidelines for Application for Development within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C), which is relevant to the application, the Site falls within the Wetland Buffer Area (WBA) and the relevant extract of the Guidelines is at **Appendix II**.

5. Background

- 5.1 The Site is not subject to any active planning enforcement action.
- The Site was involved in four previous planning enforcement cases (No. E/YL-NSW/45, 48, 51 and 74) against container vehicle park and storage use with Enforcement Notice (EN) issued between 1997 and 1998 (**Plan A-2**). Compliance Notice were subsequently issued for all four cases between 1997 and 2001.

6. Previous Applications

- Appendix III and their locations are shown on Plan A-1.
- 6.2 Both applications were rejected by the Committee in 1998 and 2000 respectively, mainly on the grounds that the proposed use was not in line with the planning intention of the then "Recreation" zone³; the proposed use was not in line with the previous version of TPB PG-No. 12 as there was inadequate information in the submission to demonstrate that the proposed use would not have significant impact on the environment, ecology, drainage, sewerage and/or traffic in the area; the proposed use was not compatible with the rural character of the surrounding area and the adjacent land uses; and approval of the application would set an undesirable precedent for similar applications leading to general degradation of

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³ The Site was zoned "Recreation" zone under the draft Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/1 which was exhibited in 1994. It was rezoned to "OU(CDWRA)" in 2000 under the draft Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/2 and there has been no change in the zoning and development restrictions for the Site since then.

the environment in the area.

7. <u>Similar Application</u>

- 7.1 There is one similar application (No. A/YL-NSW/334) at another "OU(CDWRA)" zone on the OZP in the past five years. Details of the application is summarised at **Appendix III** and its location is shown on **Plan A-1**.
- 7.2 Application No. A/YL-NSW/334 for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities and associated filling of land at another "OU(CDWRA)" zone was approved by the Committee on 11.4.2025, mainly on the grounds that the temporary approval would not frustrate the long-term planning intention; the proposed use was not entirely incompatible with the surrounding uses; potential environmental nuisance would be minimised with mitigation measures implemented (including planting of trees and erection of solid metal fencing along the boundary of the site) and the proposed use would unlikely result in significant adverse impact on the surrounding areas; the government departments consulted in general had no adverse comment or their concerns could be addressed by relevant approval conditions; and relevant policy bureau indicated supporting view to facilitate relocation of business operation affected by government project (i.e. MTR NOL).
- 7.3 Applications No. A/YL-NSW/344 and 346 (submitted by different applicants) for temporary warehouse (excluding dangerous goods godown) with ancillary facilities and associated filling of land and pond for a period of three years within the same "OU(CDWRA)" zone will be considered at the same meeting (**Plan A-1**).

8. The Site and Its Surrounding Areas (Plans A-1 to A-4b)

8.1 The Site is:

- (a) accessible via a local track leading to Kam Pok Road which connects with Kam Pok Road East;
- (b) currently fenced-off, formed, hard-paved and partially vacant with some vacant structures and scattered trees; and
- (c) located within the WBA of Deep Bay Area.
- 8.2 The surrounding areas comprise predominantly logistics centre, open storage and storage yards, vehicle repair workshop, stormwater pump house, grassland, nullah and vacant land. The Site is bounded by Pok Wai Road to its immediate east and the village settlement of Pok Wai within the "Village Type Development" ("V") zone are to the further east. There are existing ponds within the "Conservation Area" ("CA") zone located to the further east, south and west of the Site across Pok Wai Road, Pok Wai West Road and Kam Pok Road.

9. Planning Intention

- 9.1 The planning intention of the "OU(CDWRA)" zone is to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area. It is also intended to phase out existing sporadic open storage and port back-up uses on degraded wetlands. Any new building should be located farthest away from Deep Bay.
- 9.2 According to the Explanatory Statement of the OZP, filling of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment. In view of the conservation value of the area within the "OU(CDWRA)" zone, permission from the Board is required for such activities.

10. Comments from Relevant Government Bureaux/Department

- 10.1 Apart from the government bureaux/department as set out in paragraphs 10.2 to 10.4 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices IV and V** respectively.
- 10.2 The following government bureau supports the application:

Policy Aspect

- 10.2.1 Comments of the of the Secretary for Development (SDEV):
 - (a) the application is to facilitate relocation of a brownfield operation currently within the project area of the NTM Land Use Review Study. The preliminary land use proposals for NTM were released in November 2024 for a two-month public engagement. Taking into account the public views received, the project team will carry out detailed design for the works, conduct Environmental Impact Assessment and formulate the implementation programme and Recommended Outline Development Plan, prior to subsequent statutory procedures, including zoning amendment;
 - (b) according to the applicant, a site search was conducted with a view to identifying suitable site for re-establishment of the business elsewhere, and the site under the current application is considered suitable for relocation. Although the area of the relocation site (about 12,980m²) is larger than its original site at NTM (about 11,045m²), the applicant has provided justifications on operational grounds; and
 - (c) subject to no adverse comments on land use compatibility and technical aspects from concerned departments, the application is supported from the policy perspective.

10.3 The following government bureau has specific comments on the application:

NOL Project Aspect

- 10.3.1 Comments of the Secretary for Transport and Logistics (STL):
 - (a) it is noted that the planning application is intended for relocation of a warehouse expected to be affected by NTM development and NTM Depot of NOL; and
 - (b) without pre-empting the professional views of the technical departments, our observation is that, if the current planning application for the relocation is approved, it could help to smoothen Lands Department (LandsD)'s clearance in relation to land resumption for NOL project.
- 10.4 The following government departments do not support or have reservation on the application:

Land Administration

- 10.4.1 Comments of the District Land Officer/Yuen Long, LandsD:
 - (a) the Site comprises Old Schedule Agricultural Lot Nos. 3723 S.B ss.1 and 3723 S.B ss.2 in D.D. 104 held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
 - (b) <u>unauthorised structure(s)</u> within the said private lot covered by the planning application
 - LandsD has reservation on the planning application since there is/are unauthorised structure(s) or uses on the Lot No. 3723 S.B ss.1 in D.D. 104 which is already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD;
 - (c) if the planning application is approved, the lot owner(s) shall apply to his office for a Short Term Waiver (STW) to permit the structure(s) erected within the said private lot. The application for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The application, if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate by LandsD. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered; and
 - (d) advisory comments are at **Appendix V**.

Environment

- 10.4.2 Comments of the Director of Environmental Protection (DEP):
 - (a) does not support the application from environmental planning perspective;
 - (b) based on the information provided, the proposed use would not involve dusty operation but it would involve use of heavy vehicles (i.e. container vehicles). According to our desktop review, there are residential buildings within 100m from the boundary of the Site. As such, according the revised CoP, it is anticipated that the proposed use would cause environmental nuisance to the residential buildings nearby;
 - (c) there was no environmental complaint concerning the Site received in the past three years; and
 - (d) advisory comments are at **Appendix V**.

11. Public Comment Received During Statutory Publication Period

On 18.3.2025, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual (**Appendix VI**) objecting to the application mainly on the grounds that the proposed use is incompatible with the "OU(CDWRA)" zone and the surrounding land uses; the proposed use is not within Category 2 area of the Town Planning Board Guidelines No. 13G on Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13G); and the cumulative negative impacts of the proposed use are significant.

12. Planning Considerations and Assessments

12.1 The application is for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities and associated filling of land for a period of three year at the Site zoned "OU(CDWRA)" (Plan A-1). While the proposed use is not in line with the planning intention of the "OU(CDWRA)" zone, according to the applicant, the application is to facilitate the relocation of a business operation in NTM which will be affected by NTM development and NTM Depot of NOL. In this regard, SDEV supports the application having considered that the current application is to facilitate relocation of an affected brownfield operations in NTM area. STL also considers that approval of the current application for the relocation could help to smoothen the clearance in relation to land resumption for NOL project. Besides, there is currently no known long-term development programme or proposal for the Site, and the proposed use could utilise the land resource to facilitate the relocation of the business operation affected by government projects. Approval of the application on a temporary basis would not jeopardize the long-term planning intention of the "OU(CDWRA)" zone. Taking into account the above and the planning assessments below, Planning Department (PlanD) has no objection to the

proposed use with associated filling of land on temporary basis of three years.

- 12.2 Filling of land within the "OU(CDWRA)" zone requires planning permission from the Board as they may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment. In this regard, the Director of Agriculture, Fisheries and Conservation (DAFC), Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) and DEP have no adverse comments on the land filling from nature conservation, drainage and environmental perspectives respectively. As the Site is zoned "OU(CDWRA)", an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the "OU(CDWRA)" zone and restore the greenery of the area is recommended should the Committee decide to approve the application. The applicant has also committed to reinstatete the Site to an amenity area upon expiry of the approval period given.
- The Site located within the "OU(CDWRA)" zone is bounded by Pok Wai Road 12.3 to its immediate east (Plan A-1). The immediate surrounding areas of the Site are occupied predominantly by brownfield uses, such as logistics centre, open storage and storage yards, vehicle repair workshop, whereas the village settlement of Pok Wai within the "V" zone and ponds within the "CA" zone are located to the further east, south and west (Plans A-2 and A-3). According to the applicant, the proposed use will be accommodated within a fully enclosed structure and solid metal fencing of about 2.5m tall would be erected along the boundary of the Site to minimise potential nuisance to the surrounding areas. The proposed use is considered not entirely incompatible with the surrounding areas. The Chief Town Planner/Urban Design and Landscape of PlanD has no adverse comment on the application from landscape planning perspective and considers that the proposed use is generally not incompatible with the surrounding landscape character and significant adverse landscape impact on landscape resources within the Site arising from the proposed use is not anticipated.
- 12.4 While the Site falls within the WBA of the TPB PG-No. 12C, planning applications for temporary uses are exempted from the requirement of ecological impact assessment. DAFC has no objection to the application from ecological perspective.
- 12.5 Regarding DLO/YL, LandsD's concern on the unauthorised structures erected within the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application. DEP does not support the application as the proposed use involves the use of heavy vehicles, which would cause environmental nuisance to the sensitive receivers nearby. Nonetheless, the Site will be accessed via a local track leading to Kam Pok Road which connects with Kam Pok Road East, and will not pass through the village settlement in Pok Wai to the east. Besides, there was no environmental complaint concerning the Site in the past three years. Should the planning application be approved, the applicant will be advised to follow the CoP to minimise any potential environmental nuisance caused by the proposed use on the surrounding areas. The operation of the proposed use will also be subject to the relevant pollution control ordinances. Other relevant government departments consulted, including the Commissioner for Transport (C for T) and Director of Fire Services have no objection to or no adverse comments on the application. To address the technical requirements of concerned departments, appropriate approval

conditions are recommended in paragraph 13.2 below.

- The Site is involved in two previous applications respectively for temporary open 12.6 storage for light vehicles with container trailer park and repairing workshop, and temporary open storage for new unlicensed light/medium vehicles and both applications were rejected by the Committee in 1998 and 2000 respectively mainly on the grounds as summarised in paragraph 6 above. However, the circumstances and considerations of the current application are different in that the proposed use is warehouse where all brownfield operation will be carried out within enclosed structure and solid metal fencing of 2.5m high will be provided along the Site boundary to minimise potential environmental nuisance and hence, the proposed use will unlikely result in significant adverse impact on the surrounding areas. Besides, the proposed use is to facilitate the relocation of business operation to be affected by the implementation of NTM development and NOL Main Line project. SDEV gives policy support on the current application and STL considers that the relocation under the current application can smoothen the clearance in relation to land resumption for the NOL project. Relevant government departments including DEP, CE/MN, DSD, DAFC and C for T have no adverse comments or no objection to the current application. The applicant has also committed to reinstate the Site upon expiry of the approval period given. There is one similar application in another "OU(CDWRA)" zone on the OZP approved in the past five years as stated in paragraph 7 above. Approving the current application for a period of three years is not in conflict with the previous decisions of the Committee.
- 12.7 Regarding the public comment on the application as detailed in paragraph 11, TPB PG-No. 13G is not applicable to the current application which only involve warehouse use. The departmental comments and planning assessments above are also relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comment mentioned in paragraph 11 above, PlanD <u>has no objection</u> to the application.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of three years until 2.5.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference

Approval conditions

- (a) the submission of a drainage impact assessment before the commencement of any construction works or operations, including site formation works, to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (b) in relation to (a) above, the provision of drainage facilities identified in the drainage impact assessment before the commencement of any operation to the satisfaction of the Director of Drainage Services;

- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) the submission of a fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by <u>2.11.2025</u>;
- (e) in relation to (d) above, the implementation of the fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 2.2.2026;
- (f) if the above planning condition (a) is not complied with before the commencement of any construction works or operations, including site formation works, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (g) if the above planning condition (b) is not complied with before the commencement of any operation, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (h) if the above planning condition (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (i) if any of the above planning condition (d) or (e) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (j) upon expiry of the planning permission, the reinstatement of the site, including the removal of hard paving and fill materials and grassing of the site to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are at **Appendix V**.

13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed use with associated filling of land is not in line with the planning intention of the "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" zone which is to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area, and to phase out existing sporadic open storage and port back-up uses on degraded wetlands. There is no strong justification given in the submission for a departure from the planning intention, even on a temporary basis.

14. <u>Decision Sought</u>

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I Application Form, SPS and SI received on 10.3.2025 and

11.3.2025

Appendix Ia FI received on 27.3.2025
Appendix Ib FI received on 28.4.2025
Appendix II Extract of TPB PG-No. 12C

Appendix III Previous and Similar Applications

Appendix IV Government departments' general comments

Appendix V Recommended advisory clauses

Appendix VI Public Comment

Drawing A-1 Vehicular Access Plan

Drawing A-2 Layout Plan

Drawing A-3 Plan showing Filling of land

Plan A-1 Location Plan with previous and similar applications

Plan A-2 Site Plan
Plan A-3 Aerial Photo
Plans A-4a to 4b Site Photos

PLANNING DEPARTMENT MAY 2025