



The Hon Tony Kelly MLC
Minister for Justice
Minister for Juvenile Justice
Minister for Emergency Services
Minister for Lands
Minister for Rural Affairs
Leader of the House - Legislative Council

**Submission
No 57**

MIN06/2787

22 AUG 2006

Mr Kevin Greene MP
Chair
Legislative Assembly Standing Committee on Public Works
Parliament House
Macquarie Street
Sydney NSW 2000

Dear Mr Greene

Thank you for the opportunity to provide input to the current Legislative Assembly Standing Committee on Public Works' inquiry into sportsground management in NSW.

A submission prepared by the Department of Lands is attached for consideration by the Inquiry. Should the Committee wish to discuss any matter contained within the submission I have arranged for Mr Richard Hunt, Director Crown Land Policy with the Department of Lands to assist. Mr Hunt may be contacted on 02 8236 7023.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Tony Kelly'.

**Tony Kelly MLC
Minister for Lands**

**SUBMISSION TO:
THE PARLIAMENTARY STANDING COMMITTEE ON PUBLIC WORKS
Inquiry into Sportsground Management in NSW**

Introduction

Crown reserves are Crown land reserved or dedicated for a public purpose. There are over 30,000 Crown reserves across NSW with a total area of more than 2.5 million ha – about 3% of the NSW land area.

The Crown reserve system is NSW's oldest and most diverse system of natural, cultural and open space lands. Crown reserves are land set aside on behalf of the community for a wide range of public purposes including environmental and heritage protection, public facilities and infrastructure, recreation and sport, open space, community halls and special events.

Reserve Management

The management framework for Crown reserves is established by the Crown Lands Act 1989 ("the Act"), and underpinned by the Act's principles of Crown land management. The Department of Lands ("Lands") ensures that Crown reserves are responsibly managed and that natural resources such as water, flora and fauna and scenic beauty are conserved, while still encouraging public use and enjoyment of the land.

Crown reserves are generally managed by reserve trusts that are administered by corporations such as local government councils, local volunteer boards of management, Lands or other State government departments, or in some cases the Lands' Ministerial Corporation as a corporate trust manager. Certain Crown reserves that do not have a trust appointed to manage the reserve and are not under lease, are either managed by the local government, as a public reserve under S48 of the Local Government Act 1993, or by Lands. Crown reserves are not included in the definition of community land under the Local Government Act 1993 (LGA93).

A reserve trust is a statutory corporation, with its functions and responsibilities established under the Act, with the overall responsibility for the care, control and management of the reserve. It is not a branch of a department of government and it does not operate for private profit.

A reserve trust enjoys a level of autonomy in its care, control and management of the Crown reserve. This includes managing use of the reserve, providing facilities and services on the land, entering into maintenance contracts, determining the development of the land (subject to Crown and Council consent), and employing people to work for it.

The community is closely involved in the management of a significant portion of the Crown reserves across NSW. To ensure effective administration and local involvement in the management of these reserves, the support and assistance of local government councils, suitable corporate organisations and local community volunteers are engaged to manage a variety of Crown reserves across the State. More than 6,000 volunteers help to care for Crown reserves as members of trust boards.

Reserve planning

The Act provides planning and use mechanisms that influence the planning, provision and management of Crown reserves, including those reserves providing sports facilities and services. Crown land can be reserved for general public purposes that facilitate the use of the reserve for a variety of activities such as passive recreation or sporting activities, or may establish the reserve's uses for purposes such as natural environment conservation, or infrastructure such as ports and marinas.

The Act provides for the preparation and adoption of plans of management that can be used to guide a trust's planning and management of reserves. Land's guidelines for preparation of plans of management recommend community involvement in the planning process and the Act provides for public exhibition and consideration of public submissions.

Adequacy of provision of sportsgrounds and facilities

The State government, through the Crown reserve system, makes land available for a variety of purposes and uses, including land for public recreation. Local government or trust boards as reserve trust managers of Crown reserves are responsible for the planning and development of their reserves, which may include the installation or construction, maintenance and management of sports facilities.

Local governments as trust managers provide the majority of sportsground infrastructures and management on Crown reserves. Sportsground facilities and opportunities are either directly supplied by local governments as trust managers, or regulated through local planning processes in instances where a trust board may provide facilities, such as small tennis courts or as part of multiple use on showgrounds.

Cost and revenues arrangements

Crown reserve trusts manage reserves for a wide range of purposes. The structure, type and assets of the reserve trust as well as the varied uses of the reserve influence the capacity of the trust to earn income from the reserve.

Reserves with significant developments and businesses can generate income for the trust either through the trust's direct management or through lease and licence fees from operators, e.g: racecourses, golf clubs, other major entertainment or sporting precincts and facilities, caravan parks, child care centres, substantial food and beverage outlets.

Other reserves such as showgrounds or general sports fields may have a certain potential level of income generation, limited by the nature and frequency of events. The majority of reserves will have low levels of income generation due to the social and environmental services they provide to the community, e.g: local parks and ovals, small public halls, reserves for environmental purposes.

Trusts are responsible for the financial management of reserves, as well as capital development and maintenance funding. Income generated by a reserve is required,

unless specifically directed by the Minister under the Act, to be expended by the trust on Crown reserve(s) managed by that trust.

Environmental concerns.

Environmental concerns, including traffic, noise, use of chemicals, user conflicts and associated use impacts on local residents are primarily the responsibility of the trust or any lessee/licensee, and are generally subject to the provisions of a variety of legislation, such as the Environmental Planning and Assessment Act 1979, and local government policy. In addition, environmental concerns or issues may be addressed by trusts through processes of community consultation or planning exercises such as the preparation of plans of management or development applications to local councils.

Insurances and Liability

Crown reserves managed by corporate trust managers, such as local government councils, are required under the Act to provide for all insurances, including public liability, occupational health and safety, and infrastructure insurances.

Trust board managers and administrators are required to have adequate infrastructure, and occupational health and safety insurances, with public liability insurance for non high risk and non commercial activities being provided by the Treasury Managed Fund.

Crown reserves under lease or licence are required to have all insurances provided for by the lessee or licensee.