

10.3. Bemboka house options

Council became the owner of a property in Bemboka in 2007 following community action. The property has never been used and is a cost and risk to Council.

General Manager

Background

In mid 2004 the NSW Department of Health commenced a process to sell the Bemboka Community Health Centre (former bush nursing home on Hoskins Street, Bemboka being Lot 5 Section 7 DP 758087) which was identified as excess to requirements. The monies raised were intended to be used to build doctors accommodation in Bega.

At that time, members of the Bemboka community and the Bemboka Area Committee raised concerns about the loss of the facility to the local community. A community meeting was held on 18 August 2004 to discuss the issue. This meeting was attended by representatives of the then Southern Area Health Service and Cr Allen. At the Council meeting of 24 August 2004 the matter was the focus of a Notice of Motion with the following resolution:

To accept dedication of the old Community Health Centre in 2007, on the basis that it be held for use as a community health facility for the township of Bemboka.

The Council report from 10 October 2006 is attached which charts the background of this matter. The local community had undertaken to establish a group to lease the facility, undertake necessary works on the site and operate and manage the facility for the local community. At that time it was expected that in the order of \$40,000 would be required to make the building operational. The Council resolved:

1. *That Council formally accept the offer from the NSW Department of Health to transfer the former bush nursing home, Hoskins Street, Bemboka Lot 5, Section 7, DP758087 to Council ownership.*
2. *That upon transfer the property be classified as Community land.*
3. *That on completion of the handover of the facility staff commence the preparation of a Plan of Management and conduct formal lease negotiations with the Bemboka Community Health Centre Committee and that the result of these negotiations be reported to the Council for its further consideration.*

The above recommendation has been partially enacted and accordingly, the property was classified as community land upon dedication to prevent a sale by Council and a positive covenant was lodged over the land to ensure that it was used for this purpose. Since 2006 there have been ongoing attempts by Council staff and goodwill from the community to enact the third item in the recommendation however this has never been achieved. There has never been a group formally established and the site has continued to deteriorate. Council property staff have identified the site as a considerable risk to Council and have investigated options available to have the covenant removed and the land re-classified from community to operational.

Current assessment is that the community of Bemboka would benefit from the property being sold with proceeds allocated to works at the community hall with a portion allocated to health property projects in the area.

In order to have the covenant lifted, the Mayor and General Manager met with the Chief Executive of Health Infrastructure and were advised that Council can apply to Health

Infrastructure with a request for the positive covenant to be lifted. Once this is achieved, Council would need to prepare a Planning Proposal for consideration by the Department of Planning to have the land reclassified to operational.

Issues

Legal

- 50 The land at Hoskins Street, Bemboka, being Lot 5 Section 7 DP 758087, is currently owned by Council and classified as community land under Section 27 of the *Local Government Act, 1993*. The title is currently burdened by a Positive Covenant. In order to progress the sale of this land to utilise the funds, Council requires the covenant to be removed by NSW Health Infrastructure and the land to be classified from community to operational through a planning proposal to amend the LEP.

Policy

- Council has an adopted Land Investment Strategy that provides that land may be identified as no longer required for strategic purposes but not necessarily falling into the category of investment. This land or Council owned property may be divested to enable a more
60 appropriate use.

Asset

Council has held the Bemboka house property since 2007 with restriction on use and no community group established. There have been costs related to the building, including insurance over that period but no income and the costs associated with returning it to an operational community facility are not currently available in Council's building asset management plan. Quotations were obtained by Council staff in 2012 for immediate works required to comply with current standards for its continued use as a public building. Those works were in the order of \$60,000 at that time.

Social / Cultural

- 70 The Council undertook to enter into this arrangement in 2004 due to community pressure and expectation that a community group would be established to renovate and manage the facility. This has not eventuated. There is a community hall in Bemboka that requires works and is a focus for community activity with an active community committee.

Strategic

Council is progressively identifying properties for acquisition and disposal and will be reviewing its Land Investment Strategy. This property is one identified by staff that has been available for community use as per the desire of the community but has not achieved the desired outcome.

Consultation

- 80 Council will be required to advertise the planning proposal to amend the classification of the land.

Conclusion

The Bemboka property became a Council asset with restrictions on use over eight years ago due to community pressure and with commitment of a local community group to take over the responsibility of the facility. This has not eventuated and the property has had ongoing costs for Council and is identified as a risk. Removing the Positive Covenant on the property and reclassifying the land allows Council to move to divest itself of the property and allocate funding realised to community benefit.

Attachments

1. Report to Council October 2006

Recommendation

1. That Council formally request NSW Health Infrastructure to remove positive covenant number AD46 from the title of Lot 5 Section 7 DP 758087, Hoskins Street, Bemboka.
2. That following removal of the covenant, Council engage the services of a planning consultant to prepare a planning proposal to reclassify the land from Community to Operational under Schedule 4 of the Local Environmental Plan and that the proposal be forwarded to the NSW Department of Planning and Environment for Gateway Panel determination.
3. That the Mayor and General Manager be authorised to execute the necessary documentation.