

**PROPOSAL TO INITIATE AN AMENDMENT TO THE
PLANNING & DESIGN CODE**

***Local Heritage Places* Code Amendment**

By the Barunga West *Council* (the Proponent)



_____ (Signature Required)

***Barunga West Council* (the Proponent)**

Date: 29 July 2022

This Proposal to Initiate document together with conditions specified by the Minister forms the basis for the preparation of a proposed amendment to the Planning and Design Code for the purpose of section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016*.



_____ (Signature Required)

MINISTER FOR PLANNING

Date: ~~29 July 2022~~ 27/8/23

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1. INTRODUCTION

The Proponent is proposing to initiate an amendment to the Planning and Design Code (the Code Amendment) as it relates to land located at the District Council of Barunga West (the Affected Area).

The purpose of this Proposal to Initiate is to seek approval of the Minister for Planning (the Minister) to initiate the Code Amendment under section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016* (the Act).

This Proposal to Initiate details the scope, relevant strategic and policy considerations, nature of investigations to be carried out and information to be collected for the Code Amendment. It also details the timeframes to be followed in undertaking the Code Amendment, should this Proposal to Initiate be approved by the Minister.

The Proponent acknowledges that the Minister may specify conditions on approving this Proposal to Initiate, under section 73(5) of the Act. In the event of inconsistency between this Proposal to Initiate and any conditions specified by the Minister, the conditions will apply.

1.1. Designated Entity for Undertaking the Code Amendment

In accordance with section 73(4)(a) of the Act, the Proponent will be the Designated Entity responsible for undertaking the Code Amendment process. As a result:

- 1.1.1. The Proponent acknowledges that it will be responsible for undertaking the Code Amendment in accordance with the requirements Act.
- 1.1.2. The Proponent declares that it has not and does not intend to enter into an agreement with a third party for the recovery of costs incurred in relation to the Code Amendment under section 73(9) of the Act. If the Proponent does enter into such an agreement, the Proponent will notify the Department prior to finalising the Engagement Report under section 73(7).
- 1.1.3. The Proponent's contact person responsible for managing the Code Amendment and receiving all official documents relating to this Code Amendment is:
 - a) Shanti Ditter, Planning Consultant
 - b) Shanti.ditter@planningaspects.com
 - c) 0418856580
- 1.1.4. The Proponent intends to undertake the Code Amendment by:
 - a) engaging Shanti Ditter of Planning Aspects Pty Ltd to provide the professional services required to undertake the Code Amendment

1.2. Rationale for the Code Amendment

Both the *Planning, Development and Infrastructure Act 2016* (the Act) and the *Heritage Places Act 1993* have specific criteria that have to be met for items to be placed on the respective local heritage and state heritage registers.

A heritage survey of the Yorke Peninsula, which at the time included the former District Councils of Bute and Port Broughton (now Barunga West Council) was undertaken in

1998 for the State Heritage Branch of the Department for Environment, Heritage and Aboriginal Affairs by Weidenhofer Architects. The aims of that survey were to:

- make recommendations for the entry of places in the State Heritage Register, and for the declaration of State Heritage Areas; (none were recommended)
- identify areas which could be declared Historic Conservation Zones, or otherwise incorporated into local government planning; (none were recommended)
- provide a local heritage register (land, buildings or structures) for inclusion in the Development Plan or for other planning purposes (44 places were recommended).

In 1998, this survey confirmed that the Barunga West Council had no places of local or State heritage significance registered at that time, but it identified a number of places that could be considered for inclusion as local heritage places into Council's Development Plan.

Notwithstanding the recommendation to consider listing of buildings and places in Barunga West Council area, no further action was taken in relation to the 1998 survey recommendations. In 2021, Council does not have any items or places of heritage significance listed in Planning and Design Code that is relevant to Barunga West Council area.

Council now wishes to rectify this policy gap and has engaged consultants who have:

1. undertaken a review of the previous 1998 Weidenhofer Architects heritage survey,
2. prepared a thematic history of Barunga West Council area; and
3. engaged with key community groups, local history groups and Council

to identify places of heritage value that merit protection under the Planning Development and Infrastructure Act 2016.

2. SCOPE OF THE CODE AMENDMENT

2.1. Affected Area

The proposal seeks to amend the Code for the Affected Area, being the land within the Barunga West Council Area as shown in the map in Attachment A.

2.2. Scope of Proposed Code Amendment

Barunga West Council Area

Current Policy	<i>The Planning and Design Code as it applies to the Barunga West Council area does not have a local heritage or heritage Adjacency overlay</i>
Amendment Outline	<i>The amendment proposes to introduce the local heritage overlay policies as they would apply to the Barunga West Council area and to list the 44 identified properties as places of local heritage significance under the Act; and apply the Heritage Adjacency overlay policies for places that are adjacent to local heritage listed properties. Within urban areas, the heritage adjacency overlay applies to:</i>

	<ul style="list-style-type: none"> • any directly abutting allotment, to a maximum distance of 60 metres, plus • any property within 6 metres of the allotment on which the heritage place is located, to a maximum distance of 60 metres, except where separated by a road/reserve greater than 6 metres wide • any land that falls within 30 metres of a place where the place is located within a road reserve <p><i>Within rural areas, it applies to:</i></p> <ul style="list-style-type: none"> • any land that falls within 500 metres of a heritage place and that is on a separate allotment to the heritage place.
Intended Policy	<p>Briefly outline what Planning and Design Code policies are being proposed to be amended for the site and any specific objectives. For example:</p> <ul style="list-style-type: none"> • The Local heritage overlay will be considered for insertion. • The heritage adjacency overlay will be considered for insertion.

3. STRATEGIC PLANNING OUTCOMES

Proposed Code Amendments occur within a state, regional and local strategic setting, which includes:

- State Planning Policies (SPPs)
- Regional Plans
- Other relevant strategic documents.

3.1 Alignment with State Planning Policies

The State Planning Policies (SPPs) set out the State's overarching goals and requirements for the planning system. Under section 66(3)(f) of the Act, the Code must comply with any principle prescribed by a SPP.

The Code Amendment should be initiated because it aligns with or seeks to implement the following SPPs:

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
<p>SPP 1: Integrated Planning</p> <p>Objective To apply the principles of integrated planning to shape cities and regions in a way that enhances our liveability, economic prosperity and sustainable future.</p>	<p>This Proposal seeks to promote 'integrated planning' by allowing sites with identified heritage significance to be protected into the future. Heritage listing has been demonstrated to add to the value of properties, and provide opportunities for economic and social development.</p>

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
<p>SPP 2: Design Quality</p> <p>Objective To elevate the design quality of South Australia’s built environment and public realm.</p> <p>Policy 2.8 Recognise the unique character of areas by identifying their valued physical attributes in consultation with communities.</p> <p>Policy 2.9 Respect the characteristics and identities of different neighbourhoods, suburbs and precincts by ensuring development considers existing and desired future context of a place.</p> <p>Policy 2.11 Manage the interface between modern built form of different scales with more traditional dwelling forms, including through the management of streetscape character, access to natural light, visual and acoustic privacy, massing and proportions.</p>	<p>The Proposal promotes the delivery of quality and contemporary design strategies and outcomes for the development of the Affected Area.</p>
<p>SPP 4: Adaptive Reuse</p> <p>Objective</p> <p>The adaptive reuse of existing buildings that enhance areas of cultural or heritage value, capitalise on existing investment and/ or contribute to vibrant and livable places.</p> <p>Policy 3.1 Remove barriers and encourage innovative and adaptive reuse of underutilised buildings and places to inspire urban regeneration, stimulate our economy and unlock latent investment opportunities.</p> <p>Policy 3.3 Repurpose, adapt and reuse historical buildings and places that recognise and preserve our state’s history.</p> <p>Policy 3.5 Facilitate the conversion and adaptation of existing commercial office and industrial buildings to new uses that contribute to the local area.</p> <p>Policy 3.6 Introduce a range of</p>	<p>The proposal will support the adaptive reuse of identified buildings.</p>

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
<p>planning and development incentives and bonus schemes to streamline decision-making processes, provide dispensation on prescriptive requirements that constrain opportunities and capitalise on related regulatory or financial incentives outside of the planning system.</p> <p>Policy 3.7 Introduce performance-based building regulations that encourage the adaptability of existing buildings to new uses without compromising health and safety.</p>	
<p>SPP 7 Cultural Heritage</p> <p>Objective</p> <p>To protect and conserve heritage places and areas for the benefit of our present and future generations.</p> <p>Policy 7.1 The sensitive and respectful use of our culturally and historically significant places.</p> <p>Policy 7.3 Recognise and protect places and areas of acknowledged heritage value for future generations.</p> <p>Policy 7.4 The appropriate conservation, continuing use, and as appropriate, adaptive reuse of our heritage places and heritage areas of value to the community.</p> <p>Policy 7.5 Maintain the context of a place or area of heritage value through appropriate design guidelines that encourage compatible design solutions.</p> <p>Policy 7.6 The interpretation potential of heritage places and areas is enhanced to contribute to the economic and cultural sustainability of the state.</p> <p>Policy 7.7 Provide certainty to landowners and the community about the planning processes for heritage identification, conservation and protection.</p>	<p>The proposal seeks to protect and conserve sites of historical significance to the community of Barunga West.</p>

3.2 Alignment with Regional Plans

As with the SPPs, the directions set out in Regional Plans provide the long-term vision as well as setting the spatial patterns for future development in a region. This includes consideration of land use integration, transport infrastructure and the public realm.

The following Regional Plans (identified as volumes of the South Australian Planning Strategy prepared under the *Development Act 1993*, and applicable until such time as the new Regional Plans are prepared and adopted under the Act) are relevant for consideration as part of this Code Amendment:

- The Yorke Peninsula Regional Land Use Framework

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
<p><i>Environmental and Cultural Assets – a healthy and sustainable future</i></p> <p>Objective 5 Identify and protect places of heritage and cultural significance</p> <p>Areas of Focus</p> <ul style="list-style-type: none"> Incorporate heritage listed sites and areas of high biodiversity value into Development Plans <p>Strategies</p> <p>5.1 Protect and conserve place of heritage and cultural value, including local and registered (State and National) sites</p>	<p>Broadly, the key goals and strategies contained in the Regional Plan will be given due consideration in the preparation of this Code Amendment through the identification, protection and conservation of places of heritage and cultural value.</p>
<p><i>Population and Settlements – supporting communities</i></p> <p>Objective 17 Reinforce the role, functionality and vibrancy of towns and settlements</p> <p>Areas of Focus</p> <ul style="list-style-type: none"> Undertake master planning for settlements along the eastern coast of the peninsula and Port Broughton, to establish Coastal Zones and identify constraints, opportunities and future directions for growth (see also Environmental and Cultural Assets) <p>Strategies</p> <p>17.7 Retain the cultural/heritage tourist focus of Moonta, Port Wakefield, Ardrossan, Edithburgh, Wallaroo, Minlaton and Maitland by strengthening heritage and township character</p>	<p>Broadly, the key goals and strategies contained in the Regional Plan will be given due consideration in the preparation of this Code Amendment through the identification, protection and conservation of places of heritage and cultural value in all parts of the Council area.</p>
<p>Objective 19 Design towns to provide safe, healthy, accessible and appealing environments</p> <p>Areas of Focus</p> <ul style="list-style-type: none"> Identify desired character of towns (and parts of towns) to guide design of buildings and public places 	

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
<p>Strategies</p> <p>19.1 Involve local communities in identifying the desired character of towns, encompassing those elements considered important for amenity, identity, sense of community, and attracting visitors</p> <p>19.2 Reinforce those elements (natural and built) that contribute to the unique character and identity of towns, including landscapes, building and streetscape design, and built heritage</p> <p>19.11 Design all developments – housing, holiday homes, commercial, industrial – so they are functional, attractive, contribute to the desired character of the area, and are sympathetic to cultural and landscape features</p>	

4 INVESTIGATIONS AND ENGAGEMENT

4.1 Investigations Already Undertaken

The table below identifies what investigations have already been undertaken in support of the proposed Code Amendment.

Investigation Undertaken	Summary of Scope of Investigations	Summary of Outcome of Recommendations
<p>Review of the Taylor Weidenhofer Heritage Survey 1997</p>	<p>A review of all places in Barunga West Council area to determine if previous items are intact, and if intact, extent of alterations or additions and whether places meet the provisions of s. 67(1) of the <i>Planning, Development and Infrastructure Act, 2016</i></p> <p>Investigations included site visits to properties that were visible from public streets and site visits to properties where contact could be made with property owners.</p>	<ul style="list-style-type: none"> • 1 ruin (BW052) Ward's Hill Church & School • 1 demolished (BW:064) Former Port Broughton District Hospital
<p>Preparation of a Thematic History of the Barunga West Council Area</p>	<p>Scope included meeting with Local History Groups; Research and writing of a history of the region. Including review of available sources for local history published before and since the survey.</p> <p>Identification of the main themes relating to the Barunga West district and any potential 'gaps'.</p>	<p>Thematic Survey identified potential gaps in the following areas;</p> <ul style="list-style-type: none"> • Evidence of early Pastoral activity pre agricultural settlement (eg shepherd's huts) • Railway infrastructure • Water infrastructure • Agricultural development - on farm / landscape / sheep yards or dips • Maritime industry (commercial fishing, marine fibre) • Tourism and holiday / beach/ retirement culture (Shacks, caravan parks etc) • Shops and other commercial buildings especially those associated with agriculture eg Co-op stores • Places representing women eg CWA, baby health centres? • Places (houses or other) of special architectural value? • Places associated with historically

Investigation Undertaken	Summary of Scope of Investigations	Summary of Outcome of Recommendations
		significant people of the district
Community consultation	Community consultation on the Thematic History was sought and feedback received, specifically looking to address the potential gaps in listings.	<ul style="list-style-type: none"> • Recommendations for amendment to the Thematic History were made • Bute RSL Club Rooms were recommended for listing. • Workurna Hall (already nominated) and Wokurna Oval and Tennis Courts were recommended for listing.
Preparation of data sheets	<p>Scope included:</p> <ul style="list-style-type: none"> • re-writing datasheets into a contemporary word document & inserting new photos • checking street address and title information to match SAPPA mapping information • Review & verification of some history and references • Preparation of new datasheets for new recommendations 	<ul style="list-style-type: none"> • Bute RSL Club Rooms were incorporated in the list of nominations • Former Pine Forest Methodist Chapel and School was incorporated into the list of nominations

Investigation Undertaken	Summary of Scope of Investigations	Summary of Outcome of Recommendations
Preliminary engagement with owners potentially affected by the proposed listing	One on one meetings were held on 7 and 8 April 2022 with 14 owners of properties that were identified for listing. Owners were provided with information regarding the proposed listing and provided details of the implications should the property be listed, including the consultation process with the formal code amendment and engagement with the State Planning Commission	As a result of a site visit and a meeting with its owners, the following 2 properties were identified as having deteriorated beyond repair and not worthy of listing <ul style="list-style-type: none"> • Barung Gap Road - Blacksmith Hut • Wokurna Church A summary of the consultation undertaken is detailed in Attachment C

4.2 Further Investigations Proposed

No further investigations other than those already undertaken and identified above are proposed. However, if during the course of public consultation a review of a place or places maybe necessary as a result of information provided by owners or the community, so that the listing is as accurate as possible.

4.3 Engagement Already Undertaken

Early informal consultation has been undertaken with a call for submissions from Council between early December 21 and 15 January 2022 regarding the draft Thematic History that has been prepared.

To date preliminary consultation has been undertaken in April 2022 with affected property owners in relation to this Proposal in accordance with Practice Direction 2. Council's Heritage advisor and planning consultant held face to face engagement sessions on 7 and 8 April 2022 where owners of prospective places were invited to attend and were provided information on the implications of the listing including what listing will mean for property owners and their development rights; and clarification about public access to properties (ie. listing doesn't mean members of the public can enter the property); and support that council will be able to offer owners if listing occurs.

Council proposes to continue and to be involved in progressing the Code Amendment by contributing to the following key stages going forward:

- Stage 1 – Initiation and preparation of a draft Code Amendment
- Stage 2 – Community Engagement and finalisation.

Shanti Ditter will lead the engagement on behalf of Council. Shanti has in excess of 30 years' experience in undertaking community engagement including in the heritage listing process.

A summary of outcomes or matters raised through engagement already undertaken is as follows:

- Suggested listing of the Wokurna Hall, Oval & Tennis Courts.
As these places are no longer utilised for this purpose, Council has resolved that the sites be signposted with a historic plaque.
- Clarification on the accuracy of the thematic history to ensure its accuracy. The suggested changes have been made.
- Suggested listing of the Bute RSL Club Rooms, High Street, Bute

4.4 Further Engagement Proposed

In addition to the engagement already undertaken and identified above, the table below outlines what additional engagement will be undertaken to support the Code Amendment.

Further Engagement Proposed	Explanation of how the further engagement propose to address an identified issue or question
Notification and meeting with Landowners	This will provide clarity for individual property owners on the implications of the local heritage listing on their rights and responsibilities

5 CODE AMENDMENT PROCESS

The Code Amendment process will occur in accordance with the Community Engagement Charter and Practice Direction 2 – Consultation on the Preparation or Amendment of a Designated Instrument.

Council will prepare an Engagement Plan prior to the commencement of engagement on the proposed Code Amendment. The Engagement Plan will include the following mandatory consultation requirements (which may be in addition to the engagement outlined in this Proposal to Initiate):

- the Local Government Association will be notified in writing of the proposed Code Amendment;
- if the Code Amendment has a specific impact on 1 or more particular pieces of land in a particular zone or subzone (rather than more generally), Council will take reasonable steps to give a notice in accordance with Regulation 20 of the *Planning, Development and Infrastructure (General) Regulations 2017*, to:
 - the owners or occupiers of the land; and
 - owners or occupiers of each piece of adjacent land;
- consultation will also occur with any person or body specified by the State Planning Commission under section 73(6)(e) of the Act.

5.1 Engagement Report

Once engagement on the Code Amendment is complete, Council will prepare an Engagement Report under section 73(7) of the Act.

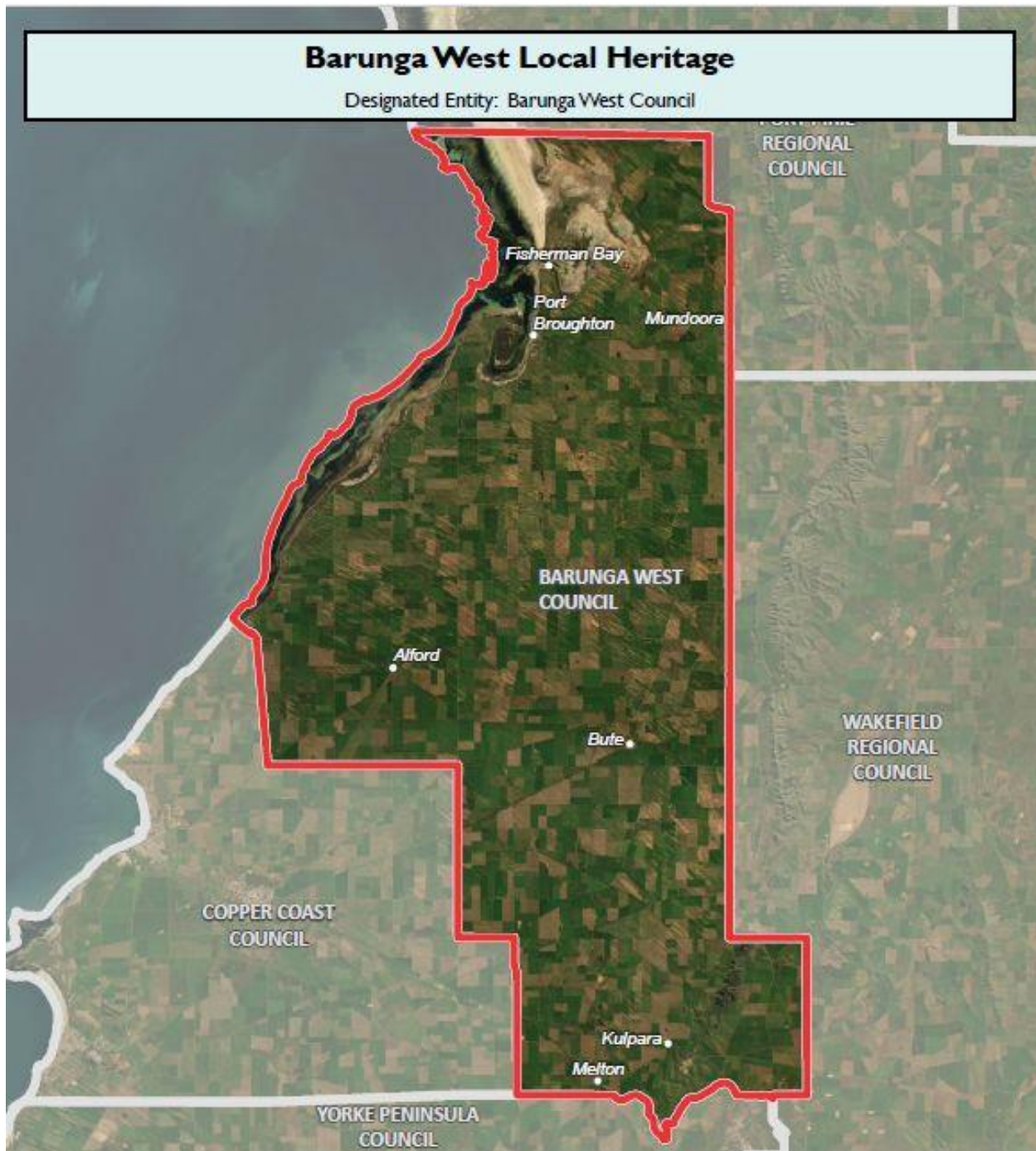
Council will ensure that a copy of the Engagement Report is furnished on the Minister and also published on the SA Planning Portal. This will occur in accordance with Practice Direction 2.

The Engagement Plan and the Engagement Report will also be considered by the State Planning Commission during the final stages of the Code Amendment process. The Commission will provide a report to the Environment, Resources and Development Committee of Parliament under section 74(3) of the Act. The Commission's report will provide information about the reason for the Code Amendment, the consultation undertaken on the Code Amendment and any other information considered relevant by the Commission.

5.2 Code Amendment Timetable

Council commits to undertaking the Code Amendment in line with the timeframe outlined Attachment B. If a timeframe is exceeded (or expected to be exceeded) the Proponent agrees to provide an amended timetable to the Department with an explanation of the delay, for approval by the Minister of an extension of time for the Code Amendment.

ATTACHMENT A
Map of Affected Area



LGA: Barunga West Council



Affected Area
Local Government Areas



ATTACHMENT B

Timetable for Code Amendment by Proponent

Step	Responsibility	Timeframe
Approval of the Proposal to Initiate		
Review of Proposal to Initiate to confirm all mandatory requirements are met (timeframe will be put on hold if further information is required). Referral to the Minister to request advice from the Commission	AGD	2 weeks (includes lodgement and allocation + referral to Government Agencies within the first week)
Minister requests advice from the Commission.	Minister	2 weeks
Referral to Government Agencies for comment (where necessary)	AGD, Relevant Government Agencies	+ 2 weeks
Consideration of Proposal to Initiate and advice to the Minister	Commission (Delegate)	3 weeks
	Commission	+ 3 weeks
Proposal to Initiate agreed to by the Minister	Minister	2 weeks
Preparation of the Code Amendment		
Engagement Plan Prepared. Investigations conducted; Code Amendment Report prepared The Drafting instructions and draft mapping provided to AGD	Designated Entity	2 weeks
AGD prepares Amendment Instructions and Mapping and provides to Council for consultation purposes	AGD	1 week
Preparation of Materials for Consultation	Designated Entity	Informed by Engagement Plan
Engagement on the Code Amendment		
Code Amendment Report released for public consultation in accordance with the Community Engagement Charter and the prepared Community Engagement Plan	Designated Entity	Informed by Engagement Plan
Consideration of Engagement and Finalisation of Amendments		
Submissions summarised; Amended drafting instructions provided, Engagement Report prepared and lodged with AGD	Designated Entity	4 weeks
Assess the amendment and engagement. Prepare report to the Commission or delegate <i>Timeframe will be put on hold if further information is required, or if there are unresolved issues</i>	AGD	4 weeks
Consideration of Advice	Commission (Delegate)	2 weeks (includes 1 week to process through Minister's office)
	Commission	+ 3 weeks
Decision Process		

Step	Responsibility	Timeframe
Minister considers the Code Amendment Report and the Engagement Report and makes decision	Minister	3 weeks
Implementing the Amendment (operation of the Code Amendment)		
Go- Live- Publish on the PlanSA Portal	AGD	2-4 weeks
Parliamentary Scrutiny		
Referral of approved Code Amendment to ERDC	AGD	8 weeks

ATTACHMENT C

Preliminary consultation with owners of potential buildings identified for listing

NAME	Property No (Assessment Sheet)	PROPERTY ADDRESS / NAME	Feedback
Rogers	BW01	Ward Hill Rd / Old Ward Hill Church & School	Generally supportive. Signage opportunity. Could Council put up a sign or information about the memorial and its history?
Masonic Lodge +2	BW02	16 West Tce Port Broughton	Will there be funding to maintain the building? The jubilee of the Lodge is soon. Recommended later additions should be excluded from listing.
Graeme Atkinson	BW020	Cnr Railway / Second St - Former Catholic Church	Graeme does not support the listing and does not want to seek approval to do any work to the building. He is supportive of the installation of a plaque to recognise its importance.
Kym Fidge	BW024	Barung Gap Road - Blacksmith Hut	Whilst supportive of the listing, the structure has been badly damaged as a result of a recent storm that has caused significant damage. Only chimney left. Owner is interested in reconstructing the structure sometime in the future.
Richard Turrell	BW065	5 East Tce Port Broughton - Former Anglican Church Port Broughton	Is supportive of the listing. Discussed possibility for solar panels, carport, shed and fencing on the site.
Carol & Juan Elliot	BW061	25 Harvey Street, Port Broughton - Former Police Station, Port Broughton	Requested that she is notified when the matter is formally considered.
Sue Martin	BW021	21 Railway Tce Bute, Former Post Office	Sue has lived here for 53 years. She is currently neither in favour nor against the listing and will consult with her sons to decide a position.
Jeffrey Robertson	BW077	Third St, Tickera - Former Bible Christian Church	Is interested to understand if the listing will affect the value of the property? Also if listing affects insurance, and would appreciate financial help to bring the building into shape. Confirmed their understanding that Marie Walker, Matron at the Wallaroo Hospital modernised the building as a residence. Historic titles and trove link to be sent to owners.
Maria Perry	BW013	Old Bute Hospital	Has owned the property for 8-9 years. There is significant salt damp inside and outside it, with floor boards having to have been removed and replaced. The fence has been in place since 2002 and is a modern addition.
Angela Dennis	BW035	Lincolnsfield	Happy to have the structure listed.
Collen and Brett Ireland	BW055	Port Broughton Post Office	Happy to have the structure listed.

NAME	Property No (Assessment Sheet)	PROPERTY ADDRESS / NAME	Feedback
David Mildren	BW087	House, Cellar and Horse Trough ('Tancock's Farm')	Had questions about how best to take care of the complex. Agreed to send through the lime mortar mix recipe. David is happy for the complex to be listed
Mr/Ms Bradley Le- Anne Cowell	BW030	Kulpara Uniting Church	Want to have the buildings listed and are keen to continue to take care of it. The floor has been replaced 10-15 years ago. Some of the stonework has damage to the lime mortar and want to rectify this sooner rather than later. Want to eventually open the building up to the public.
Angela Batten	BW022	Bute Uniting Church (former Methodist Church)	Generally happy for the church to be listed.