



Overview

Confidential item 16.02 'Potential Purchase of Land in Tuffins Lane, Port Macquarie' of the 20 October 2022 Ordinary Council Meeting had confidential restrictions removed via the following resolution of item 13.15 'Notice of Motion - Sports Field Drainage' at the 19 June 2025 Ordinary Council Meeting:

13.15 Notice of Motion - Sports Field Drainage

Resolved: Sheppard/Roberts

That Council:

1. Note the correspondence received from the Local Member for Port Macquarie, Mr Robert Dwyer MP, regarding the Tuffins Lane Sporting Precinct.
2. After a review conducted by Council's Legal Counsel, remove the confidential restrictions previously resolved for Item 16.02 Potential Purchase of Land in Tuffins Lane, Port Macquarie at the October 2022 Ordinary Council Meeting, ensuring redaction of any Confidential information in accordance with Section 10A(2) of the Local Government Act 1993.
3. Provide a copy of the reviewed report, being Item 16.02 Potential Purchase of Land in Tuffins Lane, Port Macquarie at the October 2022 Ordinary Council Meeting, to State Members for Port Macquarie and Oxley, Federal Members for Lyne and Cowper and place a copy of the report on Council's website for public access, prior to any further advocacy for funding in relation to Tuffins Lane.
4. Initiate a focussed review of sports fields drainage across the Local Government Area as part of the Annual Review of the Recreational Open Space Action Plan.

CARRIED: 9/0

FOR: Edwards, Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts, Sheppard and Tubman

AGAINST: Nil

The following redacted report fulfills Item 2 and 3 of this resolution

Item: 16.02

Subject: POTENTIAL PURCHASE OF LAND IN TUFFINS LANE, PORT
MACQUARIE

Presented by: Chief Executive Officer, Dr Clare Allen

Alignment with Delivery Program

2.3.2 Provide a range of inclusive sporting and recreational opportunities and facilities to encourage a healthy and active lifestyle.

Reason Report is Closed to the Public

This item is classed CONFIDENTIAL under Section 10A(2)(d(ii)) of the Local Government Act 1993, which permits the Meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.

RECOMMENDATION

That Council:

1. Note the information provided in this report
2. Determine not to proceed with the purchase of the Tuffins Lane sports precinct land based on the information presented in this report
3. Maintain the confidentiality of the documents and considerations with regard to this matter.

Executive Summary

This report responds to the 19 May 2022 Ordinary Meeting resolution regarding the Tuffins Lane Sporting Precinct and specifically, the negotiations with the land owner regarding the purchase of this land.

Specifically, at the May 2022 Council resolved as follows:

RESOLVED:

Roberts/Pinson

That Council:

1. *Delegate authority to the Chief Executive Officer and the Mayor to enter into negotiations regarding the possible purchase of the subject land.*
2. *Request the Chief Executive Officer provide a report to the next available Council Meeting on the particulars of the negotiations and any other relevant information relating to the purchase of the land for the further consideration of Council.*
3. *Maintain the confidentiality of the documents and considerations with regard to this matter.*

*CARRIED: 6/3 FOR: Intemann, Lipovac, Maltman, Pinson,
Roberts and Slade*

AGAINST: Edwards, Griffiths and Sheppard

A valuation on the parcels of land that make up the Tuffins Lane Precinct has been obtained and sits at [REDACTED], and this was provided to Council with the May 2022 report.

In addition to land value, there are many other considerations relevant to the viability of a purchase including, site constraints (airport proximity and potential related future constraints, environmental and weather impacts), as well as considering, the potential strategic value of the land.

To consider the precinct for more sustainable sports use during wet weather, staff have assessed the pathway and factors involved in improving field drainage. Initial assessment indicates a development application (DA) and Environment Impact Statement (EIS) would be required at a minimum and the actual drainage system would cost in the order of approximately \$1M to implement. In addition, any works to the precinct requiring electrical supply (such as drainage pumps) would trigger the need for a major upgrade to the electrical supply in the order of \$250,000.

On the basis of this information negotiations have been undertaken with the land owner over the last few months and the final figure arrived at from the vendors' perspective is [REDACTED]. Given the constraints affecting the site, the potential costs associated with the improvement/development of the site to accommodate large scale sporting events, it is considered that the price being sought by the vendor is too high. Accordingly, this report recommends that Council not proceed with the purchase of this land.

Discussion

At the 19 May Ordinary Council Meeting Council considered a confidential report on the potential purchase of the Tuffins Lane land and resolved in part held as follows:

- 1. Delegate authority to the Chief Executive Officer and the Mayor to enter into negotiations regarding the possible purchase of the subject land.*
- 2. Request the Chief Executive Officer provide a report to the next available Council Meeting on the particulars of the negotiations and any other relevant information relating to the purchase of the land for the further consideration of Council.*

This report responds to item 1 and 2 of the Council resolution.

Background to the precinct

The precinct known as Tuffins Lane supports local sporting needs including touch football, cricket, and Oztag in summer; football in winter; school games and events.

The availability of this facility (and the adjacent Council-owned regional stadium) also delivers more than \$13M per annum to our local economy as a result of Council's hosting arrangements for major events (primarily the NSW Senior and Junior State Cup touch football). This economic impact is calculated based on number of visitors, length of stay and estimated spend. Like all major events, the majority of this spend is in the tourism, hospitality and event services sectors, but it has a multiplier effect across our economy via greater employment and money in the pay packets for local workers who spend across more diverse industries and a broader region.

The precinct's location adjacent to the Port Macquarie Airport means there are a range of constraints relating to Civil Aviation Safety Authority (CASA) regulations regarding safety and emergency requirements. The site is also located on a floodplain and constrained environmentally. Flooding is well known to constrain play on the Tuffins sporting fields in times of heavy rain and king tides. Over our 30 plus years of hosting the NSW Senior State Cup, this has resulted in the cancellation of only one event - primarily as this competition is held in early December which is normally the drier time of the year. The impact on the Junior State Cup in February (hosted since 2013) has been far greater noting this is one of the wettest months of the year (rain has impacted four of the last eight events).

Historically, Council had management and maintenance responsibility of the land via a Licence Agreement with the former owners, Penrith Rugby League Club Pty Ltd (Panthers). In September 2016, the property was purchased from Panthers by Chase Parklands Propriety Ltd for the purpose of offset planting related to their development of student accommodation adjacent to the new Charles Sturt University Campus. Chase Parklands completed the planting required on the Western/North Western sides of the precinct without major impact to the existing sporting fields but issued Council with an 18 Month Notice to Vacate. Chase made an offer to sell the land to Council for [REDACTED]. Council resolved on 15 November 2016 to reject the offer.

In the face of significant community concern about future sports field availability, the St Agnes Parish purchased the land from Chase Parklands. On 14 December 2016 Council resolved to enter into an Agreement with the Parish that would see Council maintain the land for the community on behalf of the Parish. This maintenance costs Council approximately \$100,000 per year, which includes, weekly site inspections, mowing, sports field maintenance, line marking, inspections and maintenance of assets and litter control.

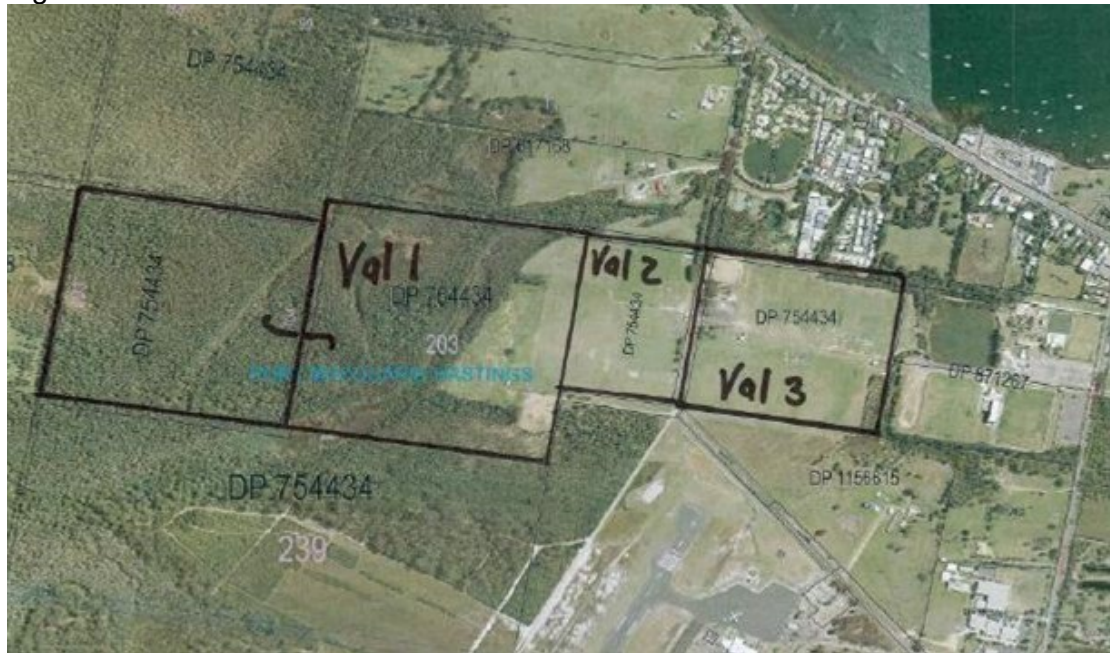
The viability of purchasing the Tuffins Lane precinct

To support an assessment of purchasing the Tuffins Lane Precinct, an updated valuation of the land parcels has been obtained from Council's consultant land valuer and compares to the 2016 valuation obtained by Council as below.

Table 1: Tuffins Lane Precinct Land Parcel Valuations

[REDACTED]	
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Figure 1: Tuffins Lane Precinct Land Parcels



From a development perspective (which directly relates to the value of the land), there are the following considerations:

- The proximity of the land to the airport and the potential implications and constraints on future use / development;
- Lack of building entitlements on parts of the land;
- Sensitive vegetation and wetlands constraining development opportunities on the western parts of the land;
- The impacts of the presence of Acid Sulphate Soils with the whole site being mapped as Class 2 lands in accordance with the PMHC 2011 LEP
- Flood impacts - a major part of the land is designated floodway and cannot be built upon. The whole site is constrained by a lack of safe evacuation during a flood event; and
- Current rural (RU1 Primary Production) and recreation (RE2 Private Recreation) zonings under the PMHC LEP 2011 that limit types of development permitted on the land

In addition to development considerations on the site, the site is also impacted by the many sporting users i.e. with site access and traffic issues; lack of parking (noting that once the Airport precinct is developed this will be further impacted); and weather conditions (rain and tidal) noting the proximity of the site to sea level and resultant poor drainage.

With regard to the proximity to the airport, an important consideration is the Australian Government's National Airport Safeguarding Framework (NASF) Guideline on Public Safety Areas (PSAs) which was introduced in November 2018. This guideline designates areas of land at the end of runways within which planning restrictions may apply to mitigate the risk of on-ground fatalities from an aircraft incident, as considered appropriate by the local planning authority (Council). The Tuffins Lane sports fields are located within the area of higher public safety risk at the northern end of the runway. While the guideline is not intended to be applied retrospectively, it suggests that recreation activities attracting a large number of people within the PSA is an incompatible use (as opposed to a low intensity public

open space use which may be considered compatible), raising the question as to the long-term viability of this site for sporting fields and the expected infrastructure associated with sporting fields.

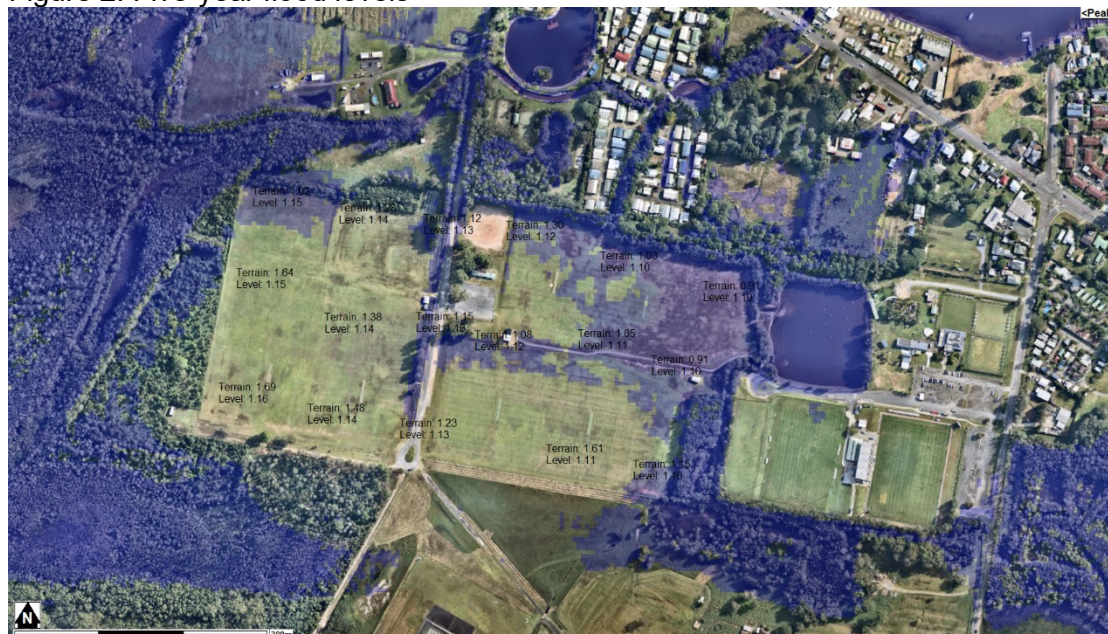
Ultimately this is a risk management consideration for Council, balancing the low risk of an aircraft incident and the occasional / infrequent major event use of the sports fields, against the potential “catastrophic” consequence of such an incident. Based on our risk assessment, while the probability of an incident is rare or unlikely, this would require further consideration and review, in regards to Council’s long-term policy position on the use of the Tuffins Lane sporting fields for major events - acknowledging that an aviation incident is only one element of the overall public safety risk assessment process which aims to consider an “As Low As Reasonably Practicable” (ALARP) approach balancing risk and community benefit.

Potential drainage works

Many stakeholders have advocated for an investment in a system to improve drainage for the Tuffins fields. This is a complex matter noting the low-lying nature of the fields (and high ground water levels) and associated environmental lands. Flood events that are less than 1 in 5-year (or 20% probability in any one year) are likely to cause flooding, and king tides and storm surges will exacerbate this. Previous attempts to drain low lying land in this area and surrounding the Hastings River has historically resulted in unintended consequences such as exposing Acid Sulphate Soils. The Precinct is classified as Acid Sulphate Soils - Class 2 in accordance with the PMHC LEP 2011 and this increases the risk that dewatering would release acid compounds into the neighbouring waters/wetlands which could result in significant environmental impacts that Council would be liable for. Further detailed assessment in this regard and the preparation of an acid sulphate soils management plan for the proposed works in accordance with the *Acid Sulphate Soils Manual* would be required for any earthworks or development.

As is illustrated in Figure 2 (Five-year flood levels) below, there are multiple locations where flooding is predicted in the 1 in 5 year event (20% probability in any one year). (“Terrain” is ground surface level and “Level” is predicted flood water level)

Figure 2: Five-year flood levels



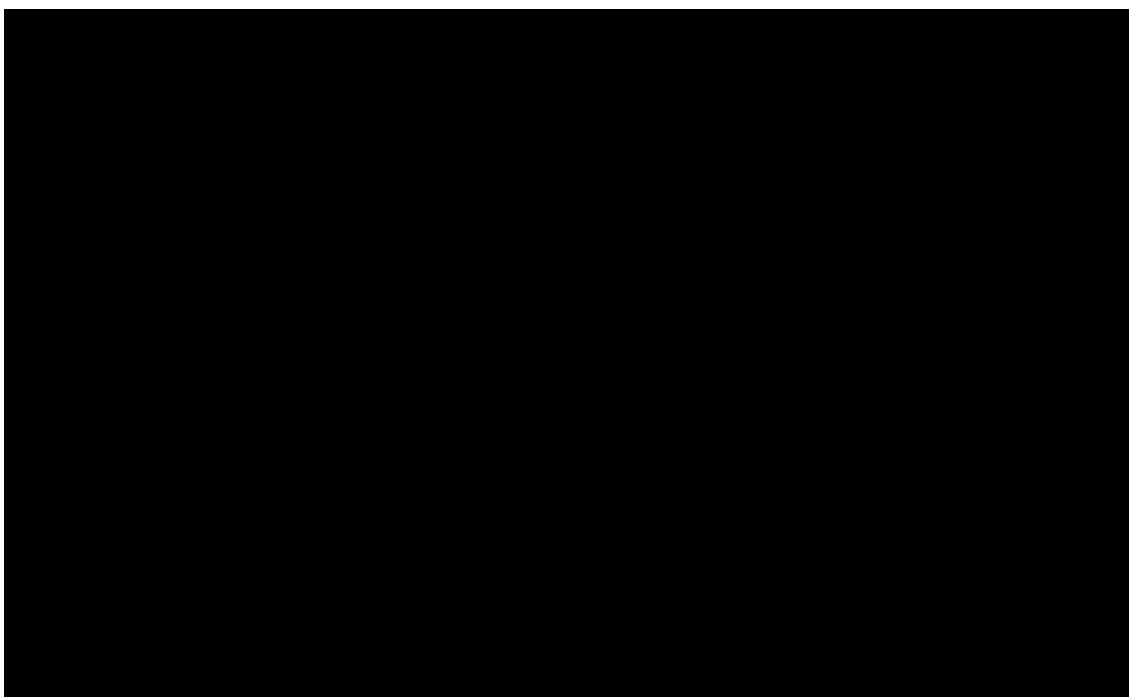
The installation of a drainage system as discussed in subsequent paragraphs would require development approval and other associated detailed environmental assessments. For example, at a minimum, an environmental impact statement (EIS) would be required (with any State Government requirements (SEARS) addressed) which could cost in excess of \$150,000. Further, a hydrology study of the site to assess the groundwater levels and the interaction with the proposed drainage system would be required to provide greater certainty/understanding of the potential effectiveness of the proposed system.

As indicated in the previous report to Council, a sports field drainage specialist was engaged by Council to consider the Tuffins sporting fields and it has been recommended that the best drainage solution is the construction of slit drains, with water to be pumped into the nearby creek. The design of the slit drainage system is intended to have minimum impact on the grass surface and offer the best outcome, subject to receipt of the relevant environmental approvals. However, even as the most effective system, it should be noted that it could only cope with up to 75mm of rain per day, so like many of Council's other sporting fields, the fields would still be subject to closures in wet weather.

Should Council or another owner decide to undertake such works in the future, and these were approved (DA, environmental assessment), the estimated total cost for this work on the existing Tuffins fields is estimated to be in the order of \$1M. [Note: This estimate excludes hard rock excavation or de-watering to lower the water table if required and the electrical connection of the pump(s).]

Further, in assessing potential drainage works, it has also become apparent that the Tuffins Lane fields have very limited/restricted power supply (currently services the touch 'tower' building, 2 x sewer pump station and 2 x kiosks). It is anticipated that any increase in load (eg drainage pump system, field lighting, etc) would likely require an upgrade in supply to the precinct and associated switchboards. It is estimated the cost of such an upgrade would be in the vicinity of \$250,000.

Alternative options/ sites to accommodate large scale sporting events



Council has previously discussed the option of using multiple venues for a Senior/Junior State Cup, however, this is not deemed a viable option for NSW Touch, given the challenges this would present with competitor travel, umpires, duplication of event infrastructure and additional cost.

Options

Council may choose to:

1. Determine not to proceed with purchase of the land or
2. If Council determines, the lands strategic importance, it can proceed with purchase of the land and delegate authority to the Chief Executive Officer to make an offer to purchase the Tuffins Precinct land to a maximum of [REDACTED] or
3. Request the Chief Executive Officer provide further information or
4. Choose to resolve in some other way.

This report recommends option 1.

Community Engagement and Internal Consultation

This report has been prepared in consultation with the Director Community, Planning and Environment.

Planning and Policy Implications

Installation of drainage as discussed in the report would require development approval and other associated assessments (eg environmental impact statement, hydrology study, etc). These would require additional budget allocations as part of the drainage works project, should it proceed.

Financial and Economic Implications

The financial implications of this report will depend on Council's decisions. As noted, the potential purchase and installation of field drainage or other site development (eg electrical upgrades) would require considerable investment. The anticipated initial investment is likely to total in excess of [REDACTED] \$1m drainage solution, \$150,000 EIS, \$250,000 electrical upgrade), with ongoing maintenance of the precinct being around \$100,000 per annum (based on current maintenance levels only).

It should also be noted that there will be additional costs for Council, should it determine to proceed with purchasing the land and undertake the required upgrade, in respect of ongoing site management and maintenance of this additional Council asset.

The provision of sporting fields in the local government area provides for significant social benefits and potentially, significant economic impacts associated with major events.

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Attachments

AGENDA

**ORDINARY COUNCIL
20/10/2022**

Nil