



IRF23/50

## Gateway determination report – PP-2022-3467

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Mittagong Airfield – Old South Road, Lot 11 DP1226788  
and Lot 841 DP1253894

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# Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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**Table 1 Reports and plans supporting the proposal**

Relevant reports and plans
Planning Proposal
Council Report and Resolution
Bush Fire Hazard Assessment

## Water Cycle Management Study

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

<b>LGA</b>	<b>Wingecarribee</b>
<b>PPA</b>	<b>Wingecarribee Shire Council</b>
<b>NAME</b>	<b>Planning Proposal Mittagong Airport</b>
<b>NUMBER</b>	<b>PP-2022-3467</b>
<b>LEP TO BE AMENDED</b>	<b>Wingecarribee Local Environment Plan 2010</b>
<b>ADDRESS</b>	<b>Old South Road, Mittagong</b>
<b>DESCRIPTION</b>	<b>Lot 841 DP1253894 and Lot 11 DP1226788</b>
<b>RECEIVED</b>	<b>5/01/2023</b>
<b>FILE NO.</b>	<b>IRF23/50</b>
<b>POLITICAL DONATIONS</b>	<b>There are no donations or gifts to disclose and a political donation disclosure is not required</b>
<b>LOBBYIST CODE OF CONDUCT</b>	<b>There have been no meetings or communications with registered lobbyists with respect to this proposal</b>

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to amend Schedule 1 (Additional Permitted Uses) of Wingecarribee Local Environmental Plan 2010 to enable boundary adjustment by subdivision between Lot 841 DP1253894 and Lot 11 DP1226788, to retain a maximum of two (2) lots, one of which would preserve the existing dwelling entitlement.

While the objectives of this planning proposal are clear and adequate, the actual mechanism to give effect to the proposal would be determined by Parliamentary Counsel and this could involve a change to the Minimum Lot Size Map.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Wingecarribee LEP 2010 per the changes below:

**Table 3 Current and proposed controls**

Control	Current	Proposed
Schedule 1 Additional permitted uses	Not identified	<p>Include a clause within Schedule 1 as follows:</p> <p>38. Use of certain land at Old South Road, Mittagong</p> <p>(1) This clause applies to the Mittagong Aero Club on Old South Road, Mittagong, being Lot 11 DP1226788 and Lot 841 DP1253894.</p> <p>(2) Subdivision of the land through a boundary adjustment to create two new lots, is permitted with consent. The subdivision is to create one lot that will accommodate the Mittagong Aero Club clubhouse, runway and associated aircraft hangers and one vacant lot.</p> <p>(3) Any vacant lot created in accordance with subclause (2), shall assume the dwelling entitlement that is currently recognised for Lot 11 DP 1226788, with approval of any dwelling house being the subject of an assessment of a Development Application.</p>
Schedule 1 Map	Not identified	The subject land (Lot 11 DP1226788 and Lot 841 DP1253894) will be identified upon the Wingecarribee Local Environment Plan 2010 Schedule 1 Map

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

## 1.4 Site description and surrounding area

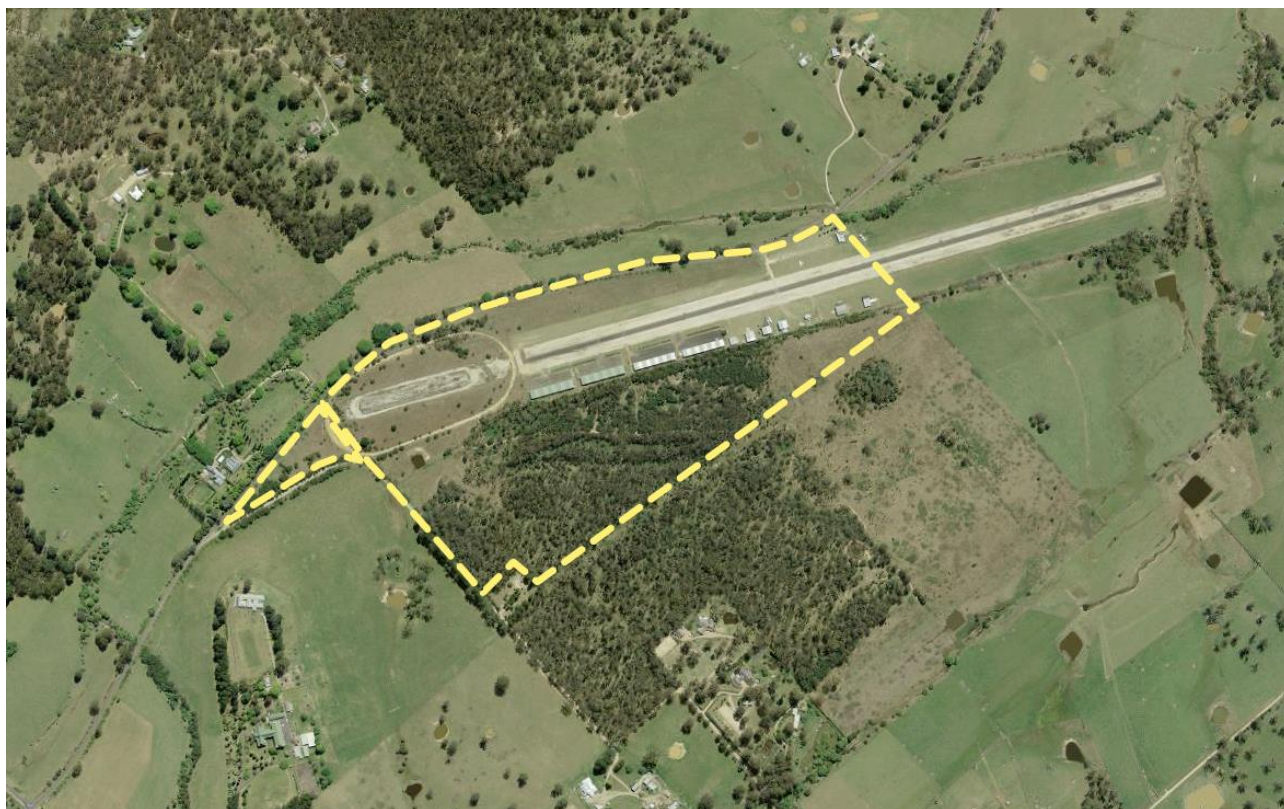
The proposal comprises of two (2) lots identified as the Mittagong Airfield, legally identified as Lot 11 DP 1226788 and Lot 841 DP 1253894. The site is owned and maintained by the Berrima District Aero Club.

The site is situated on Old South Road, Mittagong, approximately 1.5km from the intersection of Old South Road and Bong Bong Road and approximately 3.5km from the Mittagong town centre.

Lot 11 is approximately 37 hectares and accommodates the majority of the runway, the club house, and aircraft hangers. The site backs onto Diamond Fields Road with a large area of remanent vegetation and includes a current dwelling entitlement.

Lot 841 is approximately 4.6 hectares and accommodates the remainder of the runway.





**Figure 1 Subject site – Lot 11 DP 1226788 (source: ePlanning Spatial Viewer)**



**Figure 2 Subject site – Lot 841 DP 1253894 (source: ePlanning Spatial Viewer)**

## 1.5 Mapping

The planning proposal requires changes to the Schedule 1 – Additional Land Uses map. A revised map has not been provided; however it is not required for the notification process.

## 2 Need for the planning proposal

The planning proposal is not the direct result of any local planning priorities or actions identified in the Wingecarribee Local Strategic Planning Statement (LSPS) or other strategic documents.

The objective of the Planning Proposal is to enable a boundary adjustment between the two (2) existing lots that comprise of Mittagong Aero Club site, so that the resulting lots will have distinct purposes.

One lot will accommodate the aerodrome, inclusive of the full runway, clubhouse and hangars. The lot will be approximately 31ha and retain the existing access.

The other lot will be suitable for a future dwelling. The lot will have an area of approximately 10.6ha with proposed access off Diamond Fields Road. This lot would be less than the minimum lot size development standard pursuant to Clause 4.1 of WLEP2010, however the existing dwelling entitlement attached to current Lot 11 would be dedicated to this lot.

If a boundary realignment was to be done across the site as is, Clause 4.2A of WLEP2010 would likely result in the loss of the dwelling entitlement as the created lot is less than the 40ha minimum.

## 3 Strategic assessment

### 3.1 Regional Plan

The planning proposal has been reviewed against the South-East and Tablelands Regional Plan 2036 and the Draft South-East and Tablelands Regional Plan 2041. There are no specific objectives in the plan relating to the proposal and it is considered not to be inconsistent or offensive to the broader objectives of the plans.

### 3.2 Local Strategies

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

**Table 4 Local strategic planning assessment**

Local Strategies	Justification
Community Strategic Plan - Wingecarribee 2031	The Strategic Plan has no direct relevance to the PP. The PP will facilitate optimal use of the subject land which will enable positive ongoing maintenance and management of the site.
Wingecarribee 2040 Local Strategic Planning Statement	The PP does not specifically address any of the Planning Priorities in the Statement, however meets the overall objectives of the Statement.



Wingecarribee Local  
Housing Strategy 2021

The subject site is not identified in the Housing Strategy as an investigation area. The PP will provide useable dwelling entitlement, which meets the overall objectives of the Strategy.

### 3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

**Table 5 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Direction 1.1 Implementation of Regional Plans	Yes	Refer to section 3.1 of this report.
Direction 1.2 Development of Aboriginal Land Council land	N/A	The subject land is not identified on the SEPP or LEP mapping as Aboriginal significant land.
Direction 1.3 Approval and Referral Requirements	Yes	The planning proposal does not seek to introduce additional concurrence, consultation or referral requirements and nor does it seek to include provisions relating to designated development.
Direction 1.4 Site Specific Provisions	N/A	The planning proposal seeks to include an additional permitted uses on the subject land as allowed in the Standard Instrument for LEP's.
Direction 3.1 Biodiversity and Conservation	Yes	The proposed boundary adjustment has no impact on the environment.
Direction 3.2 Heritage Conservation	Yes	<p>The subject land is not identified as containing heritage items, not located within a heritage conservation zone.</p> <p>The site adjoins a number of heritage items.</p> <p>The PP is not considered to create any negative impact on existing adjoining heritage items.</p>
Direction 3.3 Sydney Drinking Water Catchments	To be determined.	The proposed Planning Proposal will not increase the number of dwellings that could be developed on the land. The proposal will be referred to Water NSW for comment.
Direction 4.1 Flooding	N/A	The subject land is not identified as flood prone land

Direction 4.3 Planning for Bushfire Protection	Yes	<p>The subject land is identified as containing Vegetation Category 1 and Vegetation Buffers.</p> <p>A Bushfire Report prepared by Sowdes, dated July 2022, identified a potential dwelling envelope and Asset Protection Zone.</p> <p>Referral to the NSW Rural Fire Service is required as part of the Gateway Determination and the future proposed Development Application.</p>
Direction 4.4 Remediation of Contaminated Land	N/A	The subject land is not identified as potentially contaminated.
Direction 4.5 Acid Sulphate Soils	N/A	The subject land is not identified as containing acid sulphate soils.
Direction 4.6 Mine Subsidence & Unstable Land	N/A	The subject land is not identified as containing mine subsidence or unstable land.
Direction 5.3 Development near Regulated Airports and Defence Airfields	N/A	<p>Mittagong Airfield is privately owned and not classed as a regulated airport or defence airfield.</p> <p>The Airfield is used by the Rural Fire Service during bushfire emergencies, aero-medical flights, non-urgent medical transfers (eg. Angel Flights), by the National Parks and Wildlife Service, by the Defence department for training activities, as a base for power and gas line aerial safety survey work and by visiting aircraft (for business and tourism).</p>
Direction 9.2 Rural lands	Yes	<p>The subject land is zoned C3 – Conservation Management. The PP formalised the existing on-the-ground uses of the lots, the airfield use, and the potential dwelling use. The site has not existing agricultural use, and existing vegetation is to be retained.</p> <p>The existing subject lots are undersized, and there is no proposed change to the minimum lot sizes.</p>

### 3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

**Table 6 Assessment of planning proposal against relevant SEPPs**

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Transport & Infrastructure) 2021	Controls pertaining to infrastructure, education facilities, and major infrastructure corridors.	N/A	The PP does not impact on any known existing or proposed infrastructure projects.  The airfield is not classed as an air transport facility and therefore does not trigger the SEPP.
SEPP (Biodiversity & Conservation) 2021	Controls pertaining to vegetation and koala habitat protection, and water catchment management.	Consistent	The PP does not propose any vegetation removal or impact on the riparian watercourse.  The potential environmental impacts are limited to any future potential development on the “dwelling” lot, which would be subject to the same planning provisions on the existing lot, even if the PP were not to progress.
SEPP (Resilience & Hazard) 2021	Controls pertaining to hazardous or offensive development, and contaminated land.	N/A	The PP does not include any hazardous or offensive development.  The site has no known history of contaminated land uses.
SEPP (Regional Precincts) 2021	Controls pertaining to State significant precinct—Southern Highlands Regional Shooting Complex site.	N/A	The PP does not relate to any precincts addressed in the SEPP.

## 4 Site-specific assessment

### 4.1 Environmental

The planning proposal is unlikely to have any negative environmental impacts.

### 4.2 Social and economic

The planning proposal is unlikely to have any negative social or economic impacts. Due to the limited use of the airfield it is not anticipated that aircraft noise would generate an unacceptable impact on residents of a dwelling on the smaller lot.

## 4.3 Infrastructure

The planning proposal is unlikely to have any negative impact on existing services. There needs to be adequate servicing to the new residential lot, however this can be assessed at Development Application (DA) stage.

## 5 Consultation

### 5.1 Community

Council proposes a community consultation period of 20 days.

The exhibition period proposed is considered appropriate, and forms to the conditions of the Gateway determination.

### 5.2 Agencies

Council has nominated the public agencies to be consulted about the planning proposal.

It is recommended the following agencies be consulted on the planning proposal and given 20 days to comment:

- Water NSW
- NSW Rural Fire Service

## 6 Timeframe

The Department recommends a timeframe of 9 months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

## 7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the planning proposal is standard the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

## 8 Assessment summary

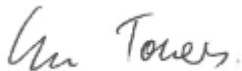
The planning proposal is supported to proceed with conditions for the following reasons:

- The proposal will formalise the on-the-ground layout of the site enabling future maintenance of the airfield and associated structures separate to the dwelling lot.
- The proposal will enable the retention of the dwelling entitlement for the undersized lot.

## 9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Consultation is required with the following public authorities:
  - Water NSW
  - Rural Fire Service
2. The planning proposal should be made available for community consultation for a minimum of 20 days
3. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
4. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



16/2/23

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