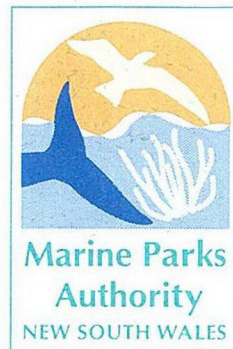




PCU027372

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Received  
27 OCT 2011  
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20 October 2011

Dear Ms Warton,

**Re: Bayside Brunswick Concept Plan**

Thank you for your letter dated 13 September 2011 seeking comment and feedback on the Bayside Brunswick Concept Plan.

The development is in the vicinity of the Cape Byron Marine Park and specifically the Simpsons Creek Sanctuary Zone. A Sanctuary Zone is the highest level of protection available in NSW marine parks.

***The objects of the Marine Parks Act 1997 are as follows***

- (a) to conserve marine biological diversity and marine habitats by declaring and providing for the management of a comprehensive system of marine parks,
- (b) to maintain ecological processes in marine parks,
- (c) where consistent with the preceding objects:
  - (i) to provide for ecologically sustainable use of fish (including commercial and recreational fishing) and marine vegetation in marine parks, and
  - (ii) to provide opportunities for public appreciation, understanding and enjoyment of marine parks.

***The objects of a Sanctuary Zone ( Sect 1.7 of the Marine Parks (Zoning Plans) Regulation 1999) are:***

- (a) to provide the highest level of protection for biological diversity, habitat, ecological processes, natural features and cultural features (both Aboriginal and non-Aboriginal) in the zone, and
- (b) where consistent with paragraph (a), to provide opportunities for the following activities in the zone:
  - (i) recreational, educational and other activities that do not involve harming any animal or plant or causing any damage to or interference with natural or cultural features or any habitat,
  - (ii) scientific research.

These sections of the legislation provide guidance for the comments that follow.

The site is generally low lying and forms part of the catchment for the Simpsons Creek Sanctuary Zone. A number of artificial drains currently lead to the creek and it is understood the development will utilise these at least in part. There is potential for changes to stormwater dynamics to adversely impact the Simpson's Creek Sanctuary Zone, particularly water quality in terms of pollutants, sediment and nutrients. Stormwater management at this site should represent the best available contemporary management practices and be designed to result in an improvement of the quality of discharge into the creek and reflect the high conservation values present.

The MPA advises that any stormwater infrastructure associated with the works must be configured such that the stormwater is retained and treated prior to discharge into the marine park. This advice is consistent with section 16 of the *State Environmental Planning Policy 71 (Coastal Protection)* ie **"16 Stormwater:** The consent authority must not grant consent to a development application to carry out development on land to which this Policy applies if the consent authority is of the opinion that the development will, or is likely to, discharge untreated stormwater into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform."

The MPA normally requires a minimum 50 metre buffer between new developments and the marine park.

Proposals to provide car parking and access to Simpsons Creek must be considered in the context of the high degree of protection in force and the presence of Tyagarah Nature Reserve immediately opposite. Any proposals would need to be in accordance with the highly protected status and expectation that use is low impact and considers the sensitive nature of the waterway. Provision for advisory and regulatory signage would be necessary. The proximity of the nature reserve and the fauna present in the vicinity of the creek would make any such access unsuitable for dogs or other domestic animals. Any works proposed to take place within the Cape Byron Marine Park would require permission.

If you have any queries with respect to these comments, please do not hesitate to contact me or Ranger (Marine) Dave Maguire on telephone 66209300.

Yours sincerely,



Andrew Page  
Manager, Cape Byron Marine Park