

**CLAUSE 4.6 EXCEPTION REQUEST for
CLAUSE 4.1 SHELLHARBOUR LOCAL ENVIRONMENT PLAN 2013**

**for EXTENSION TO HANGAR 3 - HARS AVIATION MUSEUM
54 AND 42 AIRPORT ROAD, SHELLHARBOUR REGIONAL AIRPORT**

Prepared February 2026
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INTRODUCTION

This formal request has been prepared in accordance with clause 4.6 of the Shellharbour Local Environment Plan 2013 to seek a variation to the minimum subdivision lot size imposed under clause 4.1 of the same document.

THE SITE AND PROPOSED DEVELOPMENT

The site is an aircraft parking area as part of the Shellharbour Regional Airport.

The proposal is to extend an existing one-hundred-metre-wide hangar by nineteen metres towards the south to provide additional undercover storage and display space for large aircraft as part of the HARS Aviation Museum.

PLANNING INSTRUMENT, DEVELOPMENT STANDARD AND PROPOSED VARIATION

Clause 4.1 states as follows:

4.1 Minimum subdivision lot size

(1) The objectives of this clause are as follows:

- (a) to achieve an orderly subdivision pattern,
- (b) to protect the amenity and the character of neighbourhoods,
- (c) to provide controls that protect the character of rural lands,
- (d) to enable urban lands to be developed to achieve a density suitable to the neighbourhood.

(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.

(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

(4A) Despite subclause (3), development consent may be granted for the subdivision of any lot in a residential zone if:

- (a) there is an existing approved dual occupancy or multi dwelling housing on the lot, or
- (b) a development consent has been granted for the erection of an approved dual occupancy or multi dwelling housing on the lot, and there will be only 1 dwelling on each lot resulting from the subdivision.

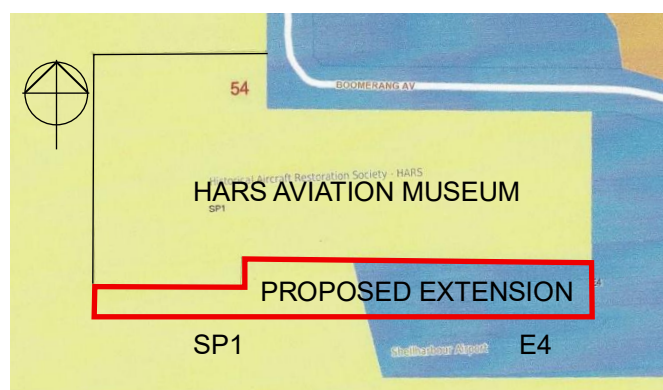
The site is zoned SP1 and E4, the latter being affected by SLEP 2013 clause 4.1.

The application seeks to vary the required minimum lot size required under 4.1, which is a numeric standard.

The Minimum Subdivision Lot Size Map identifies that a minimum lot size of 2.7ha applies to the E4 zoned land (there is no minimum lot size development standard on the SP1 zoned land.)

	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.



JUSTIFICATION FOR THE PROPOSED VARIATION

The applicant submits that the proposed variation does not conflict with any of the objectives (a) to (d) in SLEP 2013 clause 4.1.

The proposed variation actually increases the area of an existing subdivision lot, albeit marginally, for the extension of an existing hangar at an airport. The land in question is used for the same purpose, the parking of aircraft, and the proposal is an entirely appropriate use of land in the circumstance.

The zoning of the land in this instance is not appropriate as it is sited on an airport. This anomaly is covered in State Environmental Planning Policy (Transport and Infrastructure) 2021, division 1 Air Transport Facilities, clause 2.25 Development permitted with consent:

“Development for any of the following purposes may be carried out with consent on land within the boundaries of an existing air transport facility if the development is ancillary to the air transport facility – (c) hangars for aircraft storage or maintenance.”

The applicant commends this exception request to Council's consideration. By virtue of the development surrounding the proposed site and the proposed development itself, the relationship between the lots must remain inexorably connected: They are linked together as indivisible components of the airport – hangar, movement area and runway.