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## **Statement of Environmental Effects**

122 Strikes Lane, Eurunderee NSW 2850

Lot 2000 DP 1267912

Farm Stay Accommodation (Tourist and Visitor Accommodation)

7th June 2024



## INTRODUCTION

This report has been prepared for the submission of a development application with Mid-Western Regional Council proposing the construction of 2 new farm stay (Tourist and Visitor Accommodation) buildings and associated infrastructure. This application is made in accordance with the Mid-Western Regional LEP 2012 and the principles of the Mid-Western Regional DCP 2013 Amendment 5.

## SUBJECT SITE

- 122 Strikes Lane, Eurunderee, NSW
- Lot 2000 1267912
- Local Government area of Mid-Western Regional Council
- The subject site is zoned RU4 Primary Production Small Lots in the 2012 LEP. The proposed works are permissible with Development Consent.



Figure 01 – Subject Site



### General

This Statement of Environmental Effects has been prepared by Cameron Anderson Architects on behalf of C.J Anderson and A Norton-Knight to accompany a Development Application for the construction of two new farm stay buildings, a new all-weather access road, and associated infrastructure at 122 Strikes Lane, Eurunderee NSW 2850.

Specifically, this SoEE includes:

- an analysis of the site and the surrounding locality;
- a detailed description of the proposed development;
- an analysis of the proposal against the provisions of the Mid-Western Regional Local Environmental Plan 2012, relevant SEPPs and deemed SEPPs, and other relevant statutory controls that apply to the site; and
- summary and conclusion.

This SoEE is submitted in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979, which requires the consideration of environmental impacts, the suitability of the site for the development, and the public interest. This document addresses the following key considerations as outlined in the Act:

- Compliance with applicable environmental planning instruments, proposed instruments subject to public consultation, development control plans, and any relevant planning agreements or proposed planning agreements under section 7.4.
- Evaluation of the likely impacts of the development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.
- Assessment of the site's suitability for the proposed development.
- Consideration of any submissions made in accordance with the Act or regulations.
- Ensuring that the development aligns with the public interest.

This SoEE concludes that the proposal is consistent with the objectives and provisions of the Mid-Western Regional Local Environmental Plan 2012. We are pleased to present this SoEE for the proposed farm stay accommodation which, once approved, will enhance the local tourism offering by providing high-quality visitor accommodation, complementing the existing vineyard and olive grove, and promoting the rural character of Eurunderee.

### Local Character and Context

#### **Local Character**

The Eurunderee area, located within the Mid-Western Regional Council jurisdiction, is characterised by its rural charm and agricultural heritage. The landscape is predominantly composed of vineyards, olive groves, and patches of native bushland, contributing to a scenic and tranquil rural setting. The architectural style in the area largely reflects its agricultural roots, with a mix of functional farm buildings and more recently developed tourist facilities such as cellar doors and galleries. This blend of traditional and contemporary elements defines the local character, providing a unique backdrop that supports both agricultural productivity and tourism.

#### **Neighbourhood Scale & Streetscape**

The neighbourhood around 122 Strikes Lane is marked by large agricultural plots and interspersed with areas of significant vegetation, particularly to the east and



north. The presence of managed vineyards and olive groves to the west of the site integrates well with the natural landscape, maintaining the rural aesthetic. The area features a mix of single-storey dwellings and agricultural buildings, which are typically set back from the road, providing a spacious and open streetscape. This setting is typical of the RU4 zoning, which promotes rural small holdings and accommodates both residential and tourist-oriented developments.

#### Site Scale

Lot 2000 DP 1267912 at 122 Strikes Lane encompasses an area of 33.24 hectares, with a site that gently undulates from east to west. The site is bordered by heavy vegetation to the east and north, providing a natural buffer and enhancing the site's privacy and aesthetic appeal. The existing structures, including a dwelling and a cellar door, are complemented by the proposed development of two farm stay buildings, which are designed to harmonise with the site's rural context. The site's gradient and the arrangement of existing and proposed buildings take advantage of the scenic views and natural topography, ensuring that the development is both functional and visually integrated with the surrounding landscape.

#### Planning History

The site has been historically used for agricultural purposes, with recent additions including tourist facilities such as a cellar door and gallery. The proposed development seeks to further enhance the site's offering by providing farm stay accommodation, which aligns with the local council's objectives to promote tourism within the region. The development plan includes considerations for environmental management, such as bushfire protection and biodiversity preservation, ensuring that the development is sustainable and respects the site's environmental constraints. The greater site operates as a commercial farm as required by the definition of Farm Stay Accommodation with a commercial vineyard and cellar door, existing olive grove and a cattle operation.

#### Details of the proposed development

The proposed development involves the construction of two new farm stay buildings designated for tourist and visitor accommodation, each with a floor area of 40m<sup>2</sup> and a height of 3.72m. These structures are to be situated on a site characterised by gently undulating terrain, extending from east to west, and are part of a broader property that includes an existing dwelling, a cellar door, and a gallery building to the north.

In addition to the farm stay buildings, the development plan includes the establishment of a new all-weather access road to ensure reliable connectivity across the site, alongside necessary associated infrastructure to support the functionality and accessibility of the accommodation facilities.

The site's environmental setting features heavy vegetation along the eastern and northern boundaries, with managed agricultural land to the west, including a vineyard and olive grove. The proposed location for the new buildings has been strategically chosen to avoid areas of significant biodiversity, ensuring they are clear of any environmentally sensitive zones as mapped on the site.

To address the site's classification as bushfire prone land, appropriate Asset Protection Zones (APZs) have been integrated into the design to mitigate risks, with



further details provided in the attached bushfire assessment report. Additionally, provisions have been made for an onsite sewerage management system, details of which will be elaborated in subsequent stages of the project.

The development is planned as a staged construction, with the first building anticipated to commence in early 2025. This phased approach allows for careful management and implementation of the project, ensuring all aspects of the development are executed to the highest standards.

### **Zoning**

The site is zoned as RU4 Primary Production Small Lots under the Mid-Western Regional Local Environmental Plan 2012 (NSW). The zoning categorises the potential uses of the site as follows:

Permitted without consent:

- Environmental protection works
- Extensive agriculture
- Home businesses
- Home occupations
- Intensive plant agriculture
- Roads
- Water reticulation systems

**Permitted with consent:**

- Aquaculture
- Cellar door premises
- Dwelling houses
- Farm buildings
- Home industries
- Plant nurseries
- Roadside stalls
- Any other development not specified in item 2 or 4

**Prohibited:**

- Air transport facilities
- Amusement centres
- Attached dwellings
- Backpackers' accommodation
- Boarding houses
- Boat building and repair facilities
- Boat launching ramps
- Boat sheds
- Car parks
- Cemeteries
- Charter and tourism boating facilities
- Centre-based child care facilities
- Commercial premises
- Crematoria
- Exhibition homes
- Exhibition villages



- Freight transport facilities
- Group homes
- Heavy industrial storage establishments
- Helipads
- Highway service centres
- Home occupations (sex services)
- Hostels
- Hotel or motel accommodation
- Industrial retail outlets
- Industrial training facilities
- Industries
- Intensive livestock agriculture
- Jetties
- Livestock processing industries
- Local distribution premises
- Marinas
- Mooring pens
- Moorings
- Mortuaries
- Multi dwelling housing
- Passenger transport facilities
- Places of public worship
- Public administration buildings
- Recreation facilities (indoor)
- Recreation facilities (major)
- Recreation facilities (outdoor)
- Registered clubs
- Residential flat buildings
- Respite day care centres
- Restricted premises
- Sawmill or log processing works
- Semi-detached dwellings
- Seniors housing
- Service stations
- Sex services premises
- Shop top housing
- Signage
- Stock and sale yards
- Storage premises
- Transport depots
- Vehicle body repair workshops
- Vehicle repair stations
- Warehouse or distribution centres
- Waste disposal facilities
- Wholesale supplies

**Objectives of the zone:**

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.



- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure that land is available for intensive plant agriculture.
- To encourage diversity and promote employment opportunities related to primary industry enterprises, particularly those that require smaller holdings or are more intensive in nature.

The proposed development, consisting of two new farm stay buildings classified under 'Tourist and Visitor Accommodation', fits within the zoning as it is a permitted development with consent under the category of 'any other development not specified in item 2 or 4'. This aligns with the objectives of promoting diversity and employment opportunities related to primary industry enterprises. The development's integration with the existing agricultural context of the site further supports the zoning objectives by minimising land use conflicts and enhancing the site's compatibility with adjoining land uses.

#### **Local Environmental Plan Assessment**

##### **2.8 Temporary use of land**

This clause provides for the temporary use of land for a maximum period of 28 days in any 12-month period, provided the use does not compromise future development, have detrimental effects on the land or its surroundings, and the land is restored to its original condition post-use. It allows for exceptions, such as the use of a dwelling as a sales office for a new housing estate, which may exceed the specified maximum number of days.

Not applicable. The proposed development for farm stay buildings (Tourist and Visitor Accommodation) and associated infrastructure on the site is intended for permanent use rather than temporary. Therefore, the provisions for temporary use of land under this clause do not apply to the proposed development. The development aims for the construction of permanent structures for tourist accommodation, which does not fall within the scope of temporary uses as outlined in the clause. It is important to ensure that all aspects of the development comply with the relevant standards and regulations for permanent structures and uses within the RU4 zoning.

##### **4.1 Minimum Subdivision lot size**

Specifies the minimum lot sizes required

Compliant. The site meets the minimum requirements for a dwelling

##### **4.2B Dwelling houses on land in Zone RU4 Primary Production Small Lots**

This clause ensures that dwelling houses in Zone RU4 support the permitted agricultural use of the land. It outlines conditions under which development consent may be granted, focusing on the relationship between the dwelling house and intensive plant agriculture, the avoidance of land use conflict, and the availability of essential services.

Compliant. The proposed development, consisting of two new farm stay buildings for tourist and visitor accommodation, supports the existing agricultural use of the land, which includes a vineyard and olive grove. The development is intended to complement the agricultural activities by providing accommodation for visitors, thereby directly supporting the agricultural use of the land. The site's existing use for agriculture and the proposed development's alignment with supporting this use



satisfy the requirements of this clause. It is noted that the development will not result in land use conflict with neighbouring properties, as the area is already used for similar agricultural purposes. Services for water and electricity are existing or will be adequately arranged to support the agricultural use, in line with the clause's requirements. However, it is recommended to ensure that detailed plans for the provision of water and electricity services are included in the final submission to fully comply with this clause.

#### **4.3 Height of buildings**

The objectives of this clause are to establish a maximum height limit for buildings in specific locations, and to enable infill development that is of similar height to existing buildings, consistent with the heritage character of the towns of Mudgee, Gulgong, Kandos, and Rylstone.

Compliant. The proposed farm stay buildings, with a height of 3.72m, do not exceed the maximum height shown for the land on the Height of Buildings Map. This compliance ensures the development is in keeping with the objectives of maintaining the heritage character of the area and allowing for infill development that aligns with the heights of existing structures. Given the rural setting and the nature of the proposed development, the building height is appropriate and respects the visual amenity of the surrounding landscape.

#### **4.4 Floor space ratio**

[Not adopted]

Not applicable. The clause 4.4 Floor space ratio has not been adopted in the Mid-Western Regional Local Environmental Plan 2012 for the RU4 zoning applicable to the proposed development. Therefore, there are no specific floor space ratio (FSR) requirements that the proposed farm stay buildings need to comply with under this clause.

#### **5.10 Heritage conservation**

The objectives of this clause are to conserve the environmental and heritage significance of heritage items, heritage conservation areas, archaeological sites, and Aboriginal objects and places within the Mid-Western Regional area. It outlines the requirements for development consent for activities affecting these heritage items and areas, including alterations, demolitions, and new constructions. Additionally, it specifies conditions under which consent is not required, considerations for the impact of proposed developments on heritage significance, and provisions for heritage assessments and management plans.

Compliant. The proposed development for farm stay buildings and associated infrastructure at the specified location does not involve the demolition, alteration, or disturbance of any known heritage items, heritage conservation areas, archaeological sites, or Aboriginal objects and places. Given the historical context of the site being previously cleared land and the current use for agricultural purposes, there is no indication of heritage significance that would be adversely affected by the development. However, it is recommended to conduct a preliminary heritage assessment to ensure that no previously unidentified heritage items or areas are present on the site. This assessment should be submitted to the consent authority for review, in accordance with subclauses (5) and (6), to confirm the absence of heritage constraints and to comply fully with the requirements of this clause. Should





any heritage items or areas be identified, appropriate measures will be taken to mitigate any potential impacts in line with the objectives of heritage conservation.

#### **5.11 Bush fire hazard reduction**

Bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out on any land without development consent. This provision facilitates the implementation of necessary bush fire hazard reduction measures to ensure the safety and protection of properties in bush fire prone areas.

Compliant. The proposed development is located on bush fire prone land, as identified in the site constraints and environmental risk assessment. Adequate Asset Protection Zones (APZs) have been provided to existing vegetation, in accordance with the attached bushfire assessment report. This demonstrates that the proposed development has considered bush fire hazard reduction measures, aligning with the objectives of clause 5.11. No development consent is required for bush fire hazard reduction work authorised by the Rural Fires Act 1997, ensuring that the proposed development can proceed with necessary bush fire hazard reduction measures in place.

#### **5.24 Farm stay accommodation**

This clause provides the framework for the development of farm stay accommodation within the RU4 zoning, outlining the requirements and conditions that must be met to ensure the development is appropriate for the rural setting and does not adversely impact the agricultural value of the land or the rural character of the area.

Compliant. The proposed development for two new farm stay buildings, each with a floor area of 40m<sup>2</sup> and a height of 3.72m, is within the scope of farm stay accommodation as outlined in the clause. The development is located on a 33.24 HA property zoned RU4, which is suitable for such use. The site's existing use as a dwelling and cellar door, along with the proposed use for tourist and visitor accommodation, aligns with the objectives of promoting rural tourism while maintaining the agricultural productivity and rural character of the land. The development's design and location have been carefully considered to minimise environmental impact, with buildings clear of biodiversity mapped areas and adequate bushfire protection measures in place. The provision for onsite sewerage management further supports the compliance with the clause's requirements for sustainable development in a rural setting.

#### **6.3 Earthworks**

The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Compliant. The proposed development involves the construction of two new farm stay buildings, a new all-weather access road, and associated infrastructure on a site that is gently undulating from East to West. The site has been historically cleared, with existing vegetation to the North and East, and an existing vineyard and olive grove to the West. The development has been designed to minimise disruption to existing drainage patterns and soil stability, with no detrimental effects anticipated on the environmental functions and processes, neighbouring uses, or cultural or heritage items. Adequate measures, including the provision of adequate



space for an onsite sewerage management system, have been proposed to avoid, minimise, or mitigate the impacts of the development. The site is bushfire prone, however, adequate APZs are provided to existing vegetation, and the proposed buildings are clear of the biodiversity mapped area. The quality of the fill or the soil to be excavated has been considered, ensuring no adverse impacts on the existing and likely amenity of adjoining properties. The source of any fill material and the destination of any excavated material will be managed appropriately, with no likelihood of disturbing relics. Given the site's proximity to environmentally sensitive areas, all necessary precautions have been taken to prevent adverse impacts. The development is not expected to affect any waterway, drinking water catchment, or environmentally sensitive area adversely.

#### **6.4 Groundwater vulnerability**

The objectives of this clause are to maintain the hydrological functions of key groundwater systems and to protect vulnerable groundwater resources from depletion and contamination as a result of development. It applies to land identified as "Groundwater vulnerable" on the Groundwater Vulnerability Map. Before granting development consent, the consent authority must consider the likelihood of groundwater contamination, any adverse impacts on groundwater dependent ecosystems, the cumulative impact on groundwater, and any measures proposed to mitigate impacts.

Compliant. The proposed development for farm stay buildings and associated infrastructure is designed with consideration to groundwater vulnerability. Given the site's current use and the nature of the proposed development, it is anticipated that the likelihood of groundwater contamination is minimal. The development is sited away from heavily vegetated areas, reducing potential impacts on groundwater dependent ecosystems. Adequate space for an onsite sewerage management system, detailed in the next stage of works, will minimise potential contamination. The development's small scale and the management of waste and chemicals are expected to have a negligible cumulative impact on groundwater. Measures to avoid, minimise, or mitigate environmental impacts will be detailed in the subsequent stages of planning, ensuring compliance with the objectives of protecting groundwater resources.

#### **6.5 Terrestrial biodiversity**

The objective of this clause is to maintain terrestrial biodiversity by protecting native fauna and flora, and the ecological processes necessary for their continued existence, encouraging the conservation and recovery of native fauna and flora and their habitats.

Compliant. The proposed development is located on land zoned RU4, which has been identified as having biodiversity sensitivity. However, the development has been carefully designed to ensure it does not adversely impact the terrestrial biodiversity of the area. The proposed farm stay buildings and associated infrastructure are sited clear of the mapped biodiversity sensitive areas and existing vegetation, thereby avoiding any significant adverse environmental impact on the condition, ecological value, and significance of the fauna and flora on the land. Measures have been taken to ensure the development is sited and will be managed to minimise any potential impacts, with the proposed buildings being located on historically cleared land and adequate Asset Protection Zones (APZs) provided to existing vegetation to mitigate bushfire risks without disturbing the biodiversity. The development's design and siting, along with the management measures proposed,



comply with the requirements to avoid, minimise, or mitigate impacts on terrestrial biodiversity as outlined in the clause.

### **6.9 Essential services**

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required- (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable road access.

Compliant. The proposed development for farm stay buildings and associated infrastructure at the site ensures the availability of essential services as required. Adequate arrangements for the supply of water and electricity have been made, with connections to existing services to be utilised. The disposal and management of sewage will be addressed through an onsite sewerage management system, details of which will be provided in the next stage of works. Stormwater drainage and on-site conservation measures are to be implemented, considering the site's gentle undulation and existing vegetation. Suitable road access is being established through the construction of a new all-weather access road. These provisions ensure that the development meets the requirements for essential services as outlined.

### **Development Control Plan Assessment**

#### **6.4 Tourist and Visitor Accommodation**

##### **Definition**

Tourist and Visitor Accommodation means a building or place that provides temporary or short term accommodation on a commercial basis, and includes any of the following:

- (a) backpackers' accommodation,
  - (b) bed and breakfast accommodation,
  - (c) farm stay accommodation,
  - (d) hotel or motel accommodation,
  - (e) serviced apartments,
- but does not include:
- (f) camping grounds, or
  - (g) caravan parks, or
  - (h) eco-tourist facilities.

Note: Refer to the LEP 2012 for individual definition of the above terms.

serviced apartment means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

Development for the purposes of cabins or self contained holiday accommodation, the definition of serviced apartment is applied

Compliant - Use defined as Farm Stay Accommodation

##### **Location**

- (a) Must comply with the MLS map or demonstrate compliance with Clause 4.2A of the LEP 2012.



(b) All tourist and visitor accommodation has a residential component and therefore Council will not consider the establishment of any tourist and visitor accommodation on land on which a single dwelling is not permissible in the LEP 201

Compliant – Site meets the minimum lot size for a dwelling.

#### **Design and Layout**

- (a) The development should address the constraints of the site including topography, existing vegetation
- (b) Development for the purpose of services apartments (cabins or the like) shall be limited to a maximum of 6 individual accommodation units and one permanent dwelling (or manager's residence).
- (c) The use of manufactured or relocated homes will not be permitted in the urban areas

Compliant – 2 permanent buildings proposed that utilise a small amount of cut and fill.

#### **Water Cycle Management**

Council will require a Water Cycle Management Report for each lot in the subdivision which identifies that there is a suitable area capable of the disposal of on-site wastewater. The report must include a plan showing a nominal effluent management area for each proposed dwelling or cabin site (as the case may be), in relation to slope, aspect and other site constraints. The plan must indicate all nearby waterways with a buffer of a least 100 metres between effluent management areas and perennial or intermittent creeks or watercourses and 40 metres to drainage depressions

Compliant – a geotech and septic report will be provided at the Construction Certificate Stage

#### **Electricity**

The proponent shall demonstrate that the development can be serviced by electricity either via connection to the grid or solar power. Generators will generally not be accepted as a source of electricity.

Compliant – Buildings will be serviced by an off grid solar system that is an extension to an existing system already on the site.

#### **Parking**

Refer to car parking requirements section 5.1 in the DCP

Compliant – One parking space provided per building access via an all weather access road

#### **Signage**

Refer to requirement for signs section 4.4 in the DCP

Compliant – No signage proposed

#### **Conclusion**

##### **Summary of Considerations under Section 4.15(1)(a)**



This section summarises the considerations made under Section 4.15(1)(a) of the Environmental Planning and Assessment Act 1979 regarding the proposed development. Each applicable sub-section has been addressed thoroughly earlier in this document; here, we reaffirm the development's compliance:

- Environmental Planning Instruments: The proposal is consistent with the objectives and stipulations of the Mid-Western Regional Local Environmental Plan 2012, particularly in relation to the RU4 zoning which supports the development of tourist and visitor accommodation in rural settings.
  - Proposed Instruments: No relevant proposed instruments have been identified that would affect the compliance of the development.
  - Development Control Plans: As no specific Development Control Plan applies, the proposal has been guided by general principles of rural development and environmental conservation.
  - Planning Agreements: There are no planning agreements that impact the proposed development.
  - Regulations: All relevant regulations have been considered, ensuring that the development adheres to sustainable and compliant construction practices, including bushfire safety and biodiversity conservation.
- Assessment of Development Impacts

The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality, have been assessed as minimal. The development's design and location mitigate potential adverse impacts, adhering to environmental protection guidelines and maintaining the rural character of the area.

#### **Suitability of the site**

The site at 122 Strikes Lane, Eurunderee NSW 2850, is suitable for the proposed development due to its size, topography, and existing use. The development aligns with the land's current use and zoning objectives, supporting rural tourism and accommodation without disrupting the environmental and agricultural value of the surrounding area.

#### **Public Submissions**

Mid-Western Regional Council will consider any submissions made during the public exhibition period. Given the development's alignment with local planning objectives and its minimal environmental impact, significant objections are not anticipated.

#### **Public Interest**

The proposed development aligns with the public interest by providing appropriate rural tourist accommodation, which supports the local economy without compromising environmental or social values.

Conclusion and recommendation

This Statement of Environmental Effects has been prepared for the proposed development of two farm stay buildings at 122 Strikes Lane, Eurunderee NSW 2850. The assessment has considered the development's circumstances, the site and locality, and compliance with the Mid-Western Regional Local Environmental Plan 2012.

The proposal is consistent with the objectives of the applicable LEP and does not require a DCP. It supports the provision of tourist and visitor accommodation within



a rural setting, aligning with the zoning provisions and contributing to the local tourism sector.

The proposed development is recommended for approval, subject to standard conditions to ensure compliance with environmental and planning standards.

**APPENDIX A – SITE PHOTOS**

**Figure 02** – Subject Site from proposed new road access



**Figure 03** – View from Subject Site

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## **APPENDIX B – OVERLAY MAPS**

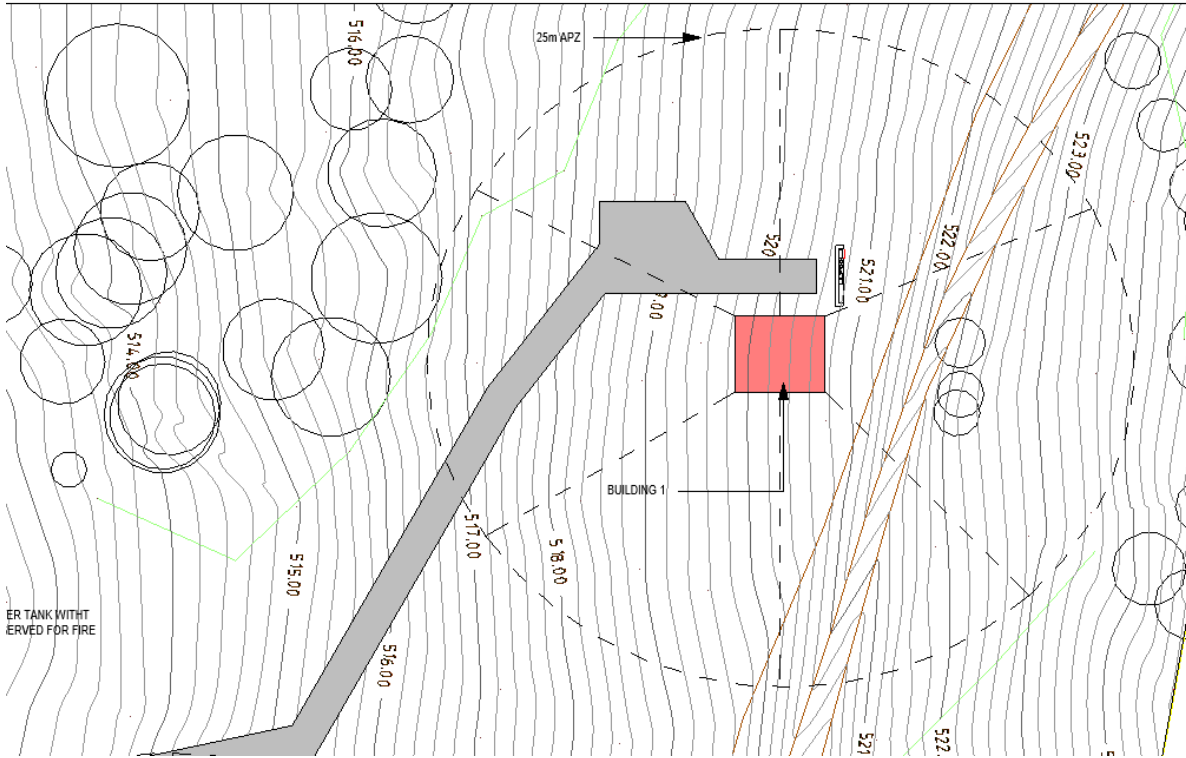
**Figure 04 – Biodiversity Map**





Figure 05 – APZ and Biodiversity





APZ shows that there is no impact on the biodiversity mapped trees. No clearing of biodiversity mapped areas is required by the APZ

Figure 05 – Bushfire Map

