

21 July 2026

Att: Amanda Rasmussen
Manager Development Assessment
Blayney Shire Council
planning@blayney.nsw.gov.au
PO Box 62 Blayney NSW 2799

Dear Blayney Shire Council & Panel members,

RE: Response to late public submissions for PAN-555748 / DA2025/0061, as requested by the WRPP

This submission is made on behalf of EDPR Australia Pty Ltd (EDP) in response to the Western Regional Planning Panel's (Panel) request following the public determination meeting held on 9 July 2026 for Development Application DA2025/0061, relating to the proposed solar farm at 180 Gregghamstown Road, Blayney NSW 2799.

The enclosed response addresses the late submissions received and the relevant action items outlined in the Panel's Record of Deferral. It is intended to assist Council and the Panel in considering those matters prior to determination of the application.

Please do not hesitate to contact me if Council or the Panel requires any further information or clarification.

Yours sincerely,



Jou Jong
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Applicant's Response to Late Submissions and Record of Deferral Action Items

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1. Introduction / Executive Summary

The purpose of this response is to assist Blayney Shire Council (Council) and the Western Regional Planning Panel (Panel) by addressing the late submissions and relevant action items from the Record of Deferral provided by the Panel following the public determination meeting held on 9 July 2026. This document identifies the broader planning issues raised and provides a response to each submission.

EDP maintains that the application has been lodged under the correct statutory assessment pathway and that the information before Council and the Panel is sufficient to enable determination of the application.

2. General Comments

2.1. Appropriate Level of Assessment for a Development Application

EDP notes that a primary theme across the late submissions is the assertion that the proposal lacks mandatory technical assessments. EDP maintains that these statements incorrectly assume that every detailed engineering design, operational WHS procedure, and specific construction methodology must accompany a development application.

The purpose of the DA stage is to establish that the land use is suitable, the proposal is capable of complying with applicable legislation, and that environmental impacts can be appropriately mitigated. Detailed matters – including final equipment selection, geotechnical investigations, specific stormwater design, and refined emergency procedures – are typically completed during the detailed design phase after approval and prior to construction.

2.2. EDPR Australia's Experience and Comparable DA Assessments

EDPR Australia has more than 30 DAs that are either approved or currently under assessment, including several that are well progressed through the DA assessment process and nearing determination. The technical and specialist investigations prepared for this DA are consistent with the level of assessment typically accepted by consent authorities and Planning Panels for such regional-scale renewable energy developments. The

assumed “mandatory” omissions raised in the late submissions are not concerns EDP has generally encountered in comparable DA assessments.

2.3. Desktop Studies

In response to concerns regarding the use of desktop studies rather than site-based fieldwork, EDP notes that desktop assessments are a valid and widely accepted methodology where appropriate. The Water Assessment and Fire and Hazard Assessment, for example, clearly identify themselves as desktop assessments, as this was considered the appropriate approach for the relevant planning issues at the DA stage. Site-based investigations were undertaken where appropriate as part of the relevant specialist studies.

2.4. Misunderstanding of Planning Law and DA-stage Requirements

A key issue in the late submission is that it appears to treat a range of Australian Standards, construction standards, operational requirements, WHS obligations and engineering standards as mandatory documents that must accompany the DA. While Council and the Panel will be familiar with this distinction, it may be relevant to note for the benefit of submitters that many of the matters described as “mandatory assessments” are typically addressed through detailed design, procurement, construction planning, operational management, compliance obligations or conditions of consent, rather than as standalone documents lodged at the DA stage.

3. Response to Blayney Shire Council Submission (30 June 2026)

EDP acknowledges Council’s position that it does not support the development and provides the following responses to the reasons for refusal cited by the Mayor, Cr Bruce Reynolds.

3.1. Council’s Reasons for Requested Refusal

- i. That the development application avoids the State Significant Development approval pathway scrutiny by project splitting and should be considered under these rules, considering its size.

EDP response: This matter has previously been addressed in the DA documentation. The proposal has an estimated development cost (EDC) of approximately **\$16.3 million**, which is well below the **\$30 million** threshold for State significant development (SSD). Accordingly, the proposal does not qualify for the SSD approval pathway and has been lodged under the correct statutory assessment process.

That the proposal should be characterised as “project splitting” is not accepted, having regard to the applicable planning framework and the way the application has been lodged. The planning pathway for electricity generating works is prescribed by the State Environmental Planning Policy (SEPP) 2021, which establishes the appropriate approval pathway based on legislated criteria, including the estimated development cost.

The proposal has not been ‘split’ or configured to avoid the planning system. Its design reflects practical design and delivery considerations, including compliance with relevant regulatory requirements and electricity network connection parameters. Further, lodging the proposal as a single DA encompassing both 4.99 MW solar facilities enables a more transparent and efficient assessment process for the consent authority and the Panel, including consideration of cumulative environmental, visual, traffic and agricultural impacts, which were assessed through EDP’s due diligence and specialist investigations prior to DA lodgement.

ii. Not providing costing details of the project to avoid the State Significant Development approval pathway.

EDP response: An Estimated Development Cost report was provided to Council as part of the development application and is also indicated on the front cover of Council's Assessment Report.

iii. Insufficient information in the application about the batteries, size and ongoing risk.

EDP response: Details of the BESS and a risk assessment are provided in the Fire and Hazard Assessment. Please also refer to the general response provided in **Section 1.1 DA-stage Assessment Scope** above.

iv. The unacceptable visual impact on the Blayney township and surrounds.

EDP response: The Visual Impact Assessment (VIA) concluded that impacts are acceptable, particularly with the integration of strategically placed vegetation screening.

v. The unacceptable impact on the neighbouring residents.

EDP response: Any adverse impact on amenity (visual, noise, dust, traffic) can be avoided or mitigated by recommended measures.

vi. The development is inconsistent with the RU2 Rural Landscape Zone objectives.

EDP response: The proposal is a form of primary industry that is not inconsistent with the RU2 Rural Landscape zone objectives, similar to quarries and other rural industries on neighbouring land.

vii. The development is against the community interest when considering potential future expansion of the Blayney Township and/or potential further deposits of valuable natural resource deposits.

EDP response: The project site is included within a future investigation area in the 'North Blayney Industrial Lands Strategy'; however, it remains zoned RU2. The proposal does not prevent the outward expansion of the township.

viii. There will be likely a battery modification application at a later date for more batteries, expanding the project further and bypassing the State Significant Development approval pathway.

EDP response: No modification application for additional batteries is currently being considered by EDP. Any future proposal to materially change the approved development would need to be considered on its merits and assessed under the applicable planning pathway at that time.

3.2. Council's Recommended Conditions

i. Upgrade the unnamed road

EDP response: Not accepted. The Traffic Impact Assessment does not identify the need for an upgrade to the unnamed road, noting the limited construction traffic expected, being approximately eight vehicle movements per day over a four-month period. Any interaction with quarry traffic can be appropriately managed through practical traffic control measures, including two-way radio communication between quarry operators and solar farm construction vehicles.

ii. Upgrade the intersection of Marshalls Lane and the unnamed road

EDP response: Not accepted. The swept path analysis in the Traffic Impact Assessment confirms that vehicles can safely undertake the required turning movements and does not identify the need for intersection upgrades.

iii. Ensure entrance gate wide enough and setback

EDP response: Not accepted. The entrance gate is 6 metres wide and the swept path analysis in the Traffic Impact Assessment confirms that vehicles can safely undertake the required turning movements and does not identify the need for any upgrades.

iv. Install 2 metre security fence inside stock fence

EDP response: Not accepted. Installing the security fence on the boundary enables the site to be used efficiently while allowing landscaping on the inner side of the fence to be maintained from within the solar farm property.

v. Upgrade the stock fence

EDP response: Not accepted. The stock fence is proposed to be removed and replaced with a security fence, as described in point 'iv' above.

vi. Monitor landscape area for trapped wildlife

EDP response: Not accepted, although the intent of the request is understood. EDP does not consider a specific condition requiring monitoring of the landscape area for trapped wildlife to be necessary or proportionate. However, the facility will be subject to standard operational monitoring and site inspections, including electronic surveillance, which would allow any wildlife or feral animal intrusion into the facility to be identified and managed where required.

vii. Develop wildlife release plan

EDP response: Not accepted, although the intent of the request is understood. EDP does not consider a standalone wildlife release plan to be necessary or proportionate. However, appropriate procedures for managing wildlife or feral animal intrusion will be considered and may be incorporated into the facility's operational management arrangements, where required.

viii. Ensure gaps in security fence sufficient to allow reptiles through

EDP response: Not accepted, although the intent of the request is understood. EDP does not consider a specific requirement for reptile gaps in the security fence to be necessary or proportionate, as this may compromise the security function of the fence and is not considered appropriate for this type of infrastructure. However, any wildlife or feral animal intrusion can be managed through standard operational monitoring, site inspections and electronic surveillance, as noted above. Such fencing gaps have not previously been required or requested for comparable proposals.

ix. Install noise limiting material around BESS and inverters

EDP response: Not accepted. The proposed infrastructure is designed to minimise and manage noise emissions. The Noise Assessment concludes that operational noise levels will comply with the relevant NSW Government noise management levels.

x. Use *photonia robusta* or similar to screen as an alternative to endemic plant species

EDP response: Not accepted in the form proposed, although the intent of the comment is understood. EDP considers that other species or species mixes may be equally or more suitable for the local area and intended screening outcome, including in relation to mature growth height. EDP is amenable to a condition requiring a final Landscape Plan to be prepared by the developer prior to construction, confirming species selection aimed at supporting an effective visual screening outcome.

xi. Plant landscape screen on the western boundary to screen the landowner's property

EDP response: Not accepted. Additional landscape screening along the western boundary is not considered necessary, as the landowner's dwelling does not have a direct visual connection to the project site due to intervening topography. On this basis, further screening in this location would not provide any meaningful visual benefit.

xii. Plant landscaping early to screen construction

EDP response: Not accepted. While early planting may be desirable in principle, EDP's experience on projects during construction is that landscaping is best installed toward the end of construction, once heavy machinery has left the site. Even minor runoff, dust, exhaust, vehicle movement and heat generated by construction activities can affect plant health and result in unnecessary premature replacement. Undertaking planting at the appropriate stage reduces the risk of construction-related plant loss and maximises the likelihood of successful establishment while still achieving the intended screening outcome.

xiii. Permit screening above 3 metres

EDP response: Acceptable in principle. Plant species capable of reaching up to approximately 5 metres in height may be used along the southern boundary, provided they are unlikely to cause material shading impacts on the solar infrastructure.

xiv. Prepare a stormwater drainage plan

EDP response: Acceptable. As recommended in the Water Assessment, detailed site drainage design, stormwater management measures, and erosion and sediment control measures can be developed during the detailed design phase, including preparation of an Erosion and Sediment Control Plan in accordance with the *Managing Urban Stormwater: Soils and Construction (Blue Book)*. Accordingly, EDP has no objection to an appropriately worded condition requiring a detailed stormwater drainage or stormwater management plan prior to construction.

xv. Submit a priority weeds management plan

EDP response: Not accepted. Weed management is already subject to the general biosecurity duty under the *Biosecurity Act 2015*, which requires biosecurity risks, including priority weeds, to be prevented, eliminated or minimised so far as reasonably practicable. Accordingly, a separate priority weeds management plan is not considered necessary as a condition of consent, as weed management can be addressed through ongoing land management and operational obligations, which would apply to the relevant landholder and/or facility operator.

xvi. Acknowledge quarrying operations, potential for their expansion and impacts of dust emissions on PV panels

EDP response: Not accepted. EDP acknowledges the adjacent quarry operations, which in fact informed and were considered in the site selection. EDP is not aware of any current application to expand quarrying operations in the vicinity of the site and it would be unreasonable to require the proposal to consider speculative future expansion scenarios. In any event, the solar farms would not prevent any future quarry expansion from being considered based on its merits. Potential dust impacts on PV panels can be managed through routine maintenance and cleaning as part of the facility's operational procedures.

xvii. Use low noise pile driving equipment during construction

EDP response: Not accepted. The Noise Assessment concludes that construction noise emissions will comply with the relevant noise management levels and does not identify the need for additional low-noise pile driving equipment.

xviii. Encourage grazing beneath PV panels

EDP response: Not accepted. While grazing is encouraged and may be considered where appropriate, any grazing beneath or around the facility should remain subject to relevant landowner preferences, operational considerations, site management requirements and any applicable arrangements in place.

xix. Decommissioning be carried out within 12 months

EDP response: Not accepted. The Waste and Decommissioning Assessment states that solar panels and related infrastructure will be decommissioned and removed upon cessation of operations, which is likely to occur *within two years* of the end of the project. The site can then be returned to its pre-development land use or another use agreed with the landowner. A two-year timeframe is considered appropriate to allow for orderly decommissioning and to account for practical factors such as third-party contractor availability and relevant electricity network provider processes and requirements.

xx. Provide triple the proposed on site water storages

EDP response: Not accepted. A 20,000-litre water tank for firefighting purposes is proposed at each solar farm. This provision is consistent with the Fire and Hazard Assessment prepared for the proposal and has been proposed having regard to the relevant water supply requirements under *Planning for Bush Fire Protection 2019*. No additional on-site water storage is considered necessary based on the current bushfire assessment.

4. Response to Community Review of DA2025/0061 Assessment (8 July 2026)

The author/s of this submission claims that several core assessments required under NSW legislation and national safety frameworks are either missing, incomplete, or do not meet the mandatory standards that apply to developments involving high-pressure gas transmission pipelines, lithium-ion battery systems, and large-scale solar generation. Please also refer to the general responses provided in **Section 2** above.

The matters raised by the submitter are outlined below, together with EDP's response to each item:

i. AS 2885 Safety Management Study (SMS)

EDP response: The claim that an AS 2885 Safety Management Study is a mandatory document for this DA is incorrect. AS 2885 relates to the design, construction, operation and management of high-pressure pipeline systems by the pipeline owner or operator. It does not impose a statutory requirement for a neighbouring solar development to prepare or submit a pipeline Safety Management Study as part of a development application. Accordingly, this matter does not identify a missing DA assessment requirement.

- <https://apga.org.au/2885-standard-highpressure-pipeline-systems>

ii. FRNSW BESS Safety Position compliance

EDP response: Fire and Rescue NSW has adopted a position statement for the open yard storage of BESS which recommends measures relating to the location of and access to BESS for firefighting and

provision of firefighting equipment. The proposal addresses the relevant bushfire protection measures under *Planning for Bush Fire Protection 2019*, including asset protection zones around the arrays and ancillary infrastructure, appropriate access for firefighting vehicles and on-site water supply. The Fire and Hazard Assessment also identifies warning systems in the event of fire. While the FRNSW position statement provides useful guidance for BESS facilities, it is not identified as a mandatory precondition to the granting of development consent for an application.

- https://www.fire.nsw.gov.au/_data/assets/pdf_file/0011/4412/Position-statement-summaryOpen-yard-storage-of-battery-energy-storage-systems-BESS.pdf

iii. Hydraulic and flood impact modelling

EDP response: The Blayney Flood Study by Craig and Rhodes in 2019 provides a 1% AEP event inundation map for Blayney township. This mapping has informed the designation of a flood planning area in Blayney LEP 2012. These maps indicate that the project site is unlikely to flood. The site is not mapped as a Flood Planning Area on the Flood Planning Map of Blayney LEP 2012. Accordingly, this matter does not identify a missing DA assessment requirement.

iv. Structural and geotechnical investigations

EDP response: There is no legislation or policy that require geotechnical investigations at the development application stage; [AS1170](#) is the structural loading standard used to ensure that the structural design of buildings and other structures is sufficient to withstand load and other factors such as wind while [AS2159 Piling-Design and Installation](#) sets out minimum requirements for the design, construction and testing of piled footings for civil engineering and building structures on land. Neither of these Australian Standards are required to be considered prior to the issuing of development consent; rather, they are more appropriately considered during the detailed design stage (post approval), once equipment selection, foundation requirements and site-specific design parameters can be determined and confirmed.

- <https://www.safetylyne.com.au/1170-standard>
- (<https://www.standards-global.com/wpcontent/uploads/pdfs/preview/2049832>)

v. EPA firewater and hazardous waste controls

EDP response: Chapter 3 of SEPP (Resilience and Hazards) 2021 addresses hazardous and offensive development and requires a preliminary hazard analysis where a proposal is potentially hazardous or potentially offensive. The proposal is not identified as potentially hazardous or offensive development for the purposes of that framework. Accordingly, a preliminary hazard analysis is not required as a mandatory DA document. However, the Fire and Hazard Assessment includes hazard identification, risk screening and precautionary management measures relevant to the proposal.

vi. Agricultural land impact assessment

EDP response: **New issue.** Agricultural data for the Central West region and Blayney local government area is presented in the Statement of Environmental Effects. The project site is not prime arable land and is Class 4 land capability with moderate to high limitations. It is not mapped as draft State Significant Agricultural Land (SSAL). The potential impact on agricultural land is assessed to be a temporary loss of 0.02% of agricultural land in Blayney LGA. When considered together with the approved solar farm to the north along Marshalls Lane, the cumulative impact would remain limited to a temporary loss of

approximately 0.03% of agricultural land in the LGA. Following cessation of operations, the land can be rehabilitated and returned to its pre-development condition or another use agreed with the landowner.

vii. Emergency access and vehicle movement modelling

EDP response: The Fire and Hazard Assessment confirms that the proposal addresses the relevant access requirements for firefighting vehicles under *Planning for Bush Fire Protection 2019*. On this basis, additional emergency access or vehicle movement modelling is not considered necessary prior to development consent.

viii. Verified GPS coordinates for all modelling

EDP response: The *Large-Scale Solar Energy Guidelines Technical Supplement – Landscape and Visual Impact Assessment* requires GPS coordinates for affected observation points as part of a visual impact assessment. However, these guidelines are directed to large-scale solar developments and do not apply to regional-scale development. For regional-scale developments, councils and proponents are encouraged to consider the principles and objectives of the guidelines *where relevant*. Principles and objectives of the Guidelines have been considered in the Statement of Environmental Effects where appropriate and proportionate to the regional scale of the proposal. The level of detail provided has been adequate in previous approved DAs.

5. Response to the Hon. Andrew Gee MP Submission (7 July 2026)

The matters raised by the submitter are outlined below, together with EDP's response to each item:

- i. That the development application avoids the State Significant Development approval pathway scrutiny by project splitting and should be considered under these rules, considering its size,**

EDP response: Not a new issue. See response provided in **Section 2.1(i)** above.

- ii. Not providing costing details of the project to avoid the State Significant Development approval pathway,**

EDP response: Not a new issue. See response provided in **Section 2.1(ii)** above.

- iii. Insufficient information in the application about the batteries, size and ongoing risk,**

EDP response: Not a new issue. See response provided in **Section 2.1(iii)** above.

- iv. The unacceptable visual impact on the Blayney township and surrounds,**

EDP response: Not a new issue. See response provided in **Section 2.1(iv)** above.

- v. The unacceptable impact on the neighbouring residents,**

EDP response: Not a new issue. See response provided in **Section 2.1(v)** above.

- vi. The development is inconsistent with the RU2 Rural Landscape Zone objectives,**

EDP response: Not a new issue. See response provided in **Section 2.1(vi)** above.

- vii. There will be likely a battery modification application at a later date for more batteries, expanding the project further and bypassing the State Significant Development.**

EDP response: Not a new issue. See response provided in **Section 2.1(viii)** above.

- viii. The project is on productive agricultural land which should not be utilised in this way. approval pathway.

EDP response: **New issue.** See also response provided in **Section 3(vi)** above. Agricultural data for the Central West region and Blayney local government area is presented in the Statement of Environmental Effects. The project site is not prime arable land and is class 4 land capability with moderate to high limitations. It is not mapped as draft state significant agricultural land. The potential impact on agricultural land is assessed to be a temporary loss of 0.02% of agricultural land in Blayney LGA. When combined with the other approved solar farm to the north along Marshalls Lane the cumulative impact will be a temporary loss of 0.03% of agricultural land. The land can be returned to its original condition following cessation of operations of the solar farm.

6. Response to Additional Submission (9 July 2026)

The matters raised by the submitter are outlined below, together with EDP's response to each item:

- i. Blayney Council did not consult several agencies ordinarily relevant to this type of development

EDP response: Blayney Shire Council consulted with Essential Energy and Australian Gas Pipeline as required by SEPP (Transport and Infrastructure) 2021. Based on the assessment pathway and information available to EDP, Council was not required to undertake additional statutory consultation with other State or Federal agencies. The application is not integrated development under section 4.46 of the Environmental Planning and Assessment Act 1979 meaning that there are no requirements to consult with other NSW state agencies to obtain General Terms of Agreement under separate legislation.

- ii. Several technical assessments appear to be absent from the DA

EDP response: **Not a new issue.** Please also refer to the general response provided in **Section 1.1 DA-stage Assessment Scope** above and provided to **Submission 2 in Section 3** above.

- iii. AS 2885 Safety Management Study (SMS)

EDP response: **Not a new issue.** Please also refer to the general response provided in **Section 1.1 DA-stage Assessment Scope** above and provided to **Submission 2 in Section 3** above.

- iv. Clarification under s4.15

EDP response: The application has been assessed under section 4.15 Evaluation (1) matters for consideration. EDP considers that there is sufficient information before the consent authority to determine the application.

- v. The author requests that the Panel seek clarification from Blayney Council regarding whether the above information and agency advice was obtained or considered and defer or reject the application if key information is confirmed to be absent.

EDP response: EDP leaves it to the discretion of the Panel and Blayney Shire Council to respond to this request. However, EDP considers that the application can be determined on the basis of the information submitted and the assessment undertaken to date.

7. Response to Panel's Requested Amendments to Condition 21 (Landscaping)

The Panel's *Record of Deferral* (Action Item 2(c)) requests that Council revise Condition 21 to incorporate several amendments to the proposed landscaping strategy. EDP provides the following responses to the items where further consideration is required.

- (i) All landscape screening is located outside the security fence with stock fencing located outside the landscaping.

EDP response: This requested arrangement is not considered practical or feasible. As outlined in **Section 3** above, locating the security fence on the site boundary allows the land to be used efficiently while enabling the proposed landscaping, positioned inside the fence, to be safely accessed and maintained from within the solar farm site. Requiring the landscape screening to be located outside the security fence would create ongoing maintenance and access challenges that would be difficult to manage in practice.

- (ii) The landscaping screen is to be a minimum width of 15 metres from the southern boundary.

EDP response: This request is not considered necessary, feasible or practical in the form proposed. The Visual Impact Assessment concluded that the proposed 3-metre-wide vegetation screen, comprising dense endemic shrubs, would mitigate views from the relevant southern observation points to an acceptable level. EDP also considers that the mature *height* and *placement* of the plantings are the primary factors influencing vegetation screening effectiveness, rather than the overall width or density of the screening. On this basis, requiring a 15-metre-wide landscape screen would not provide a material additional visual or planning benefit, but would require a substantial redesign of the proposal, compromise the optimised project layout, reduce the efficient use of the site, and impose unnecessary additional cost, expense and administrative burden through ongoing maintenance requirements.

However, EDP acknowledges the Panel's concern regarding screening effectiveness and is open to refining the proposed southern boundary planting to strengthen the intended visual mitigation outcome. In particular, EDP is open to using suitable species capable of reaching a mature **height of approximately 5 metres along the southern boundary**, provided they do not create unacceptable shading, maintenance, bushfire or operational impacts. EDP is also open to **increasing the proposed vegetation screen from 3 metres to 5 metres in width along the southern boundary**. On this basis, EDP requests that any condition limits the required landscape screen to a maximum width of 5 metres, as this would appropriately respond to the Panel's concern while maintaining the integrity of the optimised project design.

- (iv) Trees are to reach a minimum mature height of 5 metres.

EDP response: This matter is addressed in the response to point (ii) directly above.

- (v) Tree planting is to occur between the two sets of solar arrays.

EDP response: This request is not considered necessary or practical, as planting between the two solar arrays would not provide any meaningful visual screening benefit to external viewpoints. It would also require amendments to the optimised project layout, affecting the efficient use of the site.

8. Conclusion

For the reasons set out in this response, EDP respectfully submits that the late submissions do not raise new, relevant and significant planning matters that would justify refusal or further deferral of DA2025/0061.

EDP has also considered the Panel's requested amendments to Condition 21 and, as outlined above, is open to a proportionate refinement of the landscaping requirements, including the use of suitable species capable of reaching a mature height of approximately 5 metres along the southern boundary, increasing the southern boundary vegetation screen from 3 metres to 5 metres in width, and accepting the use of *Photinia* or similar species where appropriate.

The application has been supported by appropriate specialist studies, has been assessed by Council, and can be determined on the basis of the existing evidence and recommended conditions.