

DRAFT SUBMISSION TO INQUIRY INTO SPORTSGROUND MANAGEMENT
by the NSW Legislative Assembly Standing Committee on Public Works.

Executive Summary

The Local Government Association of NSW and Shires Association of NSW (the Associations) are the peak bodies for NSW Local Government.

The Associations welcome the opportunity to provide comment to this important inquiry.

In this submission we highlight the following:

- Local Government is the major provider of public sportsgrounds and other recreation facilities in NSW and this brings into play many nuances in different Local Government areas that should not be underestimated;
- Councils do a strong job in providing recreation infrastructure to their communities, with councils proud of the sportsgrounds and other recreation facilities they provide with the resources they have at their disposal;
- The public recreation infrastructure system is under increasing stress although it would be premature to say it was approaching a crisis;
- There is a wide variety of demographic, social, economic and other trends making the challenge of providing local public recreation infrastructure more difficult;
- The greater majority of NSW councils continue to have in place the research, planning and development strategies to cope with most of these trends;
- The level of and diversity in demand and the rates of change mean there is a strong case for increased financial support from both the Australian and NSW Governments to councils;
- There is a need to develop a system where sportsgrounds held by schools and other state agencies and authorities are brought into the local government area pool and managed for the benefit of the wider community;
- There is a need to develop a system where Local Government sportsgrounds used in 'advanced' level competitions are appropriately resourced from wider funding sources and supported by enhanced partnering arrangements; and
- There is a need to retain and protect s94/s94A as essential Local Government mechanisms for funding local infrastructure; to alter NSW Government Crowns Land practices that are detracting from Local Government's ability to acquire and maintain sportsgrounds; and to amend the Land Acquisition Act to allow review of Valuer-General determinations that appear to unnecessarily escalate the cost of land sought for sportsgrounds.

The Associations hope to be able to elaborate on and explore with the Committee the basic points at a hearing, when councils have had more of an opportunity to give us feedback.

Background:

Together the Local Government Association of NSW and Shires Association of NSW (the Associations) represent the 152 general purpose councils in NSW. Special-purpose county councils and Regional Aboriginal Land Councils are also members.

The Associations welcome the opportunity to provide comment to the Legislative Assembly Standing Committee on Public Works *Inquiry into Sportsground Management in NSW*.

The Associations commend the Standing Committee for commissioning the review of this important function.

The Associations understand that the Terms of Reference are as follows:

The aim of the inquiry is to assess current and projected community demand for sportsground facilities and the adequacy of current measures to allow equitable access, to manage environmental pressures and to ensure maintenance and public safety.

In particular, the Committee will examine the following factors:

- Adequacy of provision of quality sportsgrounds to meet community needs across NSW;
- Cost and revenue arrangements including capital upgrades;
- Environmental concerns associated with sportsground management;
- Effectiveness of current administration of sportsgrounds by various providers including councils, state government (including schools) and private operators;
- Impact on health outcomes and social cohesion, particularly in disadvantaged communities;
- Traffic, noise and other direct impacts on residential amenity;
- Affect of litigation and insurance costs on financial viability; and
- Access to open space for active and passive recreational users.

Given that councils are the major provider of public sportsgrounds in NSW, this inquiry has many possible dimensions and many nuances in different Local Government areas.

In opening the Associations note the following points:

- Local Government profoundly appreciates that sportsgrounds and other recreation areas play essential roles in citizens' health and social well being;
- Local Government recognises the challenges of balancing extensive community need and the demand rationing this creates (through social and recreational planning on issues such as new release areas and new populations, historical backlogs, new and emerging sports, competing demands from passive and active users);
- Local Government recognises the challenges from a financial and asset management perspective (what level of quality can councils and their communities afford; what level of assistance does Local Government need from central governments);
- Local Government appreciates the land use planning challenges especially in growth areas (are councils zoning appropriately, are councils collecting enough land or built infrastructure from developers, are the impacts on residential amenity appropriately and equitably assessed);

Local Government and Shires Associations of NSW

- Local Government attempts to access and equity considerations for people with disabilities and other disadvantaged groups;
- Local Government attempts to mitigate the impact of sportsground horticultural and management practices on the natural environment; and
- Local Government must continually grapple with management issues (competing sports associations with similar claims, perceived ownership by long established sports clubs limiting access by new sports or new communities, community and operational land issues, day-to-day risk management practices and insurance requirements).

The Associations are not in a position to address all the points set out in the Terms of Reference and will only comment on matters where issues have been raised by councils in the recent past.

Adequacy of provision of quality sportsgrounds to meet community needs across NSW

General Comment

Generally NSW Local Government does a remarkable job in providing sportsgrounds adequate to needs within their communities. On the whole councils are justifiably proud of the sportsgrounds and recreation facilities they provide with the resources they have at their disposal.

For example Bankstown City Council in their submission noted “Council takes great pride in managing a large number of sportsground and passive recreation facilities. However, there are a number of issues that are providing some unique challenges to Council in delivering this vital community service.”

Despite the efforts of councils, it is fair to say that the sportsground and recreation system is under increasing stress although it would be premature to say it was in crisis.

Increasing and changing demand

The factors councils cite as presently affecting the level and nature of demand for sportsground facilities are as follows:

- Continuing population growth in many Urban Metropolitan Developed (UMDR) and Urban Fringe (UF) councils and Urban Regional Town or City (URTC) councils driving up demand;
- Continuing growth in the number of young people in many Urban Metropolitan Developed (UMDR) and Urban Fringe (UF) councils and Urban Regional Town or City (URTC) councils driving up demand;
- Increases in the number of people participating in organised sporting activities across an ever-increasing variety of sports driving up demand; (cp Ku-ring-gai Council submission; Bankstown City noted this has resulted partly from sports associations promoting participation and partly by council heavily promoting sports participation as a public health measure - Bankstown City Council submission);
- Increased but very welcome demand amongst girls and women to participate in organised sport; this has flow on effects with councils having to upgrade facilities to appropriately cater for the needs of women, such as providing additional change rooms (cp Ku-ring-gai Council submission; Bankstown City Council submission);
- Increasing growth in demand for more ‘casual’ organised sports, driven primarily by young professionals who want to be involved in physical activity that require a minimum commitment of time and provide opportunities to socialise; popular sports include mid-week soccer, touch football and Oztag (cp Bankstown City Council submission; Ku-ring-gai Council submission);
- Difficulties for Urban Fringe (UF) councils and coastal Urban Regional Town or City (URTC) councils with high population growth to deliver the facilities in the most timely fashion;
- Difficulties for Urban Metropolitan Developed (UMDR) councils to catch up on historical deficits (cp Leichhardt Municipal Council and Randwick City Council comments in Davis and Pandaram’s article 09/06/2006; Ashfield Municipal Council);
- The need to begin to anticipate and plan for long terms trends such as population ageing and increasing disability access standards; and

- In some council areas, increasing demand for usage of Council's sportsgrounds by clubs based outside some Local Government areas where that council has a reputation for providing high-class sports facilities at affordable rates (cp Bankstown City Council submission; Lane Cove Municipal Council comments in Davis and Pandaram's article 09/06/2006).

Planning considerations: Metro Strategy

The State Government's Metro Strategy recognises the contribution of recreational spaces to the health and well-being of Sydney's population. One of the objectives of the Metro Strategy is for "fair access to quality parks and public places for leisure, sport and recreation for the local community and visitors".

The availability and cost of acquiring open space in existing urban areas and speculative pressure on lands in development areas significantly impacts on councils' capacity to meet the growing demand for recreational land. Implementation of the actions relating to parks and public spaces in the Metro Strategy should assist in improving the supply of, accessibility and quality of sportsgrounds throughout the greater Sydney metropolitan area.

The NSW Government must ensure that adequate resources are provided to implement the key actions within the Metro Strategy within a realistic timeframe.

Longer term challenges

NSW Local Government recognises that the reality of population ageing will effect the equation spelt out above over the medium to long term. All spheres of government need to work together on the impact of population ageing on all service functions including recreation. Australia's population aged 65 and older is projected to increase from 2.5 million (12%) in 2002 to 4.2 million in 2021 (18%). NSW currently has 19 local government areas (LGAs) with more elderly than children. By 2022 this will have increased to 135 LGAs which equates to approximately 90%. Based on this figure over a quarter of the population in most LGAs will be aged over 65. Population ageing pressures will continue to escalate and is considered to be one of the major long term challenges of change facing councils throughout Australia.

Evidence in relation to population ageing also indicates that one of the impacts will be an increased demand for modifications to the built environment, pedestrian and recreational facilities. Particularly it will bring into sharp focus the need to better account for ageing people with limited mobility issues and those using mobility aides such as walking sticks, frames and wheelchairs.

The way in which a community is designed and built and a person's ability to actively participate in their local community impacts on an individual's quality of life. Serious consideration needs to be given to ensure that those responsible for designing, developing, building and ultimately approving recreational facilities are aware of the access and mobility requirements of older people and people with a disability.

Against the backdrop of an ageing population and an expectation that most people at some stage in their lives will visit a sporting ground as a spectator or a user, the issue of mobility access arises. Equity of access is not just for people with a disability because mobility access

also fosters inclusive communities that enable people to continue to contribute and participate in their community irrespective of age or ability.

To ensure equal access to sportsgrounds and other recreational facilities consideration should be given to the following:

- Building design
 - Landscaping – network of accessible pathways and/or continuous paths of travel in line with the AS1428
 - Gradient – ensure that the crossfall on site is consistent with the AS1428
 - Accessibility – proposed facilities on site should refer back to the relevant Australian Standard such as AS 1428 Access and Mobility with particular reference to:
 - Drop counters at canteen facilities
 - Accessible paths of travel
 - Entry points into facility and amenities (change rooms, showers)
 - Unisex accessible sanitary facility
 - Parking facilities in line with AS 2890: Parking Facilities
 - Seating – designated seating allocation for both a person in a wheelchair and their friends/family
- Site design
 - Height of proposed landscaping/bushes
 - Signage and colour contrasting
 - Network of association pathways
 - Lighting provisions
 - Amenities/facility incorporate safer by design principles

Conclusion

The greater majority of NSW councils have in place the research, planning and development strategies to cope with most of the trends outlined throughout this section. There is ample evidence that councils are increasingly using quite sophisticated strategies to assess the demand for recreation facilities amongst communities in their area (e.g. Penrith City Council's studies on recreation issues <http://www.penrithcity.nsw.gov.au/index.asp?id=3110>)

Equally, councils have the planning, development and design capabilities to put in place the demanded recreation facilities to a quality acceptable to local communities. For the greater majority of facilities these matters are still overwhelmingly best done at the Local Government level.

However, the level of and diversity in demand and the rates of change are such that there is a case for increased financial support from both the Australian and NSW Governments to councils.

Cost and revenue arrangements including capital upgrades

Background

Generally, Local Government is the main funder of public sportsgrounds and other recreation facilities in NSW. For example, ABS notes that at the national level, the total level of funding provided for sports and physical recreation by government in 2000-01 was \$2,124m. Of this, the Australian Government contributed \$19m (9%), State/Territory governments \$875m (41%) and Local Governments \$1,050m (49%). ABS explains that the majority of the funding went to venues, grounds and facilities. They received \$1,292.2m which was 61% of the total. A further \$528m or 25% went to fund participation and special events.

State/Territory Governments contributed the majority of the funds for participation and special events (\$442m or 84%), and other services (\$59m or 60%) and the largest share of funding for administration and regulation (\$94m or 46%).

Local Government contributed most of the funds provided to venues, grounds and facilities (\$998m or 77%).

General financial capacity

Local Government's financial capacity to maintain existing services and infrastructure is already stretched. In many instances councils are already being forced to cut services and defer critical infrastructure expenditure.

This has been confirmed by the recent Independent Inquiry into the Financial Sustainability of NSW Local Government, chaired by Professor Percy Allan. The Inquiry has found that there are a number of pressing problems that need urgent attention. The biggest of these is a huge backlog in infrastructure renewals (over \$6 billion), which is expected to grow to almost \$21 billion within 15 years if the annual renewals gap (the difference between the rate at which councils' physical assets are depreciating and the rate at which they are being replaced) stays at around \$500 million per annum.

This report concludes that NSW Local Government needs to find an extra \$900 million a year to overcome its infrastructure crisis. \$400 million of this would go in debt charges to service a \$5.3 billion debt raising to overcome the infrastructure renewals backlog problem (excluding water and sewer assets). The remaining \$500 million would be used to close the annual gap between what is spent on renewing assets and what is actually consumed in assets as measured by their depreciation.

This extra \$900 million a year does not take account of the additional infrastructure needed in future to accommodate a larger population that is shifting to new growth centres. Nor does it take account of the higher standards of service, and therefore public assets, that people increasingly demand of their councils.

Further, it does not address the special problems of rural councils, which, because of their vast road networks and narrow rate bases, will only survive with increased grant funding.

The Inquiry found that 25% of NSW councils are financially unsustainable into the future under current policy settings. A further 50% of councils are at risk and only around 25% are in a strong position.

The current situation is the result of several factors including; cost shifting; rising community expectations; increased standards and compliance requirements; revenue constraints such as rate pegging; and the inadequacy of financial support from Australian and NSW Governments. It should be noted that Local Government only receives 5% of national public financial resources (total taxation collected by all 3 spheres of government).

Given the financial situation, the capacity of many councils to continue to provide, maintain and develop sporting and recreational facilities and services is under threat. It may be that sport and recreation are under greater threat than many other areas of council expenditure as they could be perceived as being of a less essential or more discretionary nature.

If Local Government is to be in a position to maintain existing sport and recreational facilities and develop new facilities to meet growing demands, it will need:

- increased financial assistance from Australian and NSW Governments; and
- to increasingly apply user pays principles to the facilities.

The latter obviously raises concerns about equitable access as well as general community resistance.

Costs and charges

It is widely acknowledged that meeting community needs for sportsgrounds and other recreation facilities requires a significant funding commitment from councils. Councils meet these expenses primarily through general revenue. Despite occasional media stories about the 'incredible' impost to sports clubs of grounds hire etc (see Johnson article 20/08/2006) councils continue to aim to keep costs to clubs manageable. Whilst most councils generate some revenue from their sportsground facilities they spend a great deal more in operating expenses.

Councils cover some costs through fees and charges for sportsground hire. Generally fees are charged to users on both annual or seasonal basis and a casual basis. Many have a system similar to Bankstown City Council: Council's policy has been to set fees and charges according to reflect the true costs of providing the service and then discount the fee the amount Council is willing to subsidise as a community service obligation. In line with this approach, officers estimate that sportsground hire fees are subsidised by around 80%-90% of the true cost of operating the facilities. It should also be noted that Council provides sportsground facilities free of charge to all schools in the City (cp Bankstown City Council submission).

Whilst there can be variations, most NSW councils are very deliberate in their efforts to keep fees and charges to community-based sport and recreation organisations at levels that these community-based organisations are able to afford and do this by transparent community service obligation schemas.

Revenue is also generated through the leasing of facilities such as stadiums and clubhouses to sporting organisations that operate on a more commercial basis. But collectively this does not

give any major boost to the funds available to Local Government sportsgrounds and other recreation facilities.

Crown Lands

The Associations are concerned that the new policy directions in the NSW Government that involve the rationalization of the Crown Lands portfolio (sell down); the commercialisation of Crown Lands; and the stated objective of making Crown land maintenance and administration self funding - will threaten Local Government's capacity to provide, maintain and develop sporting and recreational facilities.

We will deal with the issue of making Crown land maintenance and administration self funding here and leave the comments on the other to the following section on capital.

The move to extract greater revenues for the NSW Government from Crown lands under care control and management of councils threatens council capacity. For example, councils are now subject to a 15% levy on revenues from leases on Crown land. These funds were previously retained by councils for the purpose of reinvesting in the maintenance and development of the land under their control. (Councils as trustees could not divert this revenue to the General Fund). The forthcoming 2006 Local Government Association Annual Conference will consider a motion from Hornsby Shire Council that highlights councils concerns with this issue.

That motion in part reads as follows:

That the Local Government Association make representations to the NSW State Government seeking the withdrawal of the 15% levy on councils in respect of the annual rental for leases/licences on Crown Reserves for which councils are Trustees and asking why the moral intent of the 12 April 2006 Inter-Governmental Agreement in relation to cost shifting was not honoured in the implementation of such levy...

Hornsby Shire Council gives the following background:

Council has recently received a request from the Public Reserves Management Co-ordinator of the Department of Lands seeking the payment by Council of a 15% levy in respect of two Crown Reserve leases which it administers as Reserve Trust Manager. The 15% levy is identified as a contribution to the Public Reserves Management Fund (PRMF) which had previously received funding from the NSW Treasury.

The Department has provided a background information sheet in respect of the levy which indicates that "*as a necessary response to the Treasury's decision, a direction has been given pursuant to section 106 Crown Lands Act 1989 that subject to certain criteria, an amount of 15% of the proceeds received from leases and licences granted by reserve trusts be directed to the PRMF.*"

The justification given by the Department for the imposition of the levy, apart from being a replacement of funds withdrawn by the Treasury, is that it is to address inequities between coastal and regional centres and as a step towards addressing the imbalance of opportunities between different centres.

Unfortunately, there are a number of imbalances and inequities inbuilt into this approach, some of which include:

- The levy has been imposed to replace the withdrawal of Treasury funding. Unless the funds raised by the levy are substantially in excess of the amount withdrawn by Treasury, then the funds cannot do any more to address inequities or imbalances than what the previous Treasury funds could do.
- It could be confidently stated that no local government authority in New South Wales makes a surplus from the care, control and management of a Crown Reserve or all the Crown Reserves within that authority's area. This certainly applies to the Hornsby Shire. Consequently, if the same level of expenditure is to be maintained by the local authority, then the 15% levy imposed by the State must be replaced from the authority's own funds. This will apply to the Hornsby Shire and will impose additional and unfunded burdens on Council's budget and financial resources.
- The imposition of the 15% levy is not explained as taking into account the ability of the local government authority to fund such additional financial burden. It is possible that a relatively poor local government authority has within its boundaries a substantial Crown Reserve which generates substantial income. The imposition of the levy would, as a consequence, impose a significant financial burden upon this relatively poor local government authority. This may be contrasted with a relatively financially advantaged local government authority whose Crown Reserve does not generate a significant amount of income. This local government authority may be able to less painfully fund the 15% imposition and still gain the benefit of the use of a substantial area of Crown Reserve.

The NSW Government needs to carefully reassess and withdraw the 15% levy on councils on the annual rental for leases/licences on Crown Reserves for which councils are Trustees, to ensure the long term viability of council run sportsgrounds.

Capital

Councils invest significant finance annually in a forward capital works program for sport and recreation infrastructure and facilities. Typical capital costs for Urban Metropolitan Developed (UMDR) councils include resurfacing playing fields, providing floodlighting, upgrading amenities, installing irrigation systems, installing fencing and building and upgrading car parks. Typical capital costs for Urban Fringe (UF) councils include land acquisition, planning, design, building and landscaping of new sportsgrounds, parks and other recreation facilities in new areas, alongside resurfacing playing fields, providing floodlighting, upgrading amenities, installing irrigation systems, installing fencing and upgrading car parks for established areas.

Urban Metropolitan Developed (UMDR) councils, Urban Regional Town or City (URTC) councils and Rural (R) councils also have to meet additional capital and maintenance costs as a result of the ageing of sportsground facilities. Like many other 'middle-ring' established urban cities, Bankstown was developed primarily during the immediate post-Second World War period. Accordingly, a significant portion of council's built infrastructure dates for this period, and much of it is reaching the end of its life. Replacing and upgrading ageing and deteriorating sportsground facilities is therefore creating quite a unique cost challenge for the City (Bankstown City Council submission).

Planning considerations: Developer contributions

One of the key mechanisms for funding open space provision in areas experience development and growth is through s94 and s94A contributions and levies. For many years, councils have been able to levy local infrastructure contributions for new developments to help pay for the services required for new residents, such as sportsgrounds, local parks or community facilities.

Recent amendments to the *Environmental Planning and Assessment Act* give the Minister very broad new discretionary powers to direct a council to make, amend or repeal a contributions plan, or to do so on a council's behalf, if it does not act as directed. The legislation also establishes the Special Contributions Areas Infrastructure Fund to enable the Minister to levy, or direct consent authorities to levy special infrastructure contributions in areas deemed to be special contributions areas. These contributions may be in addition to local contributions imposed by councils.

The Associations see some merit to the establishment of the Special Infrastructure Fund as it will enable developers to contribute to the capital and recurrent cost of public amenities and services such as regional open space. However the Associations are concerned that there is insufficient transparency and accountability in determining the level and nature of contributions, and little understanding of the extent to which those new contributions will undermine the capacity of Local Government to fund local infrastructure. There are also concerns that the infrastructure fund may diminish councils' access to existing development levies for local infrastructure and services.

The Associations strongly support the protection and retention of s94 and s94A as a mechanism for funding local infrastructure, particularly given Local Government's limited options to raise revenue.

Grants

Councils fund some capital works expenditure through Department of Sport and Recreation capital grants. Councils apply annually for funding under the Capital Assistance Program to provide assistance with meeting the costs of their forward Capital Works Program.

However, whilst the Department of Sport and Recreation capital grants are very welcome and sought after by councils, NSW Local Government regards the total pool available as entirely inadequate to the needs they face.

As Bankstown points out although it has been successful under this program, grants average only \$9,000, which in 2005/06 provided Council with a total of \$169,500 in funding towards its much larger capital works program. Unfortunately, council has been much less successful in recent years in applying for more generous funds under the Regional Sports Facilities Program. Last year, council applied for funding for two projects, totalling \$607,000 in grant funding with neither application successful. Funds garnered through this program are a pittance in comparison to the overall costs of maintaining and upgrading council's sportsground facilities. It is also questionable whether the size of these small grants even covers the administrative costs involved in applying. (Bankstown City Council submission).

Councils are strongly of the view that the NSW Government needs to provide more overall financial support to councils to assist with the building, managing, maintenance and upgrading of sportsgrounds and other recreational facilities (cp Bankstown City Council and Ku-ring-gai Council submissions).

The Associations have consistently argued over recent years for a modest increase in these grants. The last pre-budget submission from the Associations argued as follows:

Councils consistently report growing demand for sporting facilities, which they cannot meet. Again the needs are most pressing in metropolitan fringe and coastal growth areas, and rural areas experiencing rural poverty. Again much of this demand is about developing facilities that engage older children and young people with their communities.

That the NSW Government enhance the budget item entitled Sport and Recreation Development Grants and subsidies Local Government sporting facilities - capital grants, by \$ 4m per annum.

With the information that is emerging in response to the present Inquiry this figure appears to need a significant upward revision.

Acquisition of land

Acquisition of land by councils, including land for recreational uses, comes at a significant cost to local councils and their communities. Local Government has been concerned for some time at the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991* which provide that, upon the compulsory acquisition of land, the amount of compensation payable by the acquiring authority to the former landowner is to be determined by a valuation carried out by the Valuer-General. While the landowner can appeal the decision to the Land and Environment court, councils do not have a similar right of appeal.

In one case, the valuation provided by the Valuer-General was three times the independent valuation obtained by council. Councils across the State have experienced similar problems.

To improve councils' capacity to acquire land for open space, including recreational uses, the Associations support an amendment to the Land Acquisition Act to allow for a review on the merits of the determination of the Valuer-General in the Land and Environment Court, when the determined value of land the subject of an acquisition notice is contrary to that undertaken independently by the council.

Other

Finally we return to changes in Crown Land management involving the rationalization of the Crown Lands portfolio and the commercialisation of Crown Lands. A significant proportion of land set aside for sport and recreation purposes (at least in past) has been Crown lands under the care, control and management of councils. The rationalization of the Crown lands portfolio may reduce the availability of such lands as the government moves to maximize its revenues from sales. This may increase the need for councils to purchase required lands and therefore limit their ability to provide sporting and recreational space.

Environmental concerns associated with sportsground management

Councils throughout NSW note that drought conditions and water restrictions have diminished the quality of sportsgrounds in recent years. The surfaces of the grounds are generally in a poorer state than they were prior the various droughts across the State over the recent past.

Councils are investigating and/or dealing with these problems by:

- developing Water Savings Plans for their facilities, as required by the NSW Government (for councils in the Sydney Water and Central Coast supply regions)
- using alternative water saving and usage schemes, including water harvesting, using treated sewerage, grey water reuse and water retention basins,
- using alternative turf and/or soil management techniques, or
- installing synthetic surfaces at some facilities.

However, councils are concerned that whilst these schemes may deliver longer-term savings through reduced water costs, start-up and installation costs are extraordinarily high (cp Bankstown City Council submission; Ku-ring-gai Council submission).

Many councils also recognise the importance of ensuring sportsgrounds and other recreational facilities are managed in accord to unique local biological features. Across NSW, but especially in many Urban Metropolitan Developed (UMDR) and Urban Fringe (UF) councils, sportsgrounds etc are at the urban/bushland interface. These facilities therefore adjoin highly valued and sensitive environments that are habitat for flora and fauna, some of which may be listed under the *Threatened Species Conservation Act*. Councils appreciate sportsgrounds etc need to be managed in a way that minimises sources of disturbance such as water pollution, erosion, and weed escapes (cp Ku-ring-gai Council submission)

Effectiveness of current administration of sportsgrounds by various providers including councils, state government (including schools) and private operators

Background

Without being complacent NSW Local Government is confident in its ability to manage public sportsgrounds and other recreational facilities within their local government areas.

Intergovernmental co-operation

Many councils would welcome some greater cooperation from state agencies and authorities in pressing other public facilities into the service of the wider local community.

A common theme across NSW Local Government is a concern about the role public schools play in the total sportsground system. Councils report that schools rarely allow outside users access to their grounds. Councils report when schools do, they charge higher fees compared to what councils charge. Generally, councils report that the under-utilisation of school sports facilities represent a missed opportunity for the communities (and the councils that serve them) in meeting growing demand for sports facilities. In a similar vein but to a lesser extent Councils report concerns about access to sportsgrounds held by other State agencies or authorities. For example, Leichhardt Municipal Council has been lobbying for council to take control of the sportsgrounds in Callan Park/Rozelle Hospital grounds and has found the process disturbingly slow (Davis and Pandaram's article 09/06/2006)

Councils also report that there is an additional problem with a trend amongst some private schools to rely on Local Government sportsgrounds rather than providing on-site open space for students.

In this context the Associations suggest that there is a need to develop a system where sportsgrounds held by schools and other state agencies and authorities are brought into the local government area pool and managed for the benefit of the wider community.

Regional and state facilities

Some councils note that their ability to maintain sportsgrounds to local community expectations is compromised by increasing demands of state-level sports associations when they develop new (and higher) field and amenity standards. The affiliated clubs must conform to in order to participate in state competitions. Simply because council have provided strong support in the past, affiliated clubs place pressure on council to come up with the funds to provide such upgrades. This places the whole system under further stress.

In this context the Associations suggest that there is a need to develop a system where Local Government sportsgrounds used in 'advanced' or 'state' level competitions are appropriately resourced from wider funding sources and supported by enhanced partnering arrangements. This could mean that these Local Government sportsgrounds are planned, developed maintained and managed through regional or state level partnerships which involve the effected council from the outset and involve guaranteed financial support from the State sports associations and NSW Government.

Impact on health outcomes and social cohesion, particularly in disadvantaged communities

Background

NSW Local Government recognises the importance of recreation infrastructure to health and wellbeing. The Associations policies on these matters are set out in Attachment 1.

Health

The importance of physical activity to health and longevity is reasonably well understood. The role of public sportsgrounds, other recreation areas and other specific parts of the built environment in promoting physical activity is reasonably well understood as well. (For children and young people for example 'other specific parts of the built environment' includes: playground equipment; design of child care facilities; traffic flow through local areas including pedestrian networks; bus and rail interchanges; school and university designs; green spaces, including access to natural environments; and shopping centre designs and accessibility). However, it is useful to have a quick recap on the big picture for health.

In 2005 ABS released summary indicators that look at whether life in Australia is getting better. Entitled *Measures of Australia's Progress: Summary Indicators 2005*, the indicators give information on national progress over the past 10 years. These indicators present the latest data available for 15 areas of progress including health.

MAP Summary Indicators 2005 Health section shows that during the past decade, Australians' health improved in terms of life expectancy. Australian life expectancy improved from 1993 to 2003. A boy born in 2003 could expect to live to be nearly 78, while a girl could expect to reach nearly 83 - increases since 1993 of three and two years respectively.

While Australians are living longer than ever before, there is debate about whether life expectancy will continue to increase. However, there is no doubt that there is more room for improvement among some groups of the population than among others.

Further the World Health Organisation (WHO) states:

“evidence shows that people can remain healthy into their seventh, eighth and ninth decades by following an optimal diet, maintaining regular physical activity and not using tobacco. Extensive research has provided a good and growing understanding of optimal diets and the health benefits of physical activity, as well as the most successful individual and population-based public health interventions. While more research is needed, current knowledge warrants urgent public health action” (November 2003, pages 5 & 6).

WHO notes a profound shift in the balance of the major causes of death and disease is underway in most countries. WHO notes how in most countries a few major risk factors account for much morbidity and mortality, and for non-communicable diseases the most important risks include high blood pressure, high concentrations of cholesterol in the blood, low intake of fruit and vegetables, being overweight, physical inactivity and tobacco use. There are serious challenges for both acute services and preventative strategies in these risk factor trends.

Therefore it is important that there is sufficient supply of public sportsgrounds and other recreation areas and generally well designed local built environments, to promote physical activity to the whole population.

Councils believe that their provision of high quality, accessible and affordable sportsgrounds and other recreational facilities has a significant public benefit, improving health and social cohesion. The health benefits should result in financial benefits to central governments (both Australian and NSW) by reducing health and hospitalisation costs in the longer-term.

The provision of greater financial support for council sportsgrounds and other recreational facilities from the NSW Government should be a strategic public health goal of the Government.

Social wellbeing

NSW Local Government recognises that sport plays an important role in its capacity to assist in the breakdown of social, educational, ethnic and religious barriers whilst enhancing community understanding and social cohesion.

However, NSW Local Government also recognises more work is required to ensure sport lives up to its potential in building social wellbeing. Despite the widely held belief that every person should have equitable access to and enjoyment of recreational facilities and public spaces, more needs to be done on indirect social and cultural discrimination in sport.

The complexity of the religious, cultural and gender specific needs within different ethnic groups throughout NSW is particularly evident for women who, for reasons relating to their religious or cultural beliefs can be prevented from undertaking physical activity such as going to the gym or swimming.

This further highlights the need for culturally and/or religiously appropriate public recreational facilities to recognise, value and respond accordingly to the barriers of participation by potential users and the impact that it can have on their ability to participate, learn and achieve a healthy body.

Fundamental to equal access is an understanding of how public spaces are to be used in a variety of ways and ensuring that planning for such differences does not adversely affect the freedom of other community members. Whilst cultural/religious difference can render most conventional recreational environments unsuitable there are a number of options that can assist in equal access for all such as:

- Women only times and special programs
- The need for architecture and design to be more flexible to allow for simple measures such as the placement of screens around swimming pools preventing public viewing

Again this suggests that the Australian and NSW Governments could contribute greater financial support for council sportsgrounds and other recreational facilities to contribute to strategic community harmony goals of central governments.

Traffic, noise and other direct impacts on residential amenity

The Associations do not have a great deal of information on these issues from councils and can comment only briefly.

Whilst the Associations are aware of neighbourhood disagreements over impacts such as lighting and traffic (e.g. Birchgrove and Cherrybrook in Davis and Pandaram's article 09/06/2006; Bankstown City Councils submission), these appear for the moment to be the exception not the rule. Generally, Local Government receives few complaints regarding activity that occurs at their local sportsgrounds and other recreation facilities.

The Associations do not believe there is any compelling case for impacts on residential amenity generated by sportsgrounds and other recreation facilities, to be handled outside the normal land use planning and urban environment management techniques presently available to councils.

Affect of litigation and insurance costs on financial viability

Generally NSW Local Government feels the costs of litigation and insurance for sportsground and other recreational facilities is not significant issue for councils at this point.

Councils believe this is the result *Civil Liability Act 2002* and established case law that hold sporting activities to be inherently risky activities, both of which limit any council's liability. (The Associations have reported to other Inquiries that Local Government sentiment, based on the groundswell of community opinion, is that the *Civil Liability Act 2002* and the *Civil Liability Amendment (Personal Responsibility) Act 2002* seem to have helped relieve what was becoming a very deep concern to councils and their communities. The Associations are on the public record as strong supporters of the legal reforms embodied in the *Civil Liability Act 2002* and the *Civil Liability Amendment (Personal Responsibility) Act 2002*.)

Most councils have in place sound financial and risk management strategies, requiring annual, seasonal and other organised users (most often sporting bodies) to be covered by public liability insurance. Most council have their own casual users insurance policy to cover users who use facilities on limited occasions.

However, Ku-ring-gai Council has raised an interesting point: They suggest that public liability insurance is perhaps the most controversial issue that has impacted on local sports clubs over recent years. The growing professionalism of grass roots sports, coupled with an increase in litigation has resulted in state associations developing their own policies regarding their players insurance. Stalemates can arise in some instances where councils and hirers are unable to agree on the terms of PLI limits and conditions (see Ku-ring-gai Council submission).

Access to open space for active and passive recreational users

NSW Local Government acknowledges that whilst organised sports are of considerable importance, councils also need to provide open space, infrastructure and facilities for those not involved in organised sport.

As mentioned earlier, the majority of NSW councils have in place the research, planning and development strategies to cope with the variety of demographic, social, economic and other trends relating to this question and can capture and respond to the needs active and passive recreational open space users. Councils are using sophisticated strategies to assess recreation need in their communities (e.g. Penrith City Council's studies on recreation issues mentioned previously). Some cover this in social plans - the main public health issues covered in social plans under planning and provision of infrastructure included bike paths, walking tracks, parks and playgrounds (shown in the Associations' *Public Health in NSW Local Government – Results of the Local Government Public Health Survey 2004*). Some councils have Local Government Public Health Plans that cover some of this territory. Many responses to recreation needs are still best done at the Local Government level, except for things of an entirely different scale like National Parks.

However, the level of and diversity in demand and the pace of change again underscore the need for increased financial support from both the Australian and NSW Governments to councils.

Appendix 1: Extracts from the Associations' Policy Statements

Community Planning and Services

VISION

Local Government commits to pursuing the Australian vision of a fairer, more just and more equal society.

Local Government recognises that unless the pursuit of economic development is accompanied by both strong support for social justice and strong support for ecologically sustainable development (ESD), the Australian vision of a fair, just and equal society will be diminished.

For Local Government 'social justice' is based on the application of the following four principles:

- *Equity* - fairness in the distribution of resources, particularly for those in need
- *Rights* - equality of rights established and promoted for all people
- *Access* - fair access for all people to economic resources, services and rights essential to their quality of life
- *Participation* - opportunity for all people to genuinely participate in the community and be consulted on decisions which affect their lives.

Local Government acknowledges and supports:

- the Universal Declaration of Human Rights (especially Article 25, which recognises that everyone has the right to a standard of living adequate for their health and wellbeing including food, clothing, housing, medical care and necessary social services)
- the International Covenant on Economic, Social and Cultural Rights (the right to social security, the right to a reasonable living standard, the right to food, the right to education, the right to housing, the right to health, the right to work and the right to rest and leisure)
- the International Covenant on Civil and Political Rights (freedom of speech, and other civil and political rights).

...

MANDATE

Local Government social/community planning and community services play important roles in contributing to the physical, psychological and social health, welfare and wellbeing of citizens:

Local Government is the appropriate sphere of government to take a lead role in social/community planning and community services for its citizens because:

- it is in the best position to identify and respond to the unique needs of the local area and diverse populations within the area
- it is easily identifiable and democratically accountable (through Management Planning, Land use planning and social/community planning requirements and ultimately the election process) to the community for the nature and quality of services provided
- it has a capacity for flexibility and adaptation
- it actively develops strategies that encourage social cohesion or social capital, build stronger and more self-reliant communities and deliver positive economic outcomes.

Local Government's charter involves providing directly or on behalf of other governments adequate, equitable, appropriate, efficient and effective services, and facilities, after consultation (Section 8 *Local Government Act* 1993 as amended).

The charter highlights principles including:

- community leadership

- regard for cultural and linguistic diversity,
- planning and providing for the needs of children
- regard for the cumulative effect of decisions
- trusteeship of public assets
- facilitation of stakeholder participation
- elimination of bias.

The Charter emphasises that local government is a sphere of government with an essential and legitimate role in managing the local environment and in providing the variety of services that local residents require.

Local Government can choose to involve itself in the provision, management or operation of the following service functions (amongst others): community services; public health; cultural, educational and information services; public transport; sport, recreation and entertainment; and housing (Chapter 6 *Local Government Act 1993* as amended).

Local Government has a long history in certain types of community service provision, predating or anticipating the present legal mandates, some elements of which can be traced back to the 19th century, some to the mid-20th Century and the balance to the 1970s (see *Resourcing communities 2000*).

Local Government is required to enact planning and regulatory functions that impinge on people and services to people (such as the *Environmental Planning and Assessment Act 1979*, and *Local Government Act 1993 Social/community Planning Regulation*)

...

Healthy communities

Local Government shares the vision where all Australians are actively involved in sport, community recreation, fitness, outdoor recreation and other physical activities.

Local Government

- encourages more people to be physically active regardless of their age, gender, marital status, sexuality, language, culture, race, religion, disability, status, skill level or ability.
- seeks to increase lifelong participation in physical activity recognising that participation should not be limited by age, but the degree and form of involvement may vary at different times in an individual's life.
- recognises that people will gain health benefits from physical activity whether the activity is structured or incidental.
- seeks to realise the social, health and economic benefits of participation, recognising that participation brings social, health and economic benefits for individuals and communities, including improved personal well-being, a greater sense of community, reduced health care costs, and increased employment, tourism, productivity, manufacturing and export of sport and recreation services and products.

Local Government seeks:

- Commonwealth and State Government acknowledge the significant commitment and further potential Local Government has in funding, planning, managing and supporting infrastructure, facilities, services and programs that promote physical activity
- State Government provides significant enhancement to capital funding to enhance regional and local sport and recreation facilities especially in rural areas.