



MID-WESTERN REGIONAL COUNCIL

PO Box 156, MUDGEE NSW 2850

86 Market Street, Mudgee | 109 Herbert Street, Gulgong | 77 Louee Street, Rylstone

T 1300 765 002 or 02 6378 2850 | F 02 6378 2815

E council@midwestern.nsw.gov.au

Sarah Hopkins:ah DA0201/2021

14 May 2021

David Lowe
C/- Barnson Pty Ltd
Unit 4/108-110 Market Street
MUDGEE NSW 2850

Dear Sir/Madam

DEVELOPMENT APPLICATION DA0201/2021 - CHANGE OF USE TO A FOOD AND DRINK PREMISES (BAKERY) - LOT 1 DP 797677 - 131 CHURCH STREET MUDGEE NSW 2850

I am pleased to advise that your application has been approved by Council.

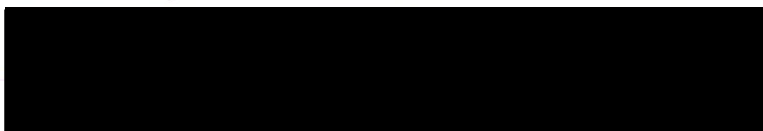
Attached is Council's formal Development Consent No. DA0201/2021.

It is important that you read the consent and understand the requirements of any conditions imposed. Certain requirements may need to be satisfied prior to proceeding with the development.

The consent is a legal document and should be kept for your future reference as the development proceeds. It should be noted that commencement of the development implies your acceptance of the conditions of consent.

Should you have any query regarding the consent or associated conditions, do not hesitate to contact myself or the appropriate Council officer.

Yours faithfully



**LINDSAY DUNSTAN
MANAGER STATUTORY PLANNING
DEVELOPMENT**

Notice of Determination of a Development Application

Issued under the *Environmental Planning and Assessment Act 1979* Section 4.16(1)(a)

Our Ref: Sarah Hopkins:ah DA0201/2021	DA No: DA0201/2021
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Applicant: David Lowe C/- Barnson Pty Ltd Unit 4/108-110 Market Street MUDGEE NSW 2850	Land to be Developed: Lot 1 DP 797677 131 Church Street MUDGEE NSW 2850
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Proposed Development: Change of use to a Food and Drink Premises (Bakery)	Building Code of Australia Classification: 6
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Date of Determination: 14 May 2021
Determination: CONSENT GRANTED subject to conditions set out below

Consent to operate from: 14 May 2021	Consent to lapse on: 14 May 2026
------------------------------------------------	--------------------------------------------

CONDITIONS

APPROVED PLANS

- The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except as varied by the conditions listed herein and/or any plan notations.

Title / Name:	Drawing No / Document Ref	Revision:	Sheet No.	Date	Prepared by:
Site Plan	35476 – A01	E	01 of 04	05.05.2021	Barnson Pty Ltd
Existing, Alteration and proposed floor plans	35476 – A02	E	02 of 04	05.05.2021	Barnson Pty Ltd
Floor Finishes Plan	35476 – A03	E	03 of 04	05.05.2021	Barnson Pty Ltd
Elevations, Section & Signage Details	35476 – A04	E	04 of 04	05.05.2021	Barnson Pty Ltd

- Trade Waste Application will be required to be submitted and approved for the proposed food and drink premises.

Note: This premise will require a Liquid Trade Waste application for a Classification A food premises

Note: Based on the information supplied with the application, the Liquid Trade Waster requirements include the installation of a 1,000L grease arrestor.

- Prior to the commencement of use the car parking area at the rear of the premises must be sealed and line-marked to provide for no less than three staff car parking spaces and a loading / unloading area for service deliveries. The car parking area must be provided with a

stormwater drainage system to control stormwater runoff such that runoff will not flow or discharge onto adjoining properties.

BUILDING CONSTRUCTION

4. Pursuant to clause 93 of the Environmental Planning and Assessment Regulation 2000, the existing building is to be brought into conformity with the following Performance Requirement/s of the Building Code of Australia, Volume 1:

- **EP1.2** – Fire extinguishers and blankets must be installed to the degree necessary to allow occupants to undertake initial attack on a fire appropriate to the function or use of the building; and, any other fire safety systems installed in the building; and, the fire hazard.

Certification certifying compliance with the relevant minimum standard of performance shall be submitted to and approved by Council prior to use or issue of an occupation certificate.

5. This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
6. All building work is to comply with the requirements of the Access to Premises Standard.
7. The list of measures contained in the schedule attached to the Development Consent are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the Environmental Planning and Assessment Regulation 2000.
8. Once all fire safety measures have been installed and commissioned, a final inspection is to be arranged with Council.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

9. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
10. Prior to occupation or the issue of the Occupation Certificate the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
11. Prior to the issue of the Occupation Certificate, the developer shall obtain a Certificate of Compliance under the Water Management Act 2000, from Council.

Note – As a pre-condition to granting certificate of compliance for development, Council will require the applicant to pay water supply and / or sewerage developer contributions and may require the construction of water management works to serve the development.

Note – Refer to Advisory Notes in relation to payment of contributions to obtain a Certificate of Compliance.

12. Prior to the issue of an Occupation Certificate, a Building Information Certificate is to be obtained for the existing building that is the subject of this development consent, issued by Council in accordance with Division 6.7 of the Environmental Planning and Assessment Act 1979.

Note – Please contact Council’s Building Surveyors prior to lodging an application for a Building Information Certificate to determine what information will be required to support an application for a Building Information Certificate.

The reason for requiring a Building Information Certificate is that the works approved under this development consent were carried out without a prior Construction Certificate, in a case where a prior Construction Certificate was required to be obtained.

13. Prior to the commencement of the use and/or issue of an Occupation Certificate, all works included in the Trade Waste approval are to be completed.
14. Prior to the commencement of the use, the shipping container at the rear of the site is to be removed.
15. Prior to the commencement of the use, signage is to be provided for the attention of vehicles exiting the site’s car parking area which states “vehicles are to approach Horatio Street in a forward direction”.
16. All car parking, associated driveway works and signage are to be completed prior to occupation of the development.

GENERAL / ONGOING

17. The opening hours of food and drink premises are limited to 7am to 7pm, 7 days a week.
18. No external chairs and tables for the use of outdoor dining within the site are permitted.

Note: This condition does not relate to the use of the footpath for outdoor dining. Please note that separate approval for footpath dining is required under Section 125 of the *Roads Act 1993*. This will require an application to be lodged with Council for approval which may also require referral to Transport for NSW where it is proposed on the footpath adjacent to Horatio Street, being a classified road.

19. Premises to be registered with Council as a Class P3 Food Premises. (A form for this purpose is available from Council). The premises will be subject to inspections by Council for which a fee will be payable.
20. The premises shall, at all times, be operated and maintained in accordance with Food Safety Standards 3.1.1, 3.2.2 and 3.2.3 prescribed in chapter 3 of the Australia and New Zealand Food Standards Code.
21. All vehicles are to enter the site in a forward direction.
22. All vehicles exiting the site are to exit the laneway in a forward direction at the intersection with Horatio Street.
23. All loading and unloading in connection with the premises shall be carried out wholly within the site.
24. All car parking spaces, loading and unloading areas, vehicle manoeuvring and driveway areas must not be used for the storage of any goods or materials and must be available for their intended use at all times.
25. There being no interference with the amenity of the neighbourhood by reason of the emission of any “offensive noise”, vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.

26. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting".
27. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council and the Commissioner of NSW Fire Brigades with a copy of an Annual Fire Safety Statement certifying that each specified fire safety measure is capable of performing to its specification.
28. Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire Brigades and Council. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
29. All signage is to be maintained in good condition at all times.
30. Signage is to advertise only the name of the business and product traded from the premises.
31. Signage required to be installed is to be maintained in good order at all times.

ADVISORY NOTES

1. This development consent requires a Certificate of Compliance under the *Water Management Act 2000* to be obtained prior to the issue of an Occupation Certificate. A person may apply to Mid-Western Regional Council, as the water supply authority, for a Certificate of Compliance pursuant to Section 305 of the *Water Management Act 2000*.

Please be advised that as a precondition to the granting of a Compliance Certificate a monetary contribution in accordance with the following Schedule of Contributions must be paid in full (including indexation, where applicable).

Water Headworks	\$4,653.00
Sewer Headworks	\$2,124.00
TOTAL HEADWORKS	\$6,777.00

Note – Section 64 Developer Contributions are subject to Consumer Price Index Increase at 1 July each year. Please contact Council's Planning and Development Department regarding any adjustments.

Note – Please contact Council's Water and Sewer Department to obtain further information in relation to how these charges have been calculated.

2. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning - Public Places".
3. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
4. Division 8.2 of the Environmental Planning and Assessment Act (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 12 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.

5. If you are dissatisfied with this decision section 8.7 of the EP&A Act 1979 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice, pursuant to section 8.10(1)(b).
6. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.

STATEMENT OF REASONS

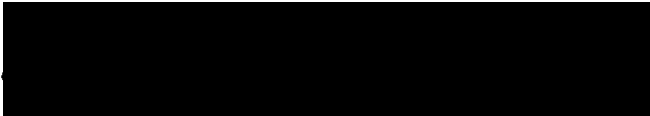
The determination decision was reached for the following reasons:

1. The proposed development complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
2. The proposed development is considered to be satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning & Assessment Act 1979.

OTHER APPROVALS

n/a

Signed on behalf of Mid-Western Regional Council by:



**LINDSAY DUNSTAN
MANAGER STATUTORY PLANNING
DEVELOPMENT
14 MAY 2021**



PO BOX 156
MUDGEES NSW 2850

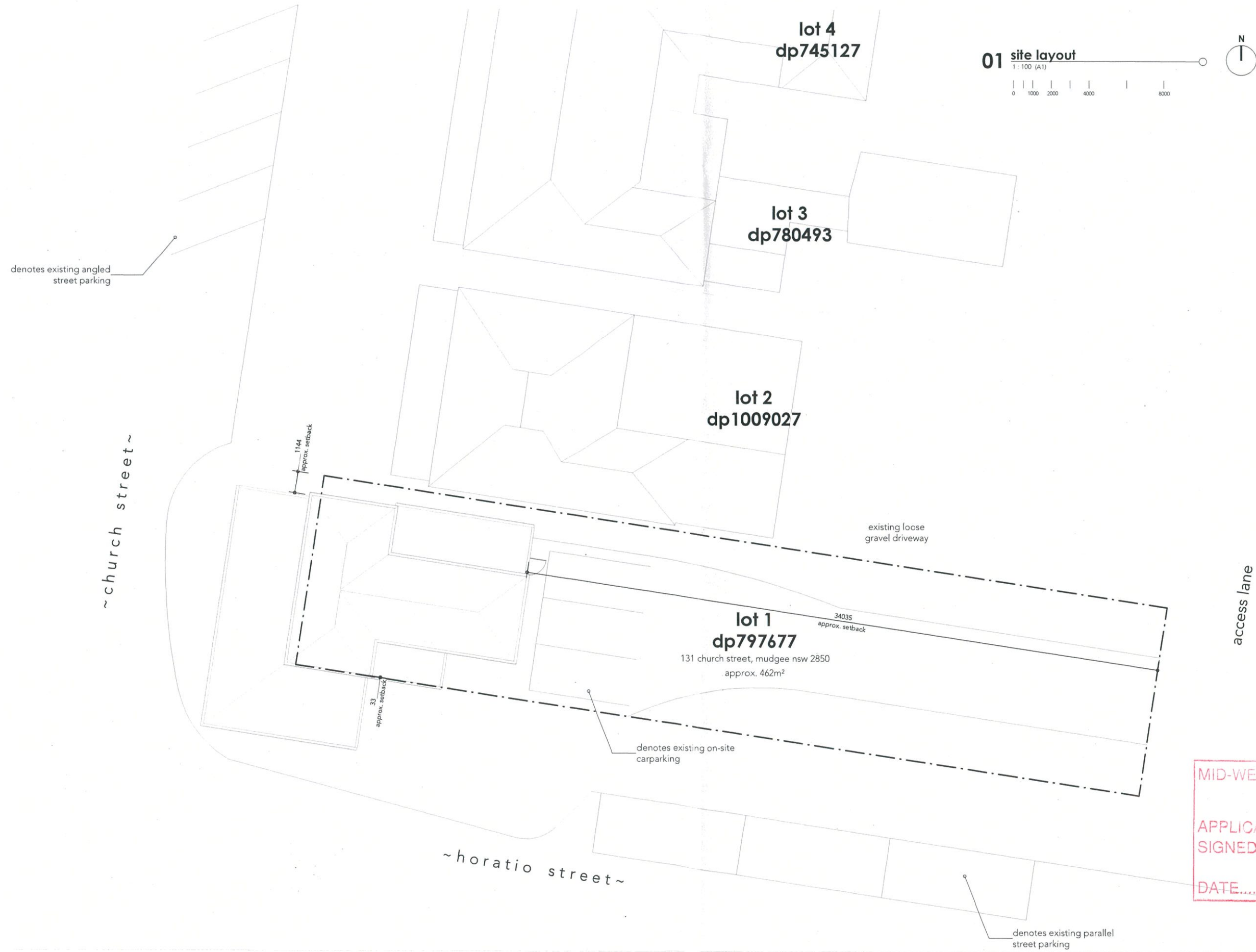
86 Market Street MUDGEES
109 Herbert Street GULGONG
77 Louee Street RYLSTONE

Ph: 1300 765 002 or (02) 6378 2850
Fax: (02) 6378 2815
email: council@midwestern.nsw.gov.au

Fire Safety Schedule

Bakery/Cafe

SECTION A. Development details					
Unit/Street no.		Street name			
131		Church Street			
Mudgee			State	Postcode	
			NSW	2850	
SECTION B. Details of development application (DA)					
Name of consent authority		DA number/identifier		Date of DA	
Mid-Western Regional Council		0201/2021		14 May 2021	
SECTION C. Statutory fire safety measures (as set out under clause 166 EP&A Reg)					
No.	Measure	Particulars of measures (including where the requirement for the measure is set out or described eg in building plans or in an	Currently implemented Yes/No	Proposed implementation Yes/No	Minimum performance standard
1	Portable Fire Extinguishers & Fire Blankets	Building Plans and clause 93 of the EP&A Regulation 2000	No	Yes	AS 2444 (2001)
SECTION D. Other fire safety measures					
No.	Measure	Particulars of measures (including where the requirement for the measure is set out or described eg in building plans or in an alternative solution report)	Currently implemented Yes/No	Proposed implementation Yes/No	Minimum performance standard
-					
SECTION E. Critical fire safety measures (Measures listed above that must be assessed and certified at intervals of less than 12 months.)					
Measure number/letter			Intervals for supplementary fire safety statements		
SECTION F. Certifying authority					
Name	Ty Robson		Signature		
Accreditation No.	BPB 1241		Date	14 May 2021	



denotes existing angled street parking

~ church street ~

1144
approx. setback

33
approx. setback

denotes existing on-site carparking

lot 4
dp745127

lot 3
dp780493

lot 2
dp1009027

lot 1
dp797677

131 church street, mudgee nsw 2850
approx. 462m²

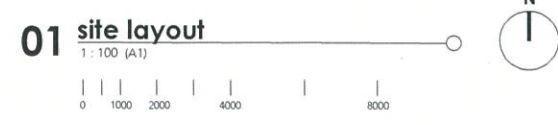
34035
approx. setback

existing loose gravel driveway

access lane

~ horatio street ~

denotes existing parallel street parking



MID-WESTERN REGIONAL COUNCIL
APPROVED PLAN
APPLICATION NO. DA029/2021
SIGNED.....
Authorised person
DATE..... 14/5/2021

DA RE-ISSUE



BARNSON PTY LTD
Unit 1/36 Darling Street
Dubbo NSW 2830
Contact Us
1 1300 BARNSON (1300 227 676)
generalenquiry@barnson.com.au
www.barnson.com.au
Bathurst | Dubbo | Mudgee | Sydney | Tamworth

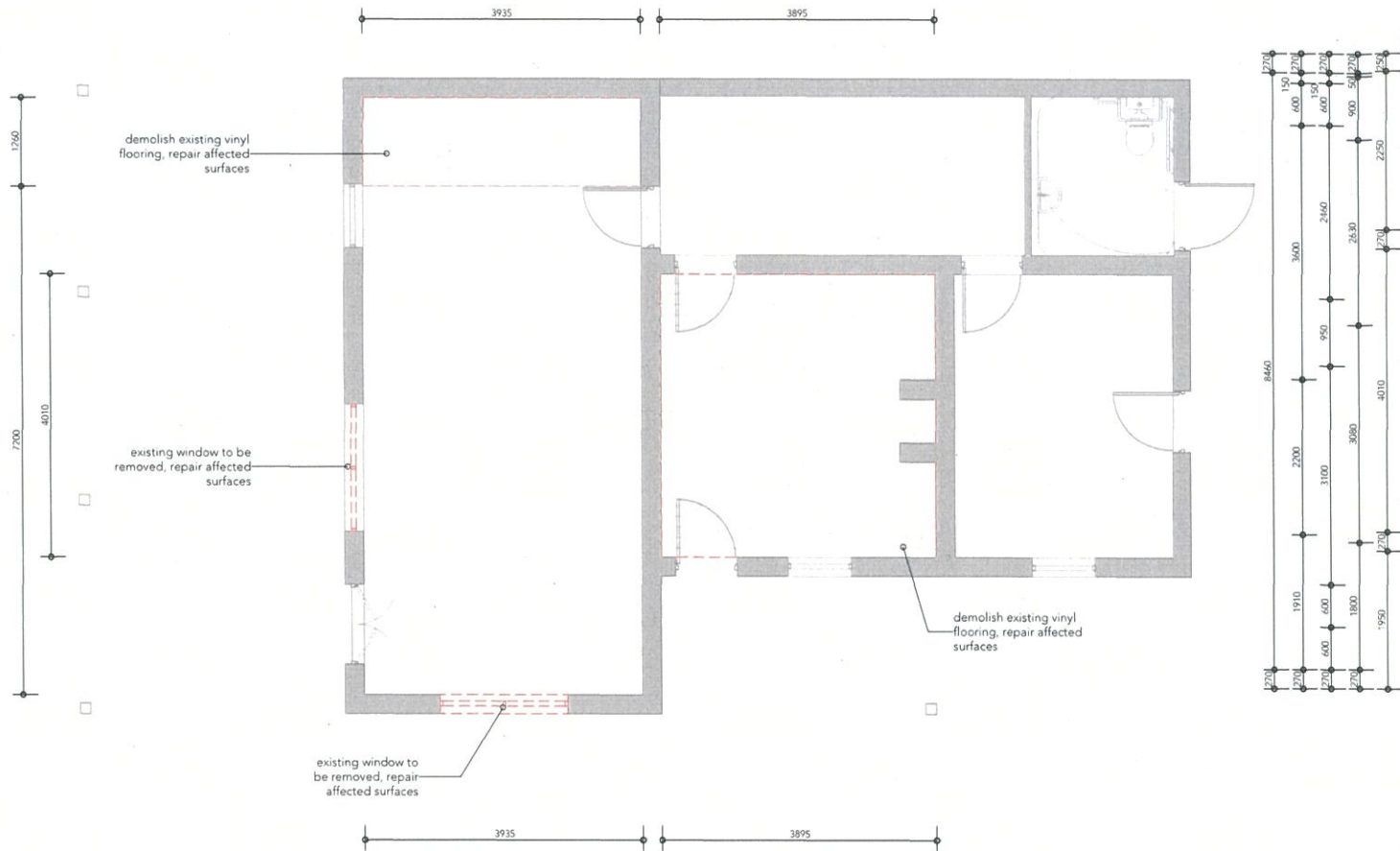
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Client: DAVID LOWE
Project: PROPOSED BAKERY FITOUT @ 131 CHURCH STREET, MUDGEE NSW 2850
Drawing Title: SITE PLAN

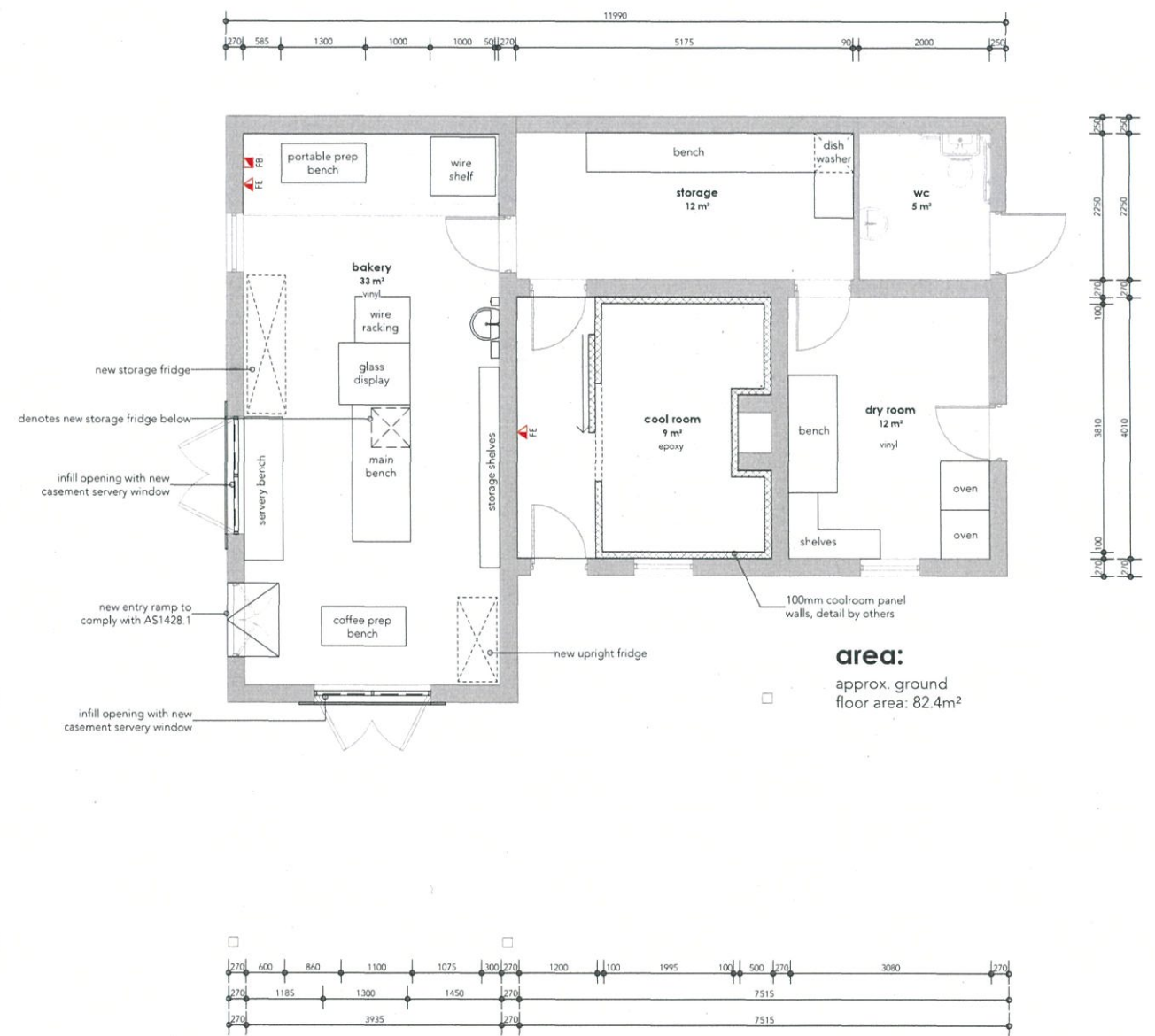
Rev	Date	Amendment
A	10.12.2020	PRELIMINARY
B	15.12.2020	ISSUED FOR DA
E	05.05.2021	REISSUED FOR DEVELOPMENT APPLICATION

Design	Drawn	Check
CLIENT	MR	AM
Sheet	01 of 04	
Drawing Number		Revision
35476- A01		E

02 existing & alteration plan



03 floor plan



Heritage Recommendations

- Repaint the building on all facades (which are presently painted off white) a suitable wall colour reminiscent of the original masonry. Paint trims to contrast. The proposal is Porter's 'Rubble' on the walls and Porters 'French Green' on posts, windows trim. Windows to be installed with natural cedar clear lacquer finish.
- Repair the roof plumbing, the gutters and acroterion to match original or similar profiles and materials.

MID-WESTERN REGIONAL COUNCIL
APPROVED PLAN
 APPLICATION NO. DA0201/2021
 SIGNED.....
 Authorised person
 DATE..... 14/05/2021 **DA RE-ISSUE**

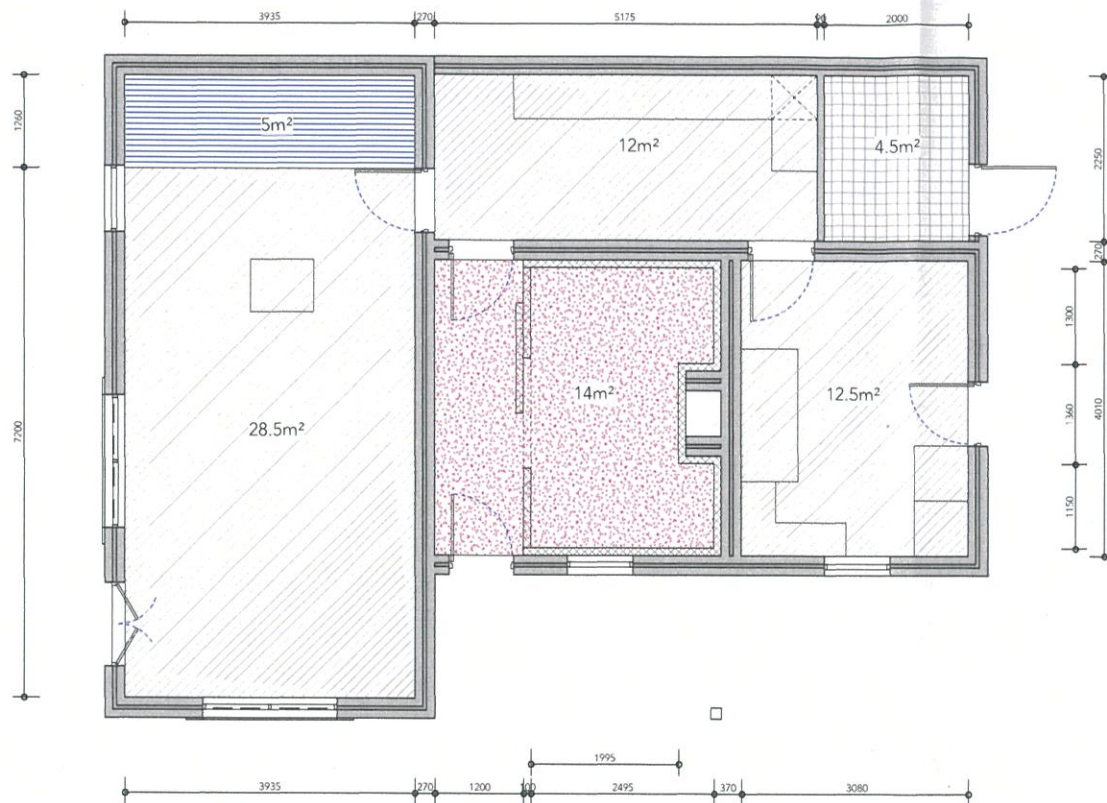
04 floor finishes plan

1:50 (A1)



floor legend:

-  existing wet area tiles
-  existing timber flooring
-  proposed epoxy flooring
-  proposed gerfloor vinyl flooring



food premises notes:

- The canteen is to be in compliance with the AS4674-2004 - design, construction & fitout of food premises, the food act 1989 & regulations there-under & in particular to:
- The floors shall be of an impervious, smooth finish covered at the intersections of all walls to a minimum radius of 25mm and the floor finish extending at least 100mm up the wall surface. All floors to food preparation & storage areas shall be graded so as to drain liquids to floor wastes provided for this purpose.
 - All ceramic type wall tiles are to be close fitted at the joints with a maximum grout width of 3mm. Epoxy type grouting material should be used.
 - All equipment, fittings & fixtures shall be supported clear above the floor on legs at least 150mm high. as an alternative, solid concrete plinths covered to the floor shall be provided. Where equipment is not fixed or too heavy, consideration being given to the fitting of wheels with safety locks to enable movement for cleansing & sanitising.
 - Sinks & wash hand basins shall be attached to the wall or equipment without any enclosure below so as to facilitate cleansing & being supplied with hot and cold water from a common outlet together with liquid hand soap & disposable single use towels.
 - Insect exclusion devices shall be provided to the satisfaction of the certifying authority.
 - Staff shall be provided with proper personal clothes storage standing at least 150mm clear of the floor.
 - All perishable or potentially hazardous foodstuffs shall be kept either below 5 degrees celsius or above 60 degrees celsius as the case may be and thermometers shall be provided & maintained in a satisfactory condition in the food storage or display areas to ensure these temperature levels are maintained.
 - Garbage & recycling bins to be constructed in accordance with AS4674-2004 P2.4.4 & P2.4.5.
 - All tenancy perimeter walls of the canteen area to be filled with polystyrene block insulation with gaps filled in with expandable polystyrene foam sealer.
 - The ceiling shall be constructed of 13mm waterproof plasterboard ceiling painted with a washable gloss paint of a light colour.
 - Natural & artificial lighting will be provided to the premises in accordance with AS1680.1, AS/NZS 1680.2.4 & AS4674-2004 P2.6.1.
 - Artificial lighting to be installed in accordance with the NCC, Vol. 2, F4.4.
 - All light fittings are to comply in accordance with AS4674-2004 P2.6.1.
 - Pipes, conduits & electrical wiring to be concealed or if not possible will be installed in accordance with AS4674-2004 P3.2.9.

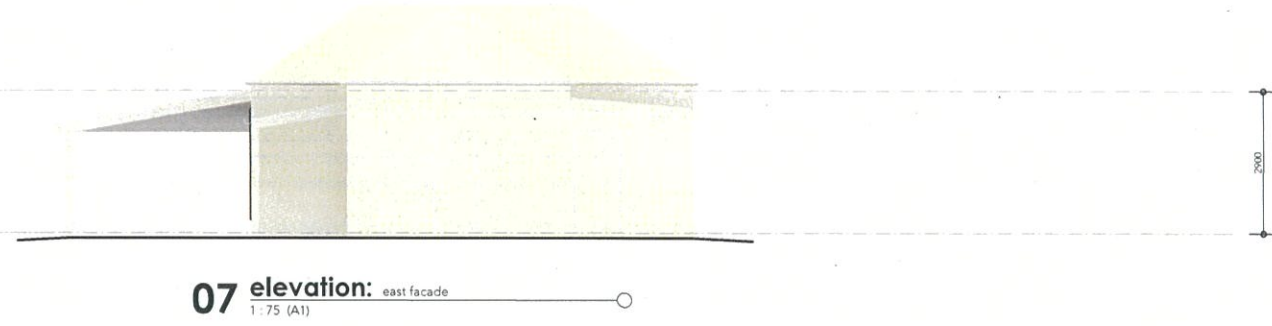
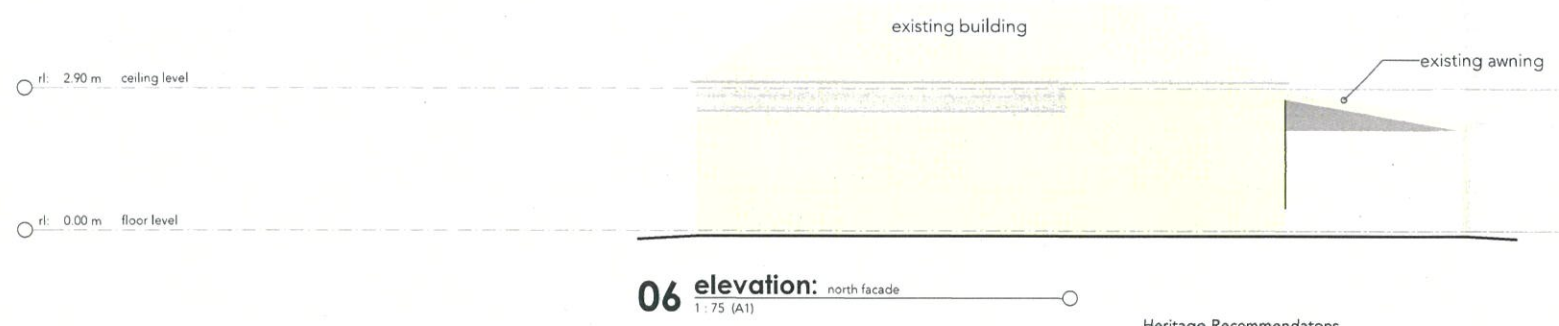
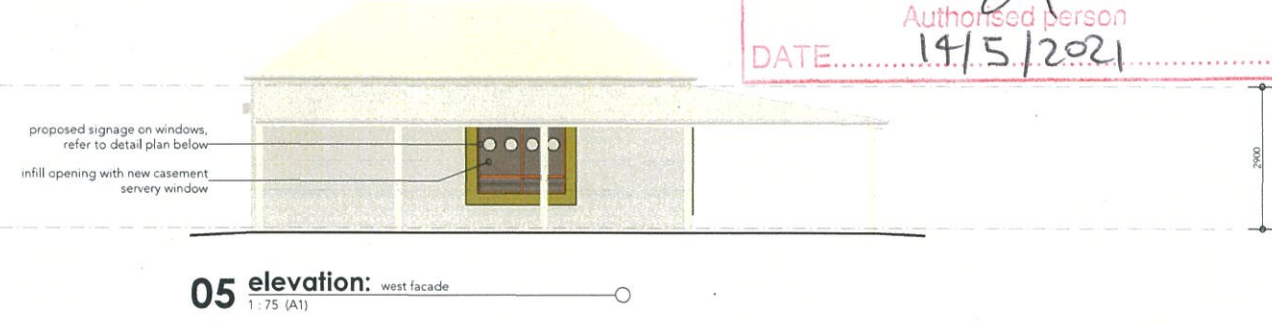
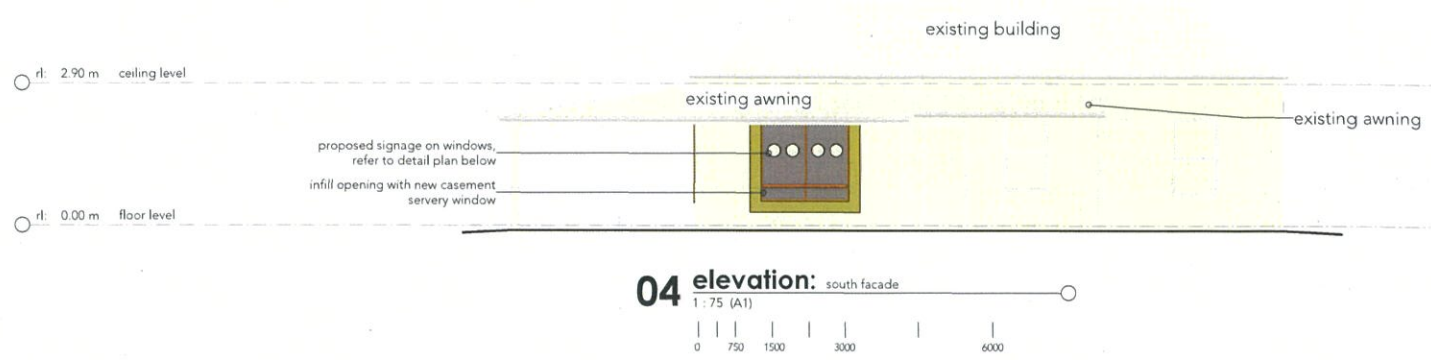


DA RE-ISSUE

Rev	Date	Amendment
A	10.12.2020	PRELIMINARY
B	15.12.2020	ISSUED FOR DA
D	03.22.2021	AMEND WINDOWS
E	05.05.2021	REISSUED FOR DEVELOPMENT APPLICATION

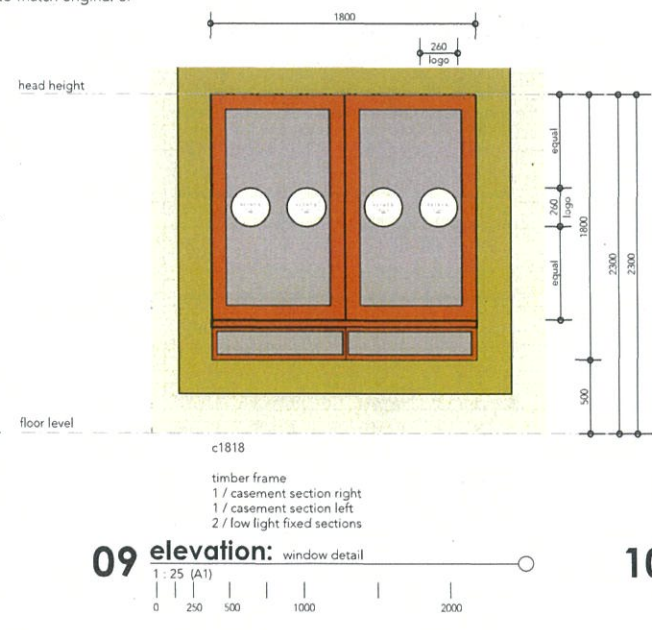
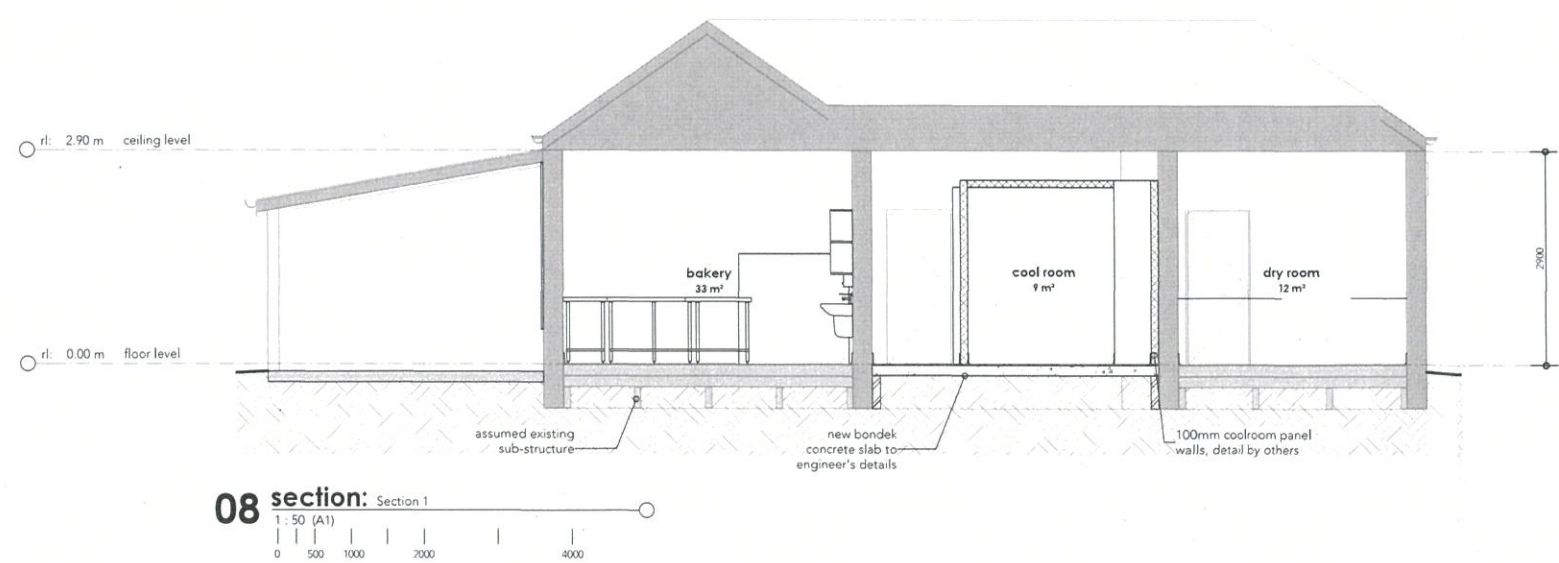
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CLIENT	MR	AM
Sheet 03 of 04		
Drawing Number		Revision
35476- A03		E

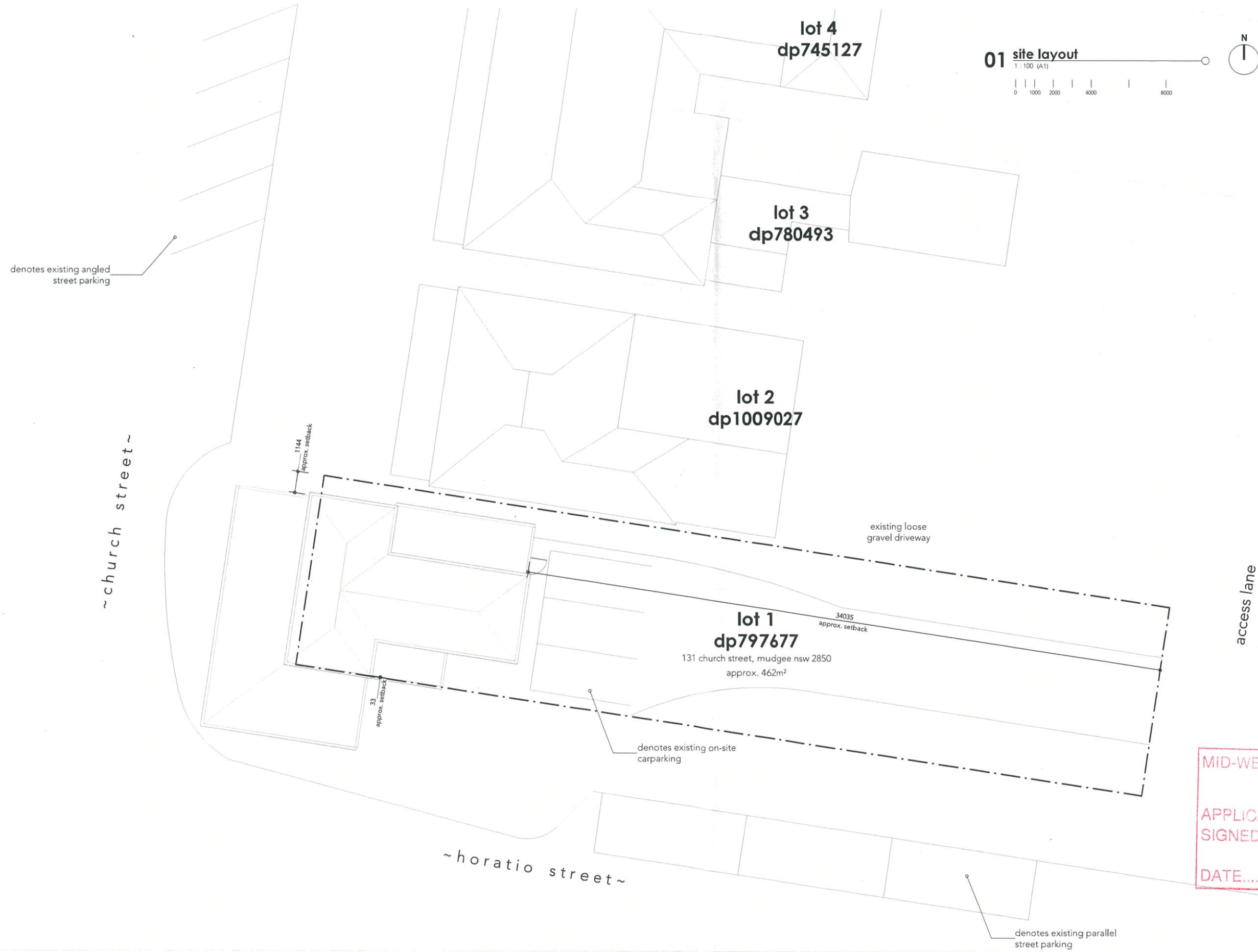
MID-WESTERN REGIONAL COUNCIL
 APPROVED PLAN
 APPLICATION NO. DA0201/2021
 SIGNED: [Signature]
 Authorised person
 DATE: 14/5/2021



Heritage Recommendations

- Repaint the building on all facades (which are presently painted off white) a suitable wall colour reminiscent of the original masonry. Paint trims to contrast. The proposal is Porter's 'Rubble' on the walls and Porters 'French Green' on posts, window trim. Windows to be installed with natural cedar clear lacquer finish.
- Repair the roof plumbing, the gutters and acroterion to match original or similar profiles and materials.





denotes existing angled street parking

~ church street ~

~ horatio street ~

access lane

01 site layout
 1:100 (A1)
 0 1000 2000 4000 8000
 N

denotes existing on-site carparking

denotes existing parallel street parking

MID-WESTERN REGIONAL COUNCIL
APPROVED PLAN
 APPLICATION NO. PA0201/2021
 SIGNED: [Signature]
 Authorised person
 DATE: 14/5/2021

DA RE-ISSUE



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 Unit 1/36 Darling Street
 Dubbo NSW 2830
Contact Us
 | 1300 BARNSON (1300 227 676)
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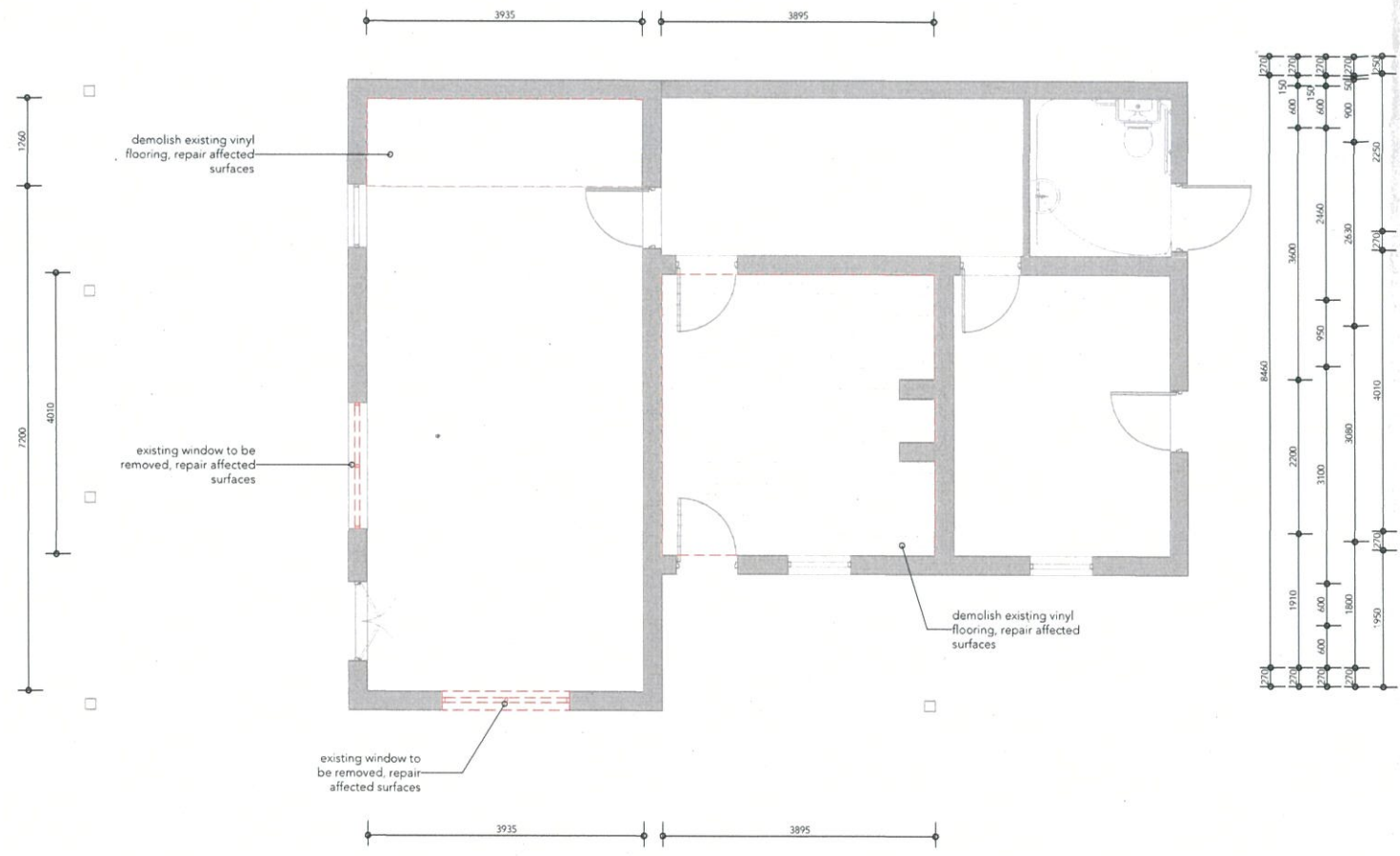
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Client: DAVID LOWE
 Project: PROPOSED BAKERY FITOUT @ 131 CHURCH STREET, MUDGEE NSW 2850
 Drawing Title: SITE PLAN

Rev	Date	Amendment
A	10.12.2020	PRELIMINARY
B	15.12.2020	ISSUED FOR DA
E	05.05.2021	REISSUED FOR DEVELOPMENT APPLICATION

Design	Drawn	Check
CLIENT	MR	AM
Sheet 01 of 04		
Drawing Number		Revision
35476- A01		E

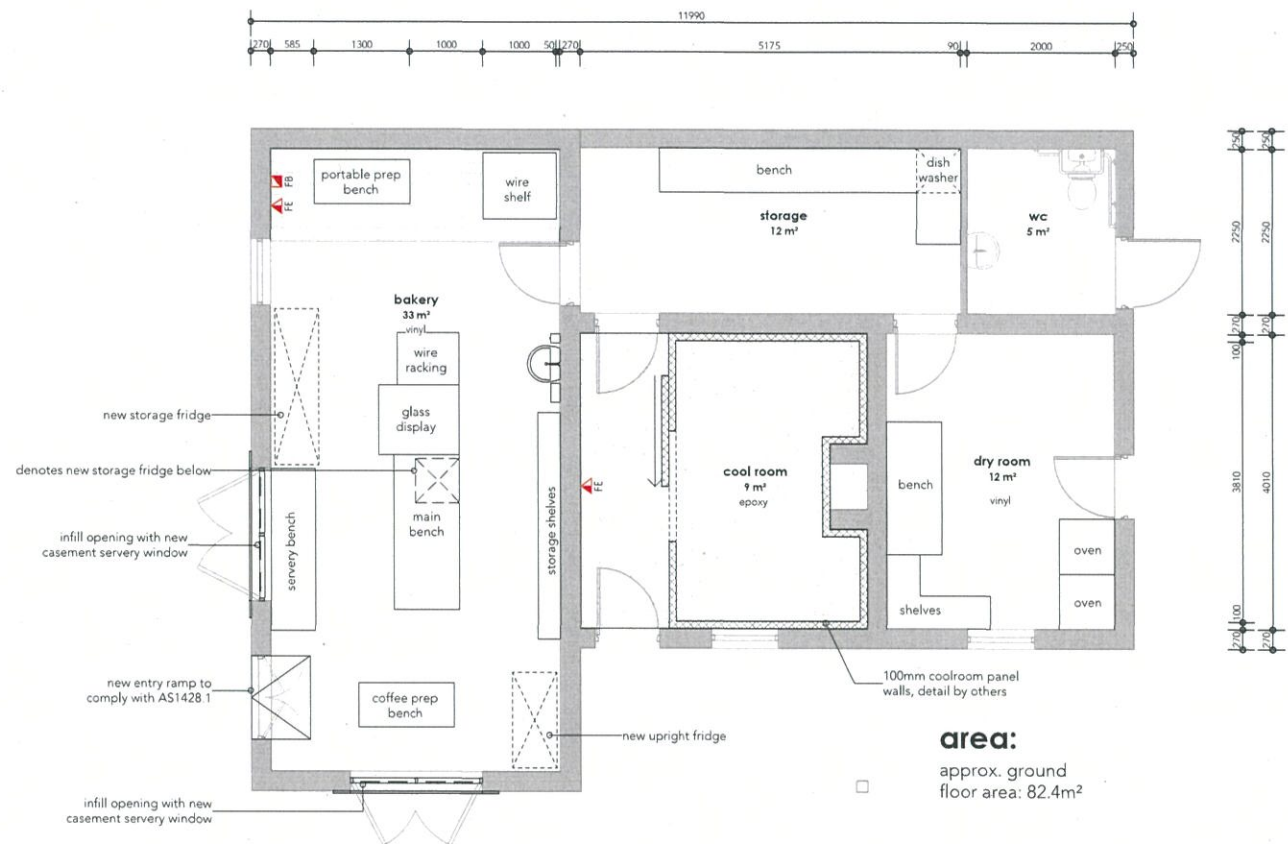
02 existing & alteration plan



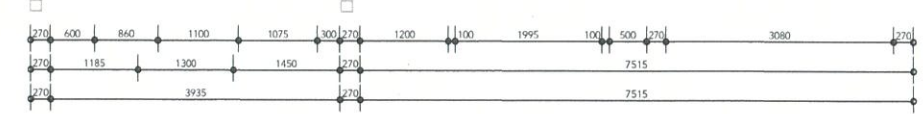
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03 floor plan



area:
approx. ground floor area: 82.4m²



MID-WESTERN REGIONAL COUNCIL
APPROVED PLAN
APPLICATION NO. DA0201/2021
SIGNED: [Signature]
Authorised person
DATE:

DA RE-ISSUE



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Unit 1/36 Darling Street
Dubbo NSW 2830
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generalenquiry@barnson.com.au
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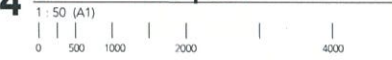
Client: DAVID LOWE
Project: PROPOSED BAKERY FITOUT @ 131 CHURCH STREET, MUDGEE NSW 2850
Drawing Title: EXISTING, ALTERATION & PROPOSED FLOOR PLANS

Rev	Date	Amendment
A	10.12.2020	PRELIMINARY
B	16.12.2020	ISSUED FOR DA
C	11.20.2021	ADD HERITAGE NOTES
D	03.22.2021	AMEND WINDOWS
E	05.05.2021	REISSUED FOR DEVELOPMENT APPLICATION

Design: CLIENT
Drawn: MR
Check: AM

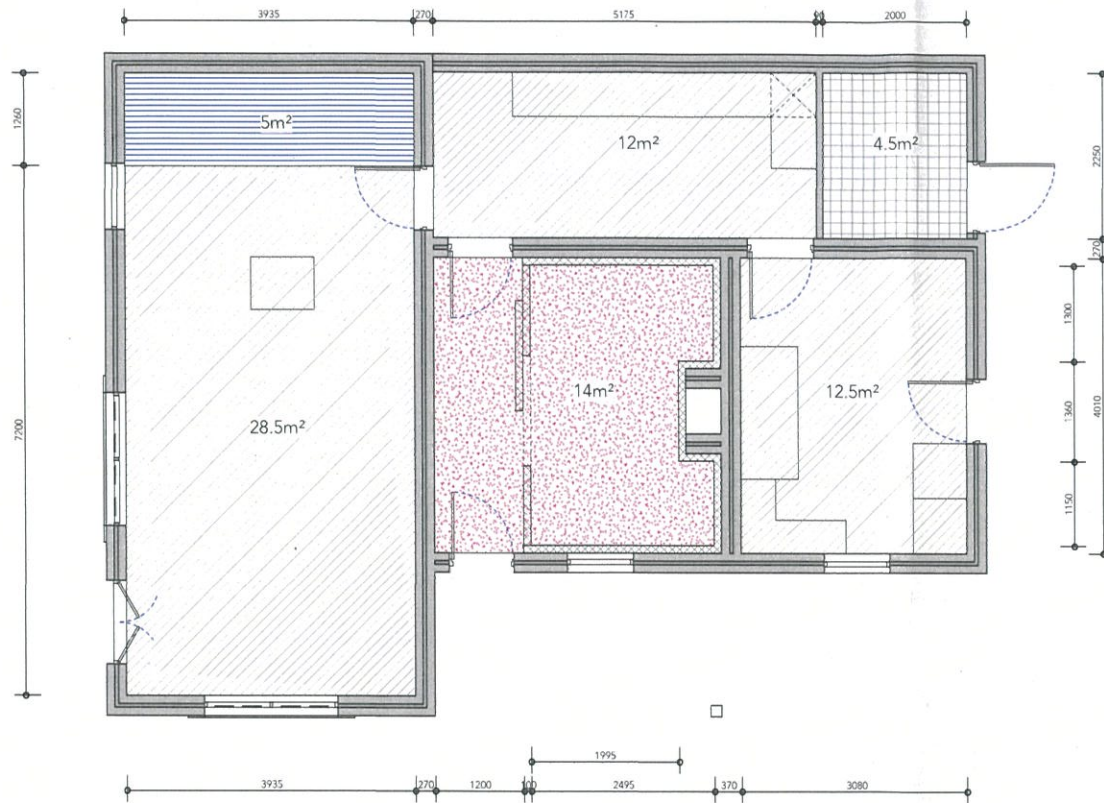
Sheet 02 of 04
Drawing Number: 35476- A02
Revision: E

04 floor finishes plan



floor legend:

-  existing wet area tiles
-  existing timber flooring
-  proposed epoxy flooring
-  proposed gerfloor vinyl flooring



food premises notes:

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- The floors shall be of an impervious, smooth finish covered at the intersections of all walls to a minimum radius of 25mm and the floor finish extending at least 100mm up the wall surface. All floors to food preparation & storage areas shall be graded so as to drain liquids to floor wastes provided for this purpose.
 - All ceramic type wall tiles are to be close fitted at the joints with a maximum grout width of 3mm. Epoxy type grouting material should be used.
 - All equipment, fittings & fixtures shall be supported clear above the floor on legs at least 150mm high, as an alternative, solid concrete plinths covered to the floor shall be provided. Where equipment is not fixed or too heavy, consideration being given to the fitting of wheels with safety locks to enable movement for cleansing & sanitising.
 - Sinks & wash hand basins shall be attached to the wall or equipment without any enclosure below so as to facilitate cleansing & being supplied with hot and cold water from a common outlet together with liquid hand soap & disposable single use towels.
 - Insect exclusion devices shall be provided to the satisfaction of the certifying authority.
 - Staff shall be provided with proper personal clothes storage standing at least 150mm clear of the floor.
 - All perishable or potentially hazardous foodstuffs shall be kept either below 5 degrees celsius or above 60 degrees celsius as the case may be and thermometers shall be provided & maintained in a satisfactory condition in the food storage or display areas to ensure these temperature levels are maintained.
 - Garbage & recycling bins to be constructed in accordance with AS4674-2004 P2.4.4 & P2.4.5.
 - All tenancy perimeter walls of the canteen area to be filled with polystyrene block insulation with gaps filled in with expandable polystyrene foam sealer.
 - The ceiling shall be constructed of 13mm waterproof plasterboard ceiling painted with a washable gloss paint of a light colour.
 - Natural & artificial lighting will be provided to the premises in accordance with AS1680.1, AS/NZS 1680.2.4 & AS4674-2004 P2.6.1.
 - Artificial lighting to be installed in accordance with the NCC, Vol. 2, F4.4.
 - All light fittings are to comply in accordance with AS4674-2004 P2.6.1.
 - Pipes, conduits & electrical wiring to be concealed or if not possible will be installed in accordance with AS4674-2004 P3.2.9.

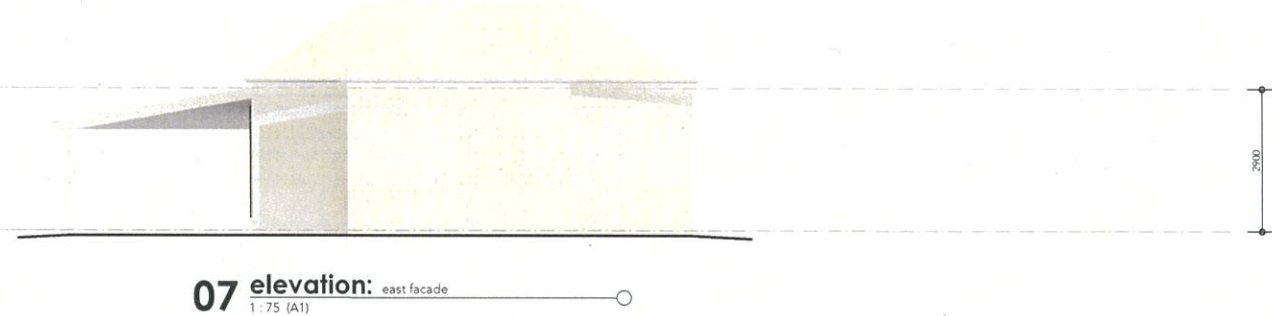
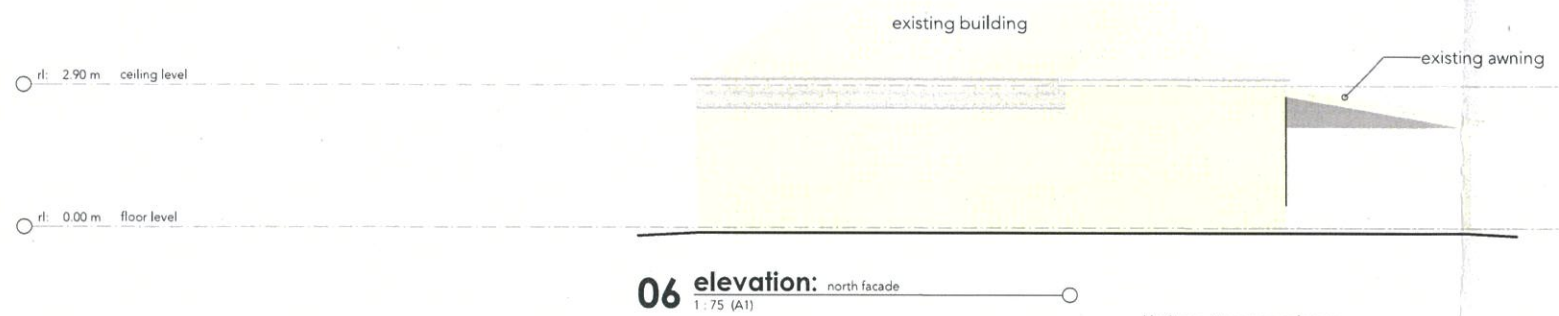
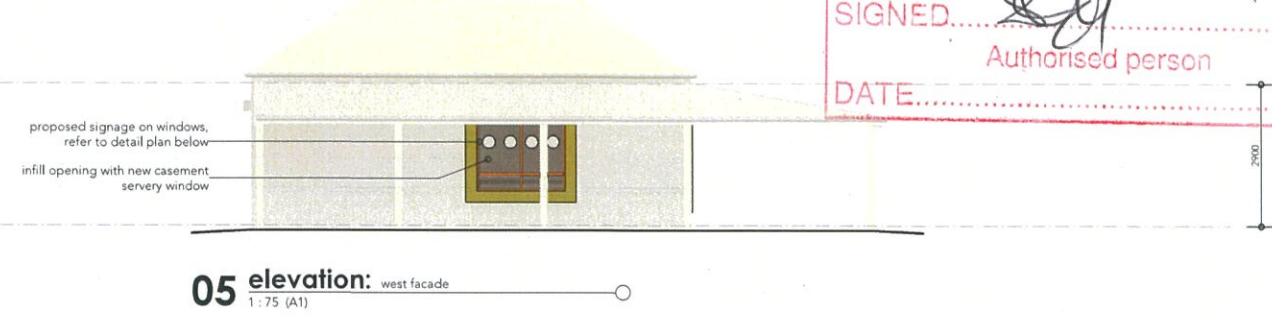
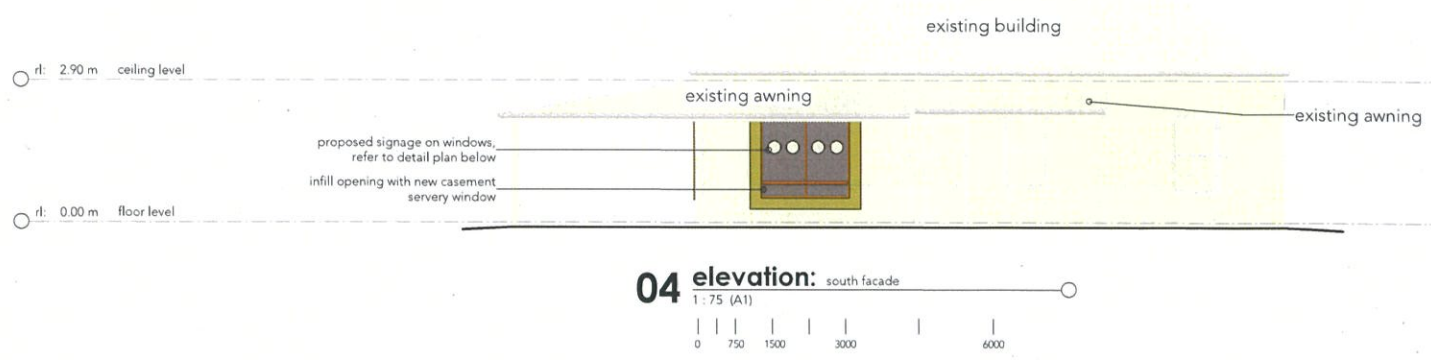
MID-WESTERN REGIONAL COUNCIL
APPROVED PLAN

APPLICATION NO DA0201/2021
SIGNED..... 

Authorised person

DATE..... DA RE-ISSUE.....

MID-WESTERN REGIONAL COUNCIL
 APPROVED PLAN
 APPLICATION NO. DA0201/2021
 SIGNED: [Signature]
 Authorised person
 DATE:



Heritage Recommendations

- Repaint the building on all facades (which are presently painted off white) a suitable wall colour reminiscent of the original masonry. Paint trims to contrast. The proposal is Porter's 'Rubble' on the walls and Porters 'French Green' on posts, window trim. Windows to be installed with natural cedar clear lacquer finish.
- Repair the roof plumbing, the gutters and acroterion to match original or similar profiles and materials.

