



**Yorke Peninsula Council**

**Proposal to revoke the  
Ardrossan Museum  
as Community Land**

**January 2018**

# Proposal to revoke the Ardrossan Museum as Community Land

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# Proposal to revoke the Ardrossan Museum as Community Land

## 1. Introduction

Land owned by a Council or under a Council's care, control and management is classified as **community land**, and section 196 of the Local Government Act 1999 (the Act) requires a council to manage community land in accordance with a **management plan** for the land.

The land at 14 Fifth Street, Ardrossan (Ardrossan Museum) is owned by the Yorke Peninsula Council.

The Council proposes to transfer the ownership of the Ardrossan Museum to the Ardrossan Progress Association Inc. **subject to revocation of the classification of the property as community land.**

The property will be subject to an Encumbrance to The National Trust of South Australia (NTSA) to ensure that the land be used to benefit the community as a museum; and restrictions are applied to sell or transfer land.

## 2. Context

Until the transfer of the property is finalised, the Museum will continue to be leased to the NTSA. The NTSA occupies the building as a monthly holding over tenant pursuant to the existing lease.

The building will continue to be managed in accordance with the Council's asset management policies and procedures, and the NTSA lease.

## 3. Description of the land

Common name	Ardrossan Museum
Address	14 Fifth Street, Ardrossan
Legal Description of land	Allotment 888 Filed Plan 197449 in the area named Ardrossan Hundred of Cunningham
Volume/Folio	Volume 5794 Folio 735
Owner	Yorke Peninsula Council
Lease	Name of Lessee National Trust of South Australia
	Term Monthly (holding over) renewals
	Purpose Museum

## 4. The proposal in detail

Section 194 (2) of the Act requires the Council to prepare and consider a report on the proposal addressing the following points:

- Summary of the reasons for the proposal;
- Statement of any dedication, reservation or trust to which the land is subject;
- Statement of whether revocation of the classification is proposed with a view to sale or disposal;
- Details of any government assistance given to acquire the land if it is proposed to sell the land;
- Statement of how the Council proposes to use the proceeds if it is proposed to sell the land;
- Assessment of how implementation of the proposal would affect the area and local community;
- Land ownership issues.

The details are presented in the following paragraphs.

### 4.1 Summary of the reasons for the proposal

Gifted to NTSA, the Museum opened in 1973. In 2003, NTSA commenced negotiations with the District Council of Yorke Peninsula to transfer ownership on the condition that the Plough factory continues as a community museum operated by the Central Yorke Peninsula branch of the NTSA.

NTSA owns collections and artefacts in the museum which mainly pertain to the locality. It is not intended that once the property is transferred to Progress that these items will be removed, as they form part of the museum attraction. NTSA will prepare a Deed which will acknowledge the long term loan from NTSA to Progress of the collections and artefacts.

Currently, the Museum is leased to the NTSA which operates the Museum with volunteers from Ardrossan NTSA Branch and Ardrossan Progress Association Inc. (Progress)

In October 2017, Progress approached Council with a proposal for Council to transfer the Ardrossan Museum to Progress by way of "gift". Progress has invested significant funds to build a new extension to the Museum and Progress considered it could more effectively manage the Museum if it was in control of the property.

Council was receptive to the proposal because it considered the new arrangements would strengthen Council's commitment to the provision of community initiatives offered by progress associations as stated in the Council's Strategic Management Plan:

*"Goal 1 – Economically Prosperous Peninsula*

*Create an environment that encourages and supports a strong, diverse economy that attracts more businesses, residents and visitors. Success will mean revitalisation of our towns and retaining young, active and working future generations.*

*Strategies: To achieve this goal we will:-*

- 1.5 *Partner and build positive relationships with key stakeholders (e.g. Regional Development Australia, Central Local Government Region, YP Tourism and Progress Associations) to progress tourism and business growth, including enabling the attraction of niche businesses.*

*Goal 4 – Community Engaged and Supported*

*Council will continually seek innovative ways to engage and support our community and improve the quality of life on the Peninsula. Council will continue to work in partnership with Progress Associations and other key stakeholders to achieve this goal.*

*Strategies: To achieve this goal we will:-*

- 4.7 *Foster productive working relationships with Progress Associations.”*

It was made a condition of the transfer that the property will continue to be used for community purposes as a Museum.

Progress will be responsible for the maintenance and upgrades to the property, reducing Council’s commitment to asset management and replacement.

Agreement on the terms of the sale are to be finalised between Council, Progress & NTSA but the sale is subject to revocation of the classification of the property as community land.

## **4.2 Statement of any dedication, reservation or trust to which the land is subject**

The land is subject to a Memorandum of Encumbrance between the National Trust of South Australia and District Council of Yorke Peninsula.

The museum is currently leased to NTSA.

## **4.3 Statement of whether revocation of the classification is proposed with a view to sale or disposal**

The Council proposes to transfer the property to Progress subject to revocation of the classification of the land as community land.

The transfer of the property directly to Progress is in accordance with Council’s Policy for the Disposal of Land that allows the sale of property without a public tender process under particular circumstances. Clause 4.3.1.7 states:

*“In some circumstances Council may consider a sale or disposal other than through the open market, based on individual case merits.”*

Given Council’s long term, positive business and community relationships with Progress, and the continuing use of the building as a museum, Council deemed that direct dealing with Progress was warranted, and satisfied the conditions of the Council’s Policy for the Disposal of Land.

## **4.4 Details of any government assistance given to acquire the land if it proposed to sell the land**

The NTSA transferred the museum in 2003 to Council for the sum of \$1.00.

#### **4.5 Statement of how the Council proposes to use the proceeds if it is proposed to sell the land**

Council wishes to transfer ownership of the land and buildings comprising the Property to Progress for a nominal sale price, as the Property was originally transferred to Council on the same terms.

#### **4.6 Assessment of how implementation of the proposal would affect the area and local community**

It is Progress's intention to open seven days a week, utilising volunteers from Progress and the National Trust.

Extensions to the museum are currently under construction by Progress, and consist of an office, meeting room and disabled access and toilet facilities. These works will benefit the users of the Museum, and improve the amenity of the area.

A condition of transfer will include a Deed from the NTSA in relation to a long term loan from NTSA to Progress for the collections and artefacts.

#### **4.7 Land Ownership**

The Yorke Peninsula Council is the owner of the land, and therefore there are no requirements made as a condition of approving the proposed revocation.

The property will be subject to an Encumbrance to The National Trust of South Australia to ensure that the land be used to benefit the community as a museum; and restrictions to sell or transfer land

### **5. Community consultation program**

Section 192 (2)(b) of the Local Government Act requires the Council to consult with the community on the proposal in accordance with the Council's community engagement policy.

Appendix 1 of the Council's community engagement policy specifies the steps to be followed for the proposed revocation of classification of community land. A copy of Appendix 1 is attached as Appendix A.

In addition to the mandatory requirements of the Policy, it is proposed to notify all key stakeholders including:

- The National Trust of SA
- Ardrossan Museum Committee
- Jan Hill (Daughter of Mr & Mrs M Sanders, who originally gifted buildings to NTSA)
- The Ardrossan Progress Association
- Landowners within the immediate vicinity

Council will further assess the proposal for revocation of the Ardrossan Museum as a result of the submissions received.



## Appendix 1 – Certificate of Title



Government of South Australia  
Department of Planning,  
Transport and Infrastructure

Product	Register Search (CT 5794/735)
Date/Time	20/10/2017 01:25PM
Customer Reference	sueb
Order ID	20171020006129
Cost	\$28.25

REAL PROPERTY ACT, 1988



South Australia

The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



### Certificate of Title - Volume 5794 Folio 735

Parent Title(s)	CT 3826/138				
Creating Dealing(s)	CONVERTED TITLE				
Title Issued	02/08/2000	Edition	3	Edition Issued	20/11/2013

### Estate Type

FEE SIMPLE

### Registered Proprietor

YORKE PENINSULA COUNCIL  
OF PO BOX 88 MINLATON SA 5575

### Description of Land

ALLOTMENT 888 FILED PLAN 197449  
IN THE AREA NAMED ARDROSSAN  
HUNDRED OF CUNNINGHAM

### Easements

NIL

### Schedule of Dealings

Dealing Number	Description
10074616	ENCUMBRANCE TO THE NATIONAL TRUST OF SOUTH AUSTRALIA (SINGLE COPY ONLY)

### Notations

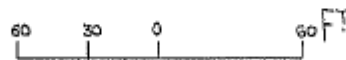
Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL



THIS PLAN IS SCANNED FOR CERTIFICATE OF TITLE 3826/138



### TOWN OF ARDROSSAN



DISTANCES ARE IN FEET AND INCHES  
FOR METRIC CONVERSION  
1 FOOT = 0.3048 METRES  
1 INCH = 0.0254 METRES

NOTE: SUBJECT TO ALL LAWFULLY EXISTING PLANS OF DIVISION

**Community Engagement Policy**

**Appendix 2 – Community Land – Revocation Classification**

**Extract**

*The following information sets out the Yorke Peninsula Council’s minimum standards to meet the legislative requirements of the Act.*

*Submissions must be received by Council within the timeframes outlined in the public notice (minimum of 21 days) and can be in the form of:-*

- *Written submission*
- *Email submissions*
- *Web form submissions and*
- *Online form submissions*

<p><b>Revocation of classification of land as community land</b></p>	<p>194(2)</p>	<p><i>Before a council revokes the classification of land as community land –</i></p> <p><i>(a) The council must prepare a report and make publicly available a report on the proposal containing –</i></p> <ul style="list-style-type: none"> <li><i>(i) A summary of the reasons for the proposal; and</i></li> <li><i>(ii) A statement of any dedication, reservation or trust to which the land is subject; and</i></li> <li><i>(iii) A statement of whether revocation of the classification is proposed with a view to sale or disposal of the land and, if so, details of any Government assistance given to acquire the land and a statement of how the council proposes to use the proceeds; and</i></li> <li><i>(iv) An assessment of how implementation of the proposal would affect the area and the local community; and</i></li> <li><i>(v) If the council is not the owner of the land – a statement of any requirements made by the owner of the land as a condition of approving the proposed revocation of the classification; and</i></li> </ul> <p><i>(b) The council must follow the relevant steps set out in its public consultation policy.</i></p>
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**Notification**

**Level 2 – Consult**

**Means**

Obtaining feedback on preferences when there are options available.

**Examples of when we will use Consult:**

- There are several options available
- Final decisions are being shaped
- Issues and concerns are unclear

**We will ask:**

- Which option is preferred?
- What would be the impact be?
- Any suggestions for improvement?

**We will do this through:**

- Council's Website
- Media releases
- Letter or survey to primary and/or secondary properties
- Letter/email or survey to Progress Associations
- Copies of major reports or plans made available at Council offices
- Report to Council summarising submissions for formal Council decision

**Within the following timeframes:**

Minimum three weeks or compliance with statutory requirements (if applicable)

**6. Indicative time frame**

The following table presents an indicative time frame for the revocation process

Milestone	Week Beginning										
	2018										
	15 Jan	22 Jan	29 Jan	5 Feb	12 Feb	19 Feb	26 Feb	5 Mar	12 Mar	19 Mar	26 Mar
Report to Council to commence public consultation	*17 Jan										
Public consultation period											
Council approval to report on public consultation results and recommendation to seek Minister's approval					*14 Feb						
Sales Contract Signed by Progress											
Submit proposal to Minister for revocation approval											

- Represents council meeting