

COUNCIL ASSESSMENT REPORT

SOUTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSTH-526 DA0472/2025
PROPOSAL	Alterations and additions to an existing airport hangar and boundary adjustment
ADDRESS	54 Airport Road, Albion Park Rail Lot 201 DP 1111193 42 Airport Road, Albion Park Rail Part 2 DP 1296896
APPLICANT	Gary Squire
OWNER	Shellharbour City Council
DA LODGEMENT DATE	19 August 2025
APPLICATION TYPE	Local Development
REGIONALLY SIGNIFICANT CRITERIA	Schedule 6, Section 3 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> : Council related development over \$5million and private infrastructure (air transport facilities) over \$5million
EDC	\$7,850,114 (excluding GST)
CLAUSE 4.6 REQUESTS	Clause 4.1 Minimum Subdivision Lot Size Clause 4.3 Height of Building
KEY SEPP/LEP	SEPP (Transport and Infrastructure) 2021 Shellharbour Local Environmental Plan 2013
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	No submissions received
DOCUMENTS SUBMITTED FOR CONSIDERATION	Suite of Architectural and Subdivision Plans Clause 4.6 Variation Request Minimum Lot Size Clause 4.6 Variation Request Height of Building
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	None required
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	31 March 2026
PREPARED BY	Nicole Doughty
DATE OF REPORT	20 February 2026

EXECUTIVE SUMMARY

The development application (DA0472/2025) seeks consent for alterations and additions and a boundary adjustment to an existing airport hangar at Shellharbour Airport. The development site comprises of two allotments known as 42 and 54 Airport Road, Albion Park Rail and are located within Shellharbour Airport. 54 Airport Road comprises of the building complex known as the Historical Aircraft Restoration Society (HARS) Aviation Museum and 42 Airport Road is the main site for Shellharbour Airport. Multiple aircrafts that form part of the HARS aviation collection are stored at both the HARS Aviation Museum and within the wider airport site on 42 Airport Road. Vehicle access to both sites is via Boomerang Avenue and Airport Road.

The site is located in the SP1 – Special Activities (air transport facility) and E4 – General Industrial pursuant to Clause 2.2 of the *Shellharbour Local Environmental Plan 2013* ('LEP 2013'). The proposed hangar extension and associated works being ancillary structures to an air transport facility are permitted with consent in the SP1 zone. Whilst the proposed works are prohibited in the E4 zone, they are permitted with consent under Clause 2.25 of the *State and Environmental Planning Policy (Transport and Infrastructure) 2021*, as the development is within the boundaries of an existing air transport facility and the hangar is for aircraft storage and maintenance.

The application is Council related development as Council is the land owner of the development site and the estimated development cost is more than \$5million. Therefore, in accordance with the Shellharbour Council Related Development Application – Conflict of Interest Policy, an external Process Audit was undertaken. The outcome of the Process Audit is detailed within this report and application was publicly notified for 28 days from 4 September 2025 to 1 October 2025. The application was re-notified from 19 February to 18 March 2026, as the boundary adjustment component of the proposal was included as part of the development during the assessment process. No submissions were received both notification periods.

The application is referred to the Regional Planning Panel ('the Panel') as the development is '*regionally significant development*', pursuant to Section 2.19(1) and Section 3 and 5(a) of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021*, being Council-related development with an EDC over \$5 million.

The key assessment matters associated with the proposal include:

- a Clause 4.6 variation request for exceeding the building height and minimum subdivision lot size development standards under the *Shellharbour LEP 2013*;
- whether the site is considered suitable for the proposal;
- the likely impacts of the proposal; and.
- Whether the proposal is considered to be in the public interest.

Following a detailed assessment of the proposal, pursuant to Section 4.15(1) of the *EP&A Act*, DA0472/2025 is recommended for approval subject to the conditions of consent contained at **Attachment 1** of this report.

1. THE SITE AND LOCALITY

1.1 The Site

The development site is located within Shellharbour Airport, which comprises multiple allotments and two land use zonings (SP1 - Special Activity and E4 - General Industrial). The two allotments where the proposed development is located are as follows:

- Lot 201 DP 1111193, which has a site area of 1.58 hectares and contains the HARS Aviation Museum, which includes a café, car parking, vehicle access via Boomerang Avenue and is located within the wider curtilage of Shellharbour Airport. The site is zoned SP1 - Special Activity.
- Lot 2 DP 1296896, which has a site area of 104 hectares and contains Shellharbour Airport including four runways, an airport terminal, hangars and the storage of aircraft associated with HARS. The site is zoned SP1 - Special Activity and E4 - General Industrial and is listed under Schedule 5 of the SLEP 2013 as heritage item I338 'Illawarra Regional Airport'.



Figure 1: Aerial imagery of the development site and its surroundings. Shellharbour Airport is outlined in yellow and HARS Aviation Museum in red.

1.2 Property Constraints

The development footprint is affected by the following land constraints:

- Bushfire – Buffer Zone
- Aboriginal Heritage
- ANEF Contour Range 25
- Obstacle Limitation Surface RL 20-30
- Acid Sulfate Soils Class 4
- Locally Listed Heritage Item No. I338 'Illawarra Regional Airport

1.3 Restriction on Title

There are restrictions on title burdening each lot. However, there are no restrictions on Lot 2 that are located within the development footprint or affect the proposed development (see Figure 3). The restriction burdening Lot 201 that is relevant to the proposed works is described below (Figure 2):

- Restriction on the Use of Land – 3

Comment: The restriction on the use of land sets out fire rating requirements for the external surface of the building due to a substation located on the site. Conditions have been imposed to ensure the proposal complies with the terms of the Restriction. Furthermore, a referral to Endeavour Energy was sent as the consent authority required to release, vary or modify the easement and in accordance with Section 2.48 of the *SEPP (Transport and Infrastructure) 2021*. A response was received on 4 February raising no objection to the proposal and conditions.

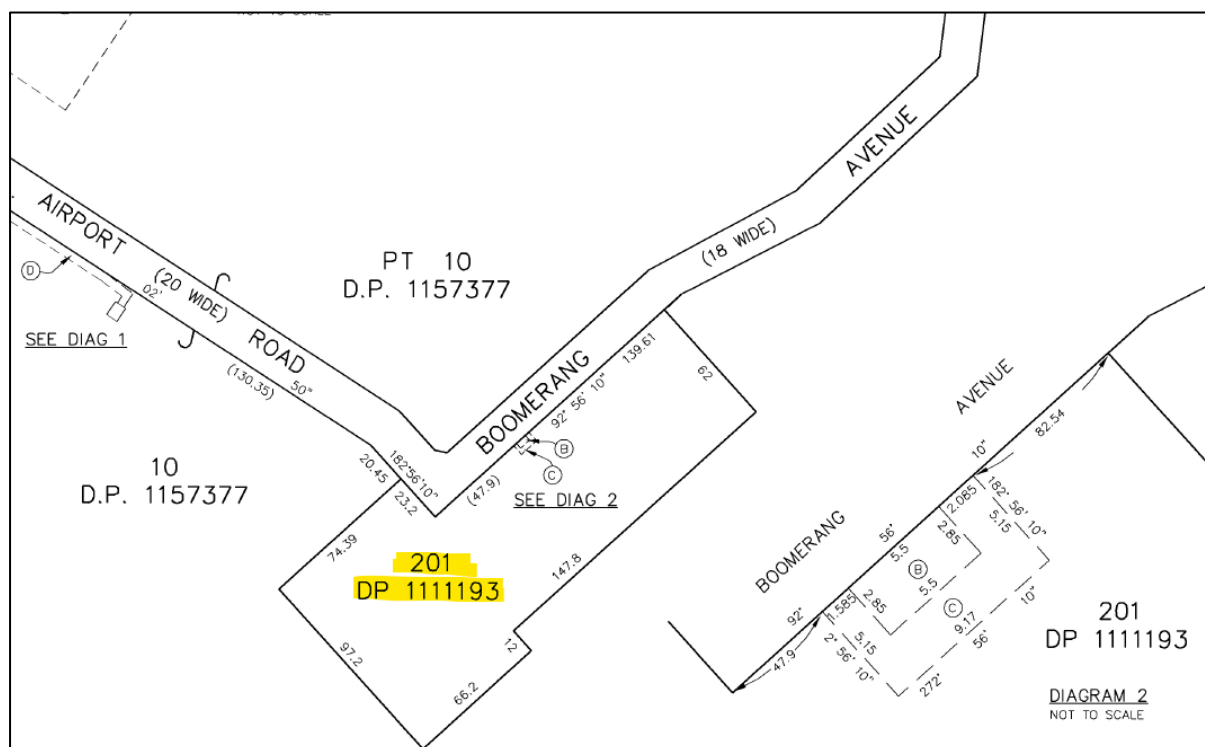


Figure 2: Deposit Plan extract Lot 201 DP 1111193

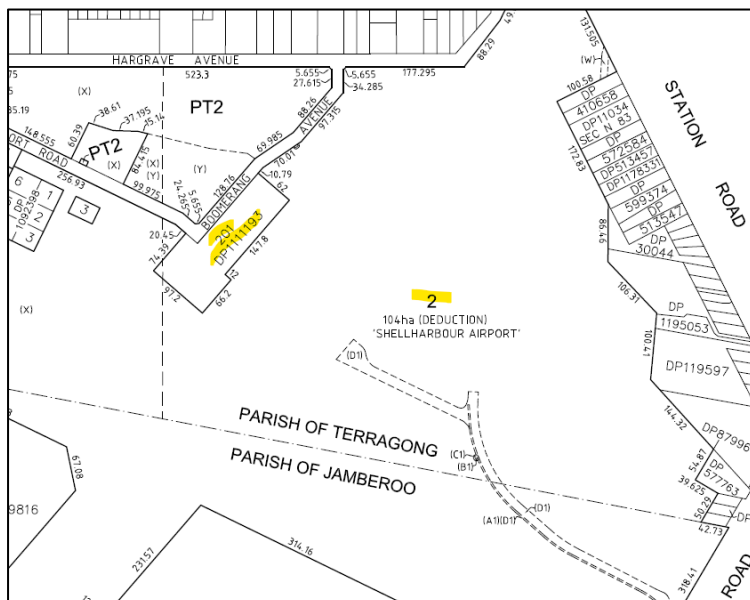


Figure 3: Deposit Plan extract Lot 2 DP 1296896

1.4 The Locality and Site History

As noted above, the development site is located within Shellharbour Airport which comprises of multiple allotments and is owned by Shellharbour Council. The Airport contains a terminal, four runways, an aircraft hangar and buildings that are leased by Shellharbour Council to organisations, including Fire and Rescue NSW, Toll Taxi and NSW Rural Fire Service.

The proposed development is located across two allotments, 54 and 42 Airport Road. No. 54 Airport Road is currently occupied by the HARS Aviation Museum, which offers an extensive collection of aircraft and other aviation memorabilia. Approval for this use was approved on 10 February 2012. Vehicle access and parking for visitors to HARS is via Boomerang Avenue. In addition to functioning as a museum, the aircraft at the site are stored, maintained and are flown using the airport runways.

There have been multiple development applications approved for alterations and additions to the existing building as the aircraft collection has expanded. Currently, the southern elevation of hangar 3 is open, with netting used to prevent birds and objects from entering the hangar and causing damage to the aircraft.

Adjacent to the site to the east, are industrial buildings used for light industrial activities, warehouses and ancillary offices. To the south are low density residential properties and to the west is agricultural land and the Albion Park Bypass.

On 28 May 2024, the Shellharbour Airport Master Plan was adopted by Council. The development site is identified within the Shellharbour Airport Masterplan. Specifically, the Master Plan identifies a footprint with which HARS can plan and implement its expansion plans (**Figure 4**). The proposed extension to hangar 3 is located within the HARS Precinct footprint.

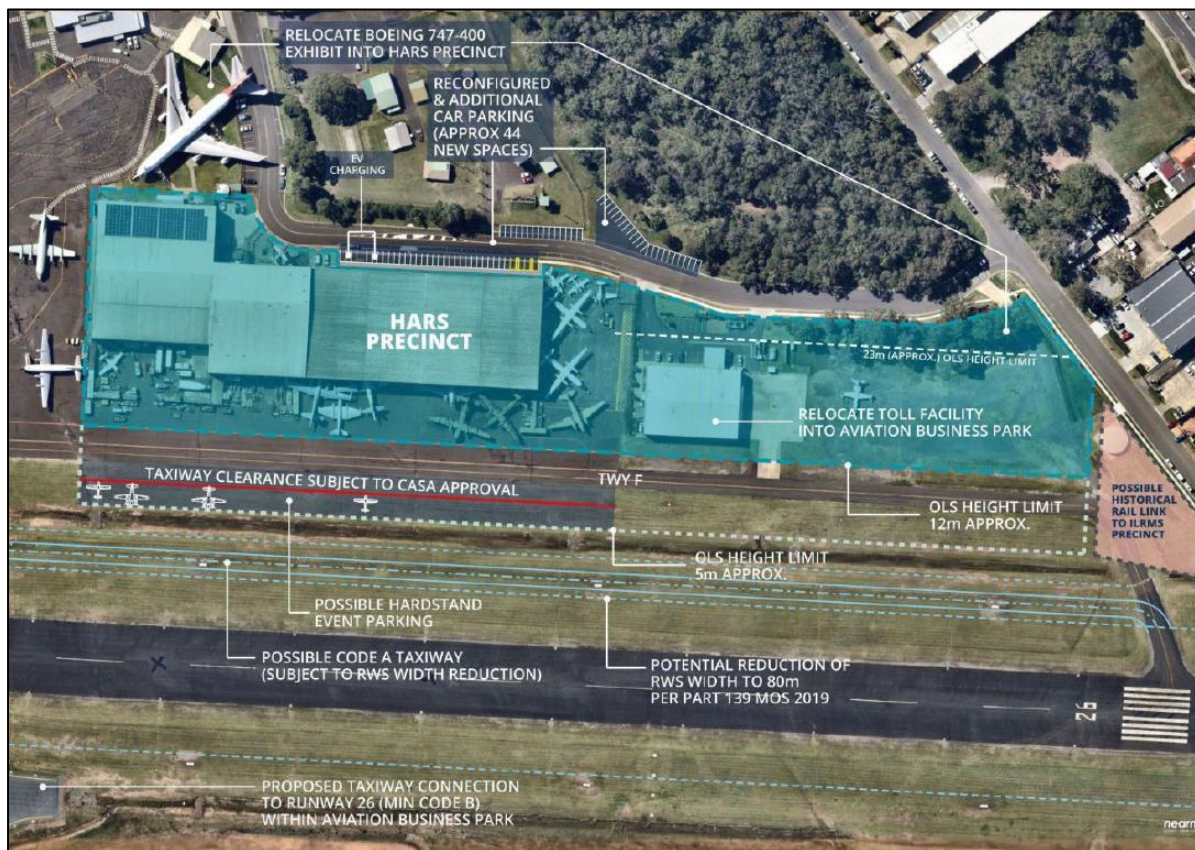


Figure 4: HARS Precinct Concept Layout - Shellharbour Airport Master Plan

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The development application seeks consent for alterations and additions to an existing aircraft hangar and an associated boundary adjustment (**Figure 5 and Figure 6**). Details as provided below:

- an extension to the existing HARS hangar 3; 19.05m along the western elevation and 113.685m along the southern elevation.
- provision of a sliding hangar door providing aircraft access from the hangar to the aircraft runway and associated handstand area (currently the southern elevation of hangar 3 is open);
- associated stormwater drainage infrastructure;
- extension of aircraft movement area adjacent to hangar 3;
- paving and re-grading works within the aircraft movement extension area;
- boundary adjustment of Lot 201 and Lot 2 so that the proposed hangar extension is located wholly within Lot 201;
- the extended hangar will be used for the storage, display and maintenance of aircraft and other aviation related equipment as per the current use of hangar 3; and
- operating hours to be as per the existing approved HARS hours (Monday to Sunday 7:00am to 6:00pm).



Figure 5: Proposed development.

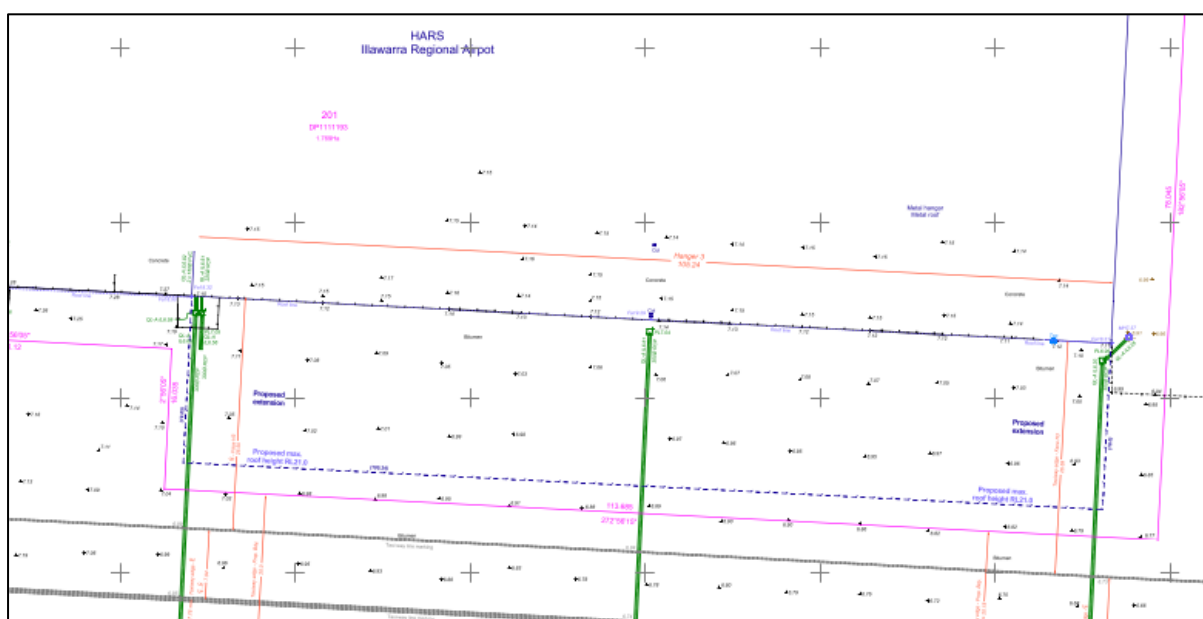


Figure 6: Extract of boundary adjustment subdivision plans

Table 1: Development Data

Control	Proposal		
Min Subdivision Lot Size	No development standard in SP1 zone. 2.7ha development standard in E4 zone.		
	Existing Site Area	Proposed Site Area	Zoning

	54 Airport Road	1.58ha	1.769ha	SP1 and E4
	42 Airport Road	104ha	103.8	SP1 only
	The proposed boundary adjustment will result in 34.48% (0.931ha) shortfall of the development standard for 54 Airport Road. A Clause 4.6 variation request for the building height accompanied the development application.			
FSR	No development standard in SP1 zone. 1:1 development standard in E4 zone.			
	Site Area		17,690m ²	
	Existing		12,802.1	
	Proposed Development		1,899.06	
	GFA		14,701.16	
	FSR		0.83:1 – Complies	
Max Height	No development standard in SP1 zone. 11m development standard in E4 zone. In the E4 zoned land, the proposed maximum building height is 14.17m and therefore the development exceeds the 11m maximum permitted by 28.81% (3.17m). A Clause 4.6 variation request for the building height accompanied the development application.			
Clause 4.6 Requests	A variation is sought to the development standards in Clause 4.1 Minimum Subdivision Lot Size and Clause 4.3 Height of Buildings. Refer to Attachment 3 for Clause 4.6 assessment.			
Landscaped area	No landscaping is provided or required.			
Car Parking spaces	No changes to the existing car parking arrangements are proposed. The proposal will not generate any additional car parking demand.			
Setbacks	The proposed setbacks are based on merit in accordance with the Shellharbour Development Control Pan 2013 and are suitable for the site characteristics.			

2.2 Background

2.2.1 Prelodgement Advice PR0025/2024

A pre-lodgement meeting was held prior to the lodgement of the applicant on 25 July 2024, where various issues were discussed. A summary of the key issues and how they have been addressed by the current proposal is outlined below:

- Classification of the development and permissibility – During the assessment process, it was clarified that the proposed development being a hangar for the storage and maintenance of aircraft is permissible with consent in the SP1 zone and pursuant to Section 2.25 in *SEPP (Transport and Infrastructure) 2021* in the E4 General Industrial zone.
- Clause 4.3 Height of Building exceedance – The pre-lodgement meeting advice detailed that the proposal would exceed the building height development standard and a Clause

4.6 request would be required as part of the any future application. A Clause 4.6 variation request accompanied the Development Application.

- Council's Property Team recommended that the proposal include a boundary adjustment resulting in the proposed development being located wholly within Lot 201 DP1111193. Otherwise, the development will be located across two allotments. During the assessment of the application, amended plans were submitted to include a boundary adjustment as per the pre-lodgement recommendation.

The current development application was lodged on 19 August 2025. A chronology of the development application since lodgement is outlined below in **Table 2**:

Table 2: Chronology of the DA

Date	Event
19 August 2025	Development Application was lodged.
4 September to 1 October 2025	The development application was placed on exhibition for 28 days. No submissions were received.
10 October 2025	Correspondence was sent to the Applicant requesting amended plans and information to address the following: - RL's of the proposed development - Amendments to the Waste Management Plan detailing ongoing operation waste arrangements and storage area. - Clarification of proposed works including the boundary adjustment and works adjacent to taxi runway
29 October 2025	Amended plans were lodged and accepted by Council under CI 38(1) of the <i>Environmental Planning and Assessment Regulation 2021</i> ('2021 EP&A Regulation') on 29 October. The amended plans included: - A Plan of subdivision - RL's of the development - Clarification that no works adjacent to the taxi runway are proposed - Clarification that no cleaning chemicals, lubricants or oils will be storage within the proposed development.
20 November 2025	Correspondence was sent to the Applicant requesting amended plans demonstrating that the proposed development will not encroach the OLS.
21 November 2025	Amended plans were lodged and accepted by Council under CI 38(1) of the <i>Environmental Planning and Assessment Regulation 2021</i> ('2021 EP&A Regulation') on 21 November. The amended plans demonstrate that the structure will not encroach the OLS.
12 February 2026	Council sent a letter to the Applicant requesting the submission of a Clause 4.6 variation document in relation to the Clause 4.1 Minimum Subdivision Lot Size non-compliance.

16 February 2026	The Applicant submitted a Clause 4.6 variation for the Clause 4.1 Minimum Subdivision Lot Size non-compliance.
19 February to 18 March 2026	The application was re-notified for 28 days to include the boundary adjustment. No submissions were received.
16 February 2026	The application was referred back to the Process Auditor for the inclusion of the boundary adjustment.
23 February 2026	Revised Process Audit received.
3 March 2026	Draft conditions of consent were sent to the Applicant for comments.
10 March 2026	The Applicant provided comments on the draft conditions of consent including clarification regarding two conditions.
10 March 2026	Council sent correspondence to the applicant clarifying the two conditions.
10 March 2026	The Applicant was satisfied with the clarification and provided no further comments.

3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

It is noted that the proposal is not considered to be (which are considered further in this report):

- Integrated Development (s4.46)
- Designated Development (s4.10)
- Requiring concurrence/referral (s4.13)
- Crown DA (s4.33) - written agreement from the Crown to the proposed conditions of consent must be provided.

3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *Shellharbour Local Environmental Plan 2013*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3**. A comprehensive assessment found within **Attachment 2** and considered in more detail below.

Table 3: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Planning Systems) 2021	Chapter 2: State and Regional Development Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 3 of Schedule 6 as the subject site is owned by Shellharbour Council and the EDC exceeds \$5million.	Yes
SEPP (Resilience & Hazards) 2021	Chapter 4: Remediation of Land The subject site is mapped as contaminated land due to its historic and current use as an airport. The proposal does not comprise a change of use as it is consistent with the intended use of the land as an airport. Therefore, no further investigation was required and satisfies the requirements of Chapter 4.	Yes
State Environmental Planning Policy (Transport and Infrastructure) 2021	Chapter 2: Infrastructure - Division 1 Air Transport Facilities Section 2.25 – Development permitted with consent In accordance with Section 2.25, specified development may be carried out with consent on land within the boundaries of an existing air	Yes

	transport facility if the development is ancillary to the air transport facility. In this regard: • The proposed development is located within the boundaries of Shellharbour Airport. • The proposed development being a hangar for aircraft storage and maintenance is specified development for the purposes of Section 2.25. • The proposed hangar is for the storage and maintenance of aircraft that uses the runways at the airport for take-off and landing. Therefore, the proposed development within the E4 General Industrial portion of the site is permitted with consent.	
Shellharbour Local Environmental Plan 2013	The proposed development is generally consistent with the applicable provisions of the SLEP 2013. The proposal for an aircraft hangar is permitted with consent in the SP1 Special Activities (Air Transport Facility) under the SLEP 2013. The proposal is prohibited in the E4 General Industrial zone, however is permitted with consent under Section 2.25 of the <i>SEPP (Transport and Infrastructure) 2021</i>. The site area of 54 Airport Road after the boundary adjustment is 1.769ha which is a 34.48% (0.931ha) variation to the Clause 4.1 Minimum Subdivision Lot Size development standard. The application was accompanied by a Clause 4.6 variation request and is supported. The maximum height of the building is 14.17m, which exceeds Clause 4.3 Height of Buildings development standard. The application was accompanied by a Clause 4.6 variation request and is supported. No. 42 Airport Road is identified as local heritage item I338 'Illawarra Regional Airport' pursuant to Schedule 5 Environmental Heritage. The heritage listing is linked to the role that the airport played during World War 2 and also as the site contains endangered ecological communities. Councils Heritage Officer has reviewed the proposal and concluded that <i>"the proposed development does not impact the historic associations of Shellharbour Airport and it will not impact any endangered ecological communities."</i> A complete assessment against the provisions of the SLEP 2013 including the Clause 4.6 variation are found within Attachment 3.	No

(b) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are no proposed instruments that are relevant to the proposal.

(c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

• **Shellharbour Development Control Plan 2013**

A summary of the key matters in the relevant chapters for consideration arising from the Shellharbour Development below. A comprehensive assessment found within **Attachment 4**:

Chapter 9 Industrial Development

The proposal complies with the relevant development controls. The proposed setbacks are appropriate for the site context and the building form will complement the existing buildings within the surrounding streetscape. Conditions of consent have been recommended to address noise and the storage of hazardous goods.

Chapter 13 Parking, Traffic and Transport

The DCP does not prescribe minimum car parking spaces for the proposed development. The proposed extension area is to be used for the storage and maintenance of aircraft within the HARS Museum aircraft collection. The proposal will not generate any additional car parking demand (employees or visitors) at the site. The HARS museum has a designated car parking area via Boomerang Avenue. As the proposal will not generate any additional car parking demand, the existing car parking facilities are satisfactory.

Chapter 15 Waste Minimisation and Management

The waste management plan has been included and considered within the assessment. A demolition and construction waste management plan has been submitted, in conjunction with an ongoing operational waste management plan. General conditions to ensure any waste generated by the development is adequately stored and disposed of have been recommended.

Chapter 16 Access for People with a Disability

The proposal is for alterations and additions to an existing hangar within the HARS building. The proposed finished floor level of the extension is the same as the existing hangar creating equal access across the entire hangar. The existing HARS building complies with the relevant accessibility requirements incorporating a mixture of ramps and lifts for people with disabilities to access the facility.

Chapter 17 Crime Prevention through Environmental Design

Insufficient information has been provided in relation to lighting. Conditions have been recommended to ensure lighting complies with the relevant Australian Standards. The site already has adequate security measures including fencing. No additional measures are required to accommodate the development.

Chapter 22 Contamination

The subject site is mapped as contaminated land due to its historic and current use as an airport. The proposal does not comprise a change of use as it is consistent with the intended use of the land as an airport. An assessment against the *State Environmental Planning Policy (Resilience and Hazards) 2021* in relation to contamination has been undertaken and is satisfactory.

Chapter 23 Cutting, Filling and Retaining Walls

Minimal excavation and fill are proposed to accommodate the development and do not exceed the numerical controls. The proposed earthworks are a suitable response to the site characteristics and are to provide a transition from the hardstand area to the hangar finished floor level.

Chapter 24 Floodplain Risk Management

Refer to 5.21 of the SLEP 2013 assessment. The proposal complies with the objectives of the Chapter.

Chapter 25 Stormwater Management

Council Engineering Officers has considered the proposed stormwater management plan against the requirements of the Chapter and are satisfactory.

Chapter 26 Bushfire Hazard

A portion of the subject site is mapped as bushfire buffer zone. The proposed works are not located within the bushfire buffer area but will be connected to the existing building which is located within the bushfire buffer zone land. There is no requirement for Council to refer the

application to the RFS under Section 4.14. The proposed works are located more than 100m from the bushfire vegetation and is separated by a road (Boomerang Road).

Chapter 27 Aboriginal Heritage

Councils Mapping indicates that the site is within an area which may contain aboriginal archaeological deposits. The site is highly disturbed and the likelihood of archaeological deposits being uncovered at the site is considered low. An AHIMS search has been undertaken and did not identify any Aboriginal sites within the vicinity of the development works and no Aboriginal places have been declared in or near the above location.

Chapter 38 European Heritage

The proposal satisfies the objectives and relevant controls of the Chapter in that the development will not impact on Shellharbour Airport which is a locally listed heritage item under Schedule 5 of the *Shellharbour LEP 2013*. The proposed works continue the use of the site as an airport by expanding hangar 3 for the storage and maintenance of aircraft that use the airport runways. The proposed works will not compromise any significant heritage fabric.

Chapter 32 Airport and Environs Development

The proposal satisfies the objectives in that the proposed development will not impact on airport operations or residential areas. The proposed development is compatible with the use and operations of the existing airport. The extension to hangar 3 will enable the storage and maintenance of aircraft that will utilise the airport's runway for take-off and landings. The maximum building height does not penetrate the OLS.

- ***Shellharbour City Council Local Infrastructure Contributions Plan 2019 (9th Review)***

Non-residential development is levied a contribution based on the additional gross floor area of the development.

As the existing HARS hangar gross floor area already exceeds the parameters for Tier 3 of the non-residential contribution (i.e., 1000m²), under Section 7 of the applicable contributions plan, the expansion of the existing hangar will not trigger the need for a Section 7.11 contribution.

No contribution is therefore required for this development.

(d) Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

(e) Section 4.15(1)(a)(iv) - Provisions of Regulations

30B Council-related development applications

The development scope is considered to a Council-related development application as Shellharbour City Council is the land owner of both allotments. A Management Strategy Statement specifying how Council will manage the conflicts of interest that may arise in connection with the application has been prepared as Council is the consent authority.

61 Additional matters that consent authority must consider

The proposal does not involve demolition.

The proposal does not relate to land which is the subject of a subdivision order under Schedule 7 of the EP&A Act 1979.

The subject development application does not relate to a manor house or multi dwelling housing (terraces).

62 Consideration of fire safety

The proposal does not relate to a change of use.

63 Considerations for erection of temporary structures

The proposal does not involve the erection of temporary structures

64 Consent authority may require upgrade of buildings

The proposal involves building works that require the need for a Construction Certificate. As part of the Construction Certificate process, the appointed certifier will carry out an in-depth BCA assessment.

66A Council-related development applications – the Act, s4.16(11)

On 9 May 2023, at the Ordinary Council Meeting, the Council Related Development Application – Conflict of Interest Policy was adopted. The subject application is considered as Council-related development as Council is the land owner of the development site. In accordance with the Policy, as the EDC of the proposal is more than \$5m and Council is the land owner an external Process Audit was undertaken. The outcome of the Process Audit is detailed within this report. The development application was publicly notified for 28 days pursuant to Schedule 1, Clause 9B of the *Environmental Planning and Assessment Act 1979*. The application was re-notified for 28 days, as the boundary adjustment component of the proposal was included as part of the development during the assessment process. The Process Audit was revised to include the boundary adjustment.

3.2 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been outlined and considered below:

Site Compatibility and Operational Impacts

The proposal is considered to be generally consistent with the context of the site, in that the proposed works are to support the ongoing operations of the HARS aviation museum for the storage of historic aircraft. The storage of aircraft in turn supports the operations of Shellharbour Airport, as the aircraft to be stored at the hangar will use the airport runways for take-offs and landings.

The design of the hangar extension, including the height is not dissimilar to existing aircraft hangars at Shellharbour Airport and will complement the existing streetscape. The building height development standard exceedance has been assessed against Clause 4.6 of the SLEP and is supported. The maximum building height will not penetrate the OLS.

The proposed hours of operation for the extension will be the same as those approved under DA310/2011 for the existing HARS building, being Monday to Sunday 7:00am to 6:00pm. These hours are considered appropriate as the subject site is sufficiently distanced from residential properties (approximately 450m) and the hours are not within sensitive hours.

The proposal will not increase the traffic or parking demands of the site, in that the extension to hangar 3 is for the storage and maintenance of aircraft. The proposed hardstand works will provide an appropriate transition from the finished floor level of the hangar to the runway and associated aircraft manoeuvring areas.

Site Constraints

Vegetation

The application does not propose or require any vegetation removal (other than grass) to accommodate the development.

Heritage

The proposal involves 42 and 54 Airport Road, of which 42 Airport Road is listed as a locally listed heritage item under Schedule 5 of the SLEP 2013. Whilst there are various components of the site that form the heritage listing, the main component is that the airport *“is historically significant for the part it played during World War Two, protecting Port Kembla and for RAAF training.”*

Council’s Heritage Officer reviewed the proposal and concluded that *“the proposed development does not impact the historic associations of Shellharbour Airport and it will not impact any endangered ecological communities.”* The proposed extension to hangar 3 will provide an expanded space for the storage and maintenance of historical air craft, thereby reinforcing the continued and historical use of the site as an airport. The hangar 3 extension including the installation of a sliding door to the southern elevation will protect the aircraft from the elements and will prevent ongoing maintenance issues associated with birds and vermin.

Flooding

The application was reviewed by Council’s Flooding Engineer as the development site is mapped as flood prone land in the 1% AEP and the PMF events. In such events the flood depth would be up to 0.20m and is attributed to the inundation of existing drainage infrastructure. The proposed surface modification and stormwater network upgrades associated with the development will reduce the flood depth. The finished floor level of the hangar extension has been designed to be the same as the existing hangar for operational reasons. Given the nature of the development and the depth of the maximum flood level it has been concluded that the proposal is satisfactory from a flood perspective and increase the finished floor levels of the hangar are not feasible.

Accordingly, it is considered that the proposed development application will not result in any significant adverse impacts in the locality as outlined above.

3.3 Section 4.15(1)(c) - Suitability of the site

The proposed development has been appropriately designed with regard to the constraints of the site, its locality and topography. The proposed development will integrate appropriately with the existing buildings that form the HARS complex and is similar in form and scale as other aircraft hangars located within Shellharbour Airport. The proposal will support the ongoing use of the HARS Museum and support the operations of Shellharbour Airport.

The development would not be considered to result in unreasonable adverse impacts on the amenity of nearby properties. Accordingly, the site is considered suitable for the development.

3.4 Section 4.15(1)(d) - Public Submissions

No submissions were received.

3.5 Section 4.15(1)(e) - Public interest

The proposal will provide orderly economic development of the land to provide for the growing needs of the HARS Museum by providing additional storage space for their expanding aircraft collection. The height of the hangar (which exceeds the building height development standard) has taken into consideration the land constraints and will not encroach on the OLS or

compromise the airport's operations whilst enabling the installation of sliding hangar doors to enclose the hangar (currently the southern elevation is open).

In addition to construction works, the proposal includes a boundary adjustment (subdivision lot size non-compliance) so the extended building is wholly located within the one allotment. The positioning of the site boundaries to encompass the entire HARS building has practical benefits in terms of both lease arrangements and compliance with the National Construction Code.

The proposal is consistent with the objectives of the relevant Environmental Planning Instruments and with the Shellharbour Airport Masterplan 2024.

The application is not expected to have any unreasonable impacts on the environment or the amenity of the locality. It is considered appropriate with consideration to the zoning and the character of the area. Accordingly, development consent of this proposal will not undermine the public interest subject to appropriate conditions being imposed on any development consent.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment as required by applicable SEPPs and the EP&A Act and are outlined below in **Table 4**. There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

Table 4: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
- N/A			
Referral/Consultation Agencies			
RFS	S4.14 and 4.46 – EP&A Act Development on bushfire prone land	A portion of the subject site is mapped as bushfire buffer zone. The proposed works are not located within the bushfire buffer area but will be connected to the existing building which is located within the bushfire buffer zone land. The proposal does not trigger 4.46 of the EPA Act as the works are not for residential/residential subdivision or Special Fire Protection Purpose Development. There is no requirement for Council to refer the application to the RFS under Section 4.14. The proposed works are located more than 100m from the bushfire vegetation and is separated by a road (Boomerang Road).	N/A

		 Figure 7: Bushfire Prone Land Mapping	
Endeavour Energy	S2.48 SEPP (Transport and Infrastructure) 2021	The application was referred to Endeavour in accordance with S2.248 as the subject site (54 Airport Road) has a padmount substation). Correspondence raising no objection subject to conditions were received on 4 February 2026.	Yes
Integrated Development - N/A			

4.2 External Referrals

Referral Body	Trigger	Comments	Resolved
Process Audit	Shellharbour Council is the owner of the land.	In accordance with the Conflict-of-Interest Policy, a process audit was required for the development application. The Process Audit concluded the following: <i>“It is concluded that the process undertaken to date by Council in the consideration of this application appears to generally accord with the statutory procedures set down within The Act (as amended) and The Regulations, subject to the following. However, the inconsistencies above relating to the issue and payment of development application fees are considered to be high priority for resolution before a determination is awarded. Once this matter can be explained and corrected, then it would be considered appropriate to process with a determination.”</i> Screenshots of the payment of development application fees were provided to the Process Auditor. An email was received on 27 October stating “As per the information in your recent email, all matters have now been resolved and therefore we recommend this DA for approval.” The application was referred back to the Process Auditor as the boundary adjustment component of the proposal was included as part of the development during the assessment process. A revised Process	Yes

		Audit was received and acknowledged that re-notification has been undertaken.	
Department of Planning Housing & Infrastructure	HPC	During the assessment process correspondence was sent to the Department of Planning, Housing and Infrastructure for clarification in relation to the whether the Housing Productivity Contribution is payable. Correspondence was received on 16 September 2025 confirming that the hangar is part of an airport that is defined as an Air Transport Facility and it is also forms part of the HARS Museum which is defined as an Information and Education Facility. Neither of these land uses falls under the HPC Commercial or Industrial uses per the HPC Order 2024. Therefore, HPC are not payable. The boundary adjustment does not change the number of total lots, therefore no HPC are payable for the subdivision component.	Yes

4.3 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 5**.

Table 5: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	Council's Engineering Officer reviewed the submitted stormwater concept plan and provided a conditionally satisfactory referral response, subject to compliance with a number of conditions relating stormwater drainage and restrictions on title.	Yes
Building	Council's Building Officer reviewed the proposal and commented that proposal is for a commercial class 2-9 building and Council does not have an appropriately qualified certifier (A1 or A2 accredited person) to carry out a BCA assessment of the proposal. The proposal includes building works which will trigger the need for a Construction Certificate, as part of the construction certificate process the owner/applicant will need to appoint an appropriately qualified certifier who will carry out an in-depth BCA Assessment. Therefore, no conditions of consent were recommended as the BCA assessment will take place at Construction Certificate stage.	Yes
Heritage	Council's Heritage Officer reviewed the application as the subject site is a locally listed heritage item under Schedule 5 of the SLEP 2013. The referral response concluded that the proposed development does not impact the historic associations of Shellharbour Airport and it will not impact any endangered ecological communities." No conditions of consent were recommended to be imposed.	Yes

Contributions	Council's Contributions Officer reviewed the application and provided a referral response detailing that the proposal is a non-residential development whereby contributions are levied on the additional gross floor area of the development. As the existing HARS hangar gross floor area already exceeds the parameters for Tier 3 of the non-residential contribution (i.e., 1000sqm), under Section 7 of the applicable contributions plan, the expansion of the existing hangar will not trigger the need for a Section 7.11 contribution. No contribution is therefore required for this development.	Yes
Business and Investment	Council's Commercial Agreements Specialist reviewed the application and provided a conditionally satisfactory response. The proposed development extends outside of the current leased area and therefore a new lease agreement will be required. Conditions recommended.	Yes
Flooding	Council's Flooding Engineer reviewed the application as the subject site is flood prone land. A referral response was received raising no objection to the proposal and did not recommend the imposition of any conditions of consent.	Yes
Airport	Council's Airport Manager reviewed the application requested additional information regarding the proposed maximum building height. The additional information has been referred back to the Airport Manager for review a conditionally satisfactory referral response was received.	Yes

4.4 Community Consultation

The proposal was notified in accordance with the Council's Communication & Engagement Strategy from 4 September to 1 October 2025. The application was re-notified from 19 February to 18 March 2026, as the original notification did not include the boundary adjustment component of the proposal. Both notifications included the following:

- notification on a website;
- notification letters sent to adjoining and adjacent properties (a rough estimate of the number of letters sent); and
- notification on the Council's website.

No submissions were received during either notification periods or outside of the notification periods.

5. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, and the key issues identified in this report, it is considered that the application can be supported, subject to the recommended draft conditions of consent at **Attachment 1**.

6. RECOMMENDATION

That the Development Application DA0472/2025 alterations and additions to an existing aircraft hangar and associated boundary adjustment at 42 & 54 Airport Road, Albion Park Rail be approved pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at **Attachment 1**.

The following attachments are provided:

- **Attachment 1:** Draft Conditions of consent
- **Attachment 2:** SEPP Compliance Assessment
- **Attachment 3:** Shellharbour LEP 2013 Compliance Assessment
- **Attachment 4:** Shellharbour Development Control Compliance Assessment
- **Attachment 5:** Architectural and Subdivision Plans
- **Attachment 6:** Applicant's Clause 4.6 Request – Clause 4.1 Minimum Subdivision Lot Size
- **Attachment 7:** Applicant's Clause 4.6 Request – Clause 4.3 Height of Buildings