

DATE OF DETERMINATION	1 April 2026
DATE OF PANEL DECISION	1 April 2026
DATE OF PANEL BRIEFING	31 March 2026
PANEL MEMBERS	Chris Wilson (Chair), Juliet Grant, Grant Christmas
APOLOGIES	None
DECLARATIONS OF INTEREST	Council interest DA

Papers circulated electronically on 19 March 2026.

MATTER DETERMINED

PPSSTH-526 – SHELLHARBOUR - DA0472/2025 - Alterations and additions to an existing airport hangar and boundary adjustment - 54 Airport Road, Albion Park Rail (Lot 201 DP 1111193), and 42 Airport Road, Albion Park Rail (Part 2 DP 1296896) (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7, and the material presented at briefings listed at item 8 in Schedule 1.

Application to vary a development standard:

Following consideration of written requests from the Applicant (as addressed in the Council's Assessment Report), made under cl 4.6 (3) of the Shellharbour Local Environmental Plan 2013 (LEP), the Panel was satisfied that the applicant had demonstrated that:

- compliance with both the Clause 4.1 Minimum Subdivision Lot Size and Clause 4.3 Height of Building development standards was unreasonable or unnecessary in the circumstances, and
- there were sufficient environmental planning grounds to justify contravening the development standards.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to uphold the Clause 4.6 variations to the minimum lot size and building height control and approve the development application for the reasons outlined in the Council's Assessment Report. Furthermore, the Panel was satisfied that:

- The development application had been considered in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and Regulations.
- A thorough assessment in terms of section 4.15 of the *Environmental Planning and Assessment Act 1979* had been undertaken.
- The preconditions to the grant of consent had been satisfied.
- The proposal is unlikely to result in any unacceptable amenity, environmental or land use safety impacts subject to the imposition of the conditions of consent.
- The proposal is considered appropriate, having regard to the zoning of the site, the provisions of the Shellharbour LEP, and other applicable environmental planning instruments.

- The development will facilitate the growing needs of the HARS Museum by providing additional and contemporary storage space for the expanding aircraft collection.

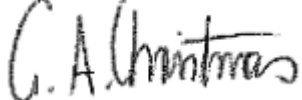
CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report with the following minor amendments.

- To strengthen onsite construction management measures, Condition 14 was amended to add item g. relating to adherence to the unexpected finds protocols required by Condition 24. The word “Construction” was also included in the title to clarify that the requirement was for a Construction Site Management Plan.
- To ensure appropriate lighting was installed, Condition 36 was amended to include at the end of the condition the words “or the Australian Standards as (applicable)”.

CONSIDERATION OF COMMUNITY VIEWS

In reaching its decision, the Panel noted that no public submissions were made during either of the two exhibition periods.

PANEL MEMBERS	
 Chris Wilson (Chair)	 Juliet Grant
 Grant Christmas	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-526 – SHELLHARBOUR - DA0472/2025
2	PROPOSED DEVELOPMENT	Alterations and additions to an existing airport hangar and boundary adjustment
3	STREET ADDRESS	54 Airport Road, Albion Park Rail (Lot 201 DP 1111193) 42 Airport Road, Albion Park Rail (Part 2 DP 1296896)
4	APPLICANT/OWNER	Gary Squire / Shellharbour City Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (Transport and Infrastructure) 2021 - Shellharbour Local Environmental Plan 2013 - Draft environmental planning instruments: Nil - Development control plans: - Shellharbour DCP 2013 - Planning agreements: Nil - Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> - Coastal zone management plan: Nil - The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality - The suitability of the site for the development - Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations - The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	- Council Assessment Report: 19 March 2026 - List any clause 4.6 variation requests here: Clause 4.1 Minimum Subdivision Lot Size, Clause 4.3 Height of Building - Written submissions during public exhibition: 0 - Total number of unique submissions received by way of objection: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Final briefing to discuss council's recommendation: 31 March 2026 <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas <u>Council assessment staff</u>: Nicole Doughty, Stacey Houlison <u>Applicant representatives</u>: Gary Squire <u>DPHI</u>: Tracey Gillett, Gail Fletcher
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report.