

**DETERMINATION AND STATEMENT OF REASONS**  
WESTERN REGIONAL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	27 February 2025
<b>DATE OF PANEL DECISION</b>	26 February 2025
<b>PANEL MEMBERS</b>	Garry Fielding (Chair), Donna Rygate, Natasha Harras
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 19 February 2025.

**MATTER DETERMINED**

PPSWES-227 – Murray River – DA10.2024.45.1 at 580 Swan Hill Road, Murray Downs – Alterations and Additions Agricultural Development to Increase Tonne Production Annually (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 meetings and briefings listed at item 8 in Schedule 1.

**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 approve the application for the reasons outlined in the Council Assessment Report.



**CONDITIONS**

Council's recommended conditions of consent were amended by the Panel to include the following changes:

- A description of the development being approved is required as follows "Installation of equipment for an almond hulling and shelling facility and increase of production to 140,000 tonnes/annum."
- Condition 12 to be deleted as the matters raised by TfNSW have since been addressed in Council's memo dated 26 February 2024.

**CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the Panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

<b>PANEL MEMBERS</b>	
 <p>Garry Fielding (Chair)</p>	 <p>Donna Rygate</p>



Natasha Harras

#### SCHEDULE 1

<b>1</b>	<b>PANEL REF – LGA – DA NO.</b>	PPSWES-227 – Murray River – DA10.2024.45.1
<b>2</b>	<b>PROPOSED DEVELOPMENT</b>	Alterations and Additions Agricultural Development to Increase Tonne Production Annually
<b>3</b>	<b>STREET ADDRESS</b>	580 Swan Hill Road, Murray Downs
<b>4</b>	<b>APPLICANT OWNER</b>	Clare Fitzpatrick Murray Downs Processing Pty Ltd
<b>5</b>	<b>TYPE OF REGIONAL DEVELOPMENT</b>	General development over \$30 million
<b>6</b>	<b>RELEVANT MANDATORY CONSIDERATIONS</b>	<ul style="list-style-type: none"><li>• Environmental planning instruments:<ul style="list-style-type: none"><li>○ State Environmental Planning Policy (Biodiversity and Conservation) 2021</li><li>○ State Environmental Planning Policy (Resilience and Hazards) 2021</li><li>○ State Environmental Planning Policy (Planning Systems) 2021</li><li>○ State Environmental Planning Policy (Transport and Infrastructure) 2021</li><li>○ Wakool Local Environmental Plan 2013</li></ul></li><li>• Draft environmental planning instruments: Nil</li><li>• Development control plans:<ul style="list-style-type: none"><li>○ Wakool Development Control Plan 2013</li></ul></li><li>• Planning agreements: Nil</li><li>• Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></li><li>• Coastal zone management plan: Nil</li><li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li><li>• The suitability of the site for the development</li><li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li><li>• The public interest, including the principles of ecologically sustainable development</li></ul>
<b>7</b>	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"><li>• Council Assessment Report: 18 February 2025</li><li>• Updated assessment report (including revised draft conditions) received: 21 February 2025</li><li>• Council memo dated 26 February 2025</li><li>• Two letters from the applicant dated 24 July 2024 in response to matters raised by TfNSW and hazard issues raised by the Department of Planning, Housing and Infrastructure.</li><li>• Resolution of Council dated 26 March 2024 regarding section 7.12 development contributions</li><li>• Written submissions during public exhibition: 0</li></ul>

<b>8</b>	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Final briefing to discuss council's recommendation: 25 February 2025 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Garry Fielding (Chair), Donna Rygate, Natasha Harras</li> <li>○ <u>Council assessment staff</u>: Vishal Chandra, Christopher O'Brien, Jessica McFarlane</li> <li>○ <u>Applicant representatives</u>: Clare Fitzpatrick, David Armstrong, Jeremy Glassel</li> <li>○ <u>Department staff</u>: Lillian Charlesworth, Jade Buckman</li> </ul> </li> </ul>
<b>9</b>	<b>COUNCIL RECOMMENDATION</b>	Approval
<b>10</b>	<b>DRAFT CONDITIONS</b>	Attached to the Council Assessment Report and as amended by the Panel (refer to "Conditions" above).