

**From:** [NSW Government](#)  
**To:** [Flood Inquiry](#)  
**Subject:** Floods Inquiry  
**Date:** Saturday, 23 April 2022 2:58:20 PM  
**Attachments:** [Presentation to Land and Environment Court 0820.pdf](#)

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## Your details

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<b>Title</b>	Mr
<b>First name</b>	Tom
<b>Last name</b>	Vidal
<b>Email</b>	
<b>Postcode</b>	2481

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## Submission details

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<b>I am making this submission as</b>	A resident in a flood-affected area
<b>Submission type</b>	I am submitting on behalf of my organisation
<b>Organisation making the submission (if applicable)</b>	Belongil Catchment Drainage Board
<b>Your position in the organisation (if applicable)</b>	secretary
<b>Consent to make submission public</b>	I give my consent for this submission to be made public

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## Share your experience or tell your story

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**Your story**

I am the secretary and a director of the Belongil Catchment Drainage Board (A private drainage board), which I represent with this submission. The extreme flood events of March 2022 inundated most of our trust area which is located within the Belongil Creek basin in Byron Bay. The recent flood events, with higher water levels than ever before demonstrate clearly that the land needs an improved flood management and is unsuitable for further development. The system is at absolute water carrying capacity. The board was therefore astounded that two large subdivisions, within the floodplain of our trust area, were recently approved by the land and environment court; one judgement came through at the time of the flooding. As a “response to floods, particularly measures to protect life, property and the environment;” the Belongil Catchment Drainage Board would like to see an immediate termination of the filling works for the West Byron developments until the findings of the Flood Inquiry are published. We further recommend to rescind these inappropriate subdivision approvals within a flood plain.

To inform the inquiry of our concerns and warning to the court and the community I attach our presentation to the Environment Court for one of the DAs at the time as part of this submission.

We trust that the Inquiry will consider our submission, especially in regards to:

- current and future land use planning and management and building standards in flood prone locations across NSW;
- appropriate action to adapt to future flood risks to communities and ecosystems;
- coordination and collaboration between all levels of government.

Thank you for your consideration

Tom Vidal on behalf of the Belongil Catchment Drainage Board

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## **Terms of Reference (optional)**

The Inquiry welcomes submissions that address the particular matters identified in its [Terms of Reference](#)

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## **Supporting documents or images**

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### **Attach files**

- [Presentation to Land and Environment Court 0820.pdf](#)
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# **BELONGIL CATCHMENT DRAINAGE BOARD**

POBox 441 BYRON BAY NSW 2481

August 14 2020

## **NSW Land & Environment Court**

Dear Sir/Madam

RE: Byron Shire Council ats Villa World Byron Pty Ltd – Land and Environment Court Case No. 2019/0031061BCDB submission to Land and Environment Court, August 2020

I am the secretary and a director of the Belongil Catchment Drainage Board, which I represent with this submission.

The proposed development is located within the drainage district of the Belongil Catchment Drainage Board and it is situated within the Belongil basin.

The Belongil basin consists of an indurated sand base, filled with sand and peat. The basin has one outlet, the Belongil Creek mouth. The Belongil Creek is an ICOLL system. With the mouth silting up from the inside and the sand building up from the outside it has become more and more a closed system. The system is at absolute water carrying capacity now.

In June 2005 we experienced a flood, which was pronounced a 1 in a 100-year flood-event. However, since then we had several, similar flood-events, three of which occurred just over the last year. They were on the Queen's birthday weekend 2019, in February 2020 and less than a month ago in late July 2020. Not only were hundreds of acres of agricultural land inundated, but also the sports grounds, parts of the industrial estate and at times parts of the CBD.

As trustees of the drainage district it is the Drainage Board's responsibility to inform the court of the shortcomings in this DA. The increase in velocity and volume of stormwater runoff will be substantial due to large hard surface areas and roof coverage. The imported water from Rocky Creek Dam will put additional stress on the system. This is not sufficiently addressed in the DA. The theories and assumptions regarding storm water flows are wrong. We will contest the stormwater discharge points as unlawful points of discharge. The proposed retention systems will simply not work in wet weather conditions. The importation of hundreds of thousands of cubic metres of fill will have an immeasurable impact on the hydrology in the system. Ground water levels will rise.

Private drainage boards are anchored in the Water Act and always played a significant and very sensible role in flood management.

The Belongil Catchment Drainage Board's directors are local landholders within the drainage district. We have therefore a vested interest to keep the land drained. We have a vested interest to keep the area livable, farmable, healthy, sustainable and safe.

Our board directors are all long-term landholders, some are farmers with 5 generations of knowledge of the land. We know how sensitive the system is. We have extensive knowledge of the threatening

processes within our system, of which there are many: Within our trust area we have a sewage treatment plant releasing up to 4 million liters of treated effluent into our drainage system per day. We also have an industrial estate, residential development, acid sulphate soils, weeds, endangered species, an endangered wetland system and a very sensitive lagoon system. Our Management Plan addresses all those issues and aspires to manage this system in a responsible and sustainable manner. However, with all the stresses on the system and a Belongil Creek opening strategy, which does not allow for timely and sufficient mechanical opening of the mouth, we can no longer fulfill our charter which dictates us to keep agricultural land drained. We can no longer charge levies to the drainage board's members because our drains flood their lands rather than drain their pastures. Our Management Plan does not allow for the proposed excess water and fill of this DA - the system is at capacity now. It simply cannot and will not cope.

Under the Water Act, every new lot created in the drainage system needs the approval of the drainage board. Yet the developers never involved us in the planning process. Planning laws apparently override us. Override the work which was done throughout the years, override the hundreds of hours of time spent by directors, government officials and consultants, override the thousands of dollars of ratepayers' money spent and override the accumulated knowledge of many dedicated local landholders. This does not make sense.

Furthermore, find attached a recent report coming out of the NSW Office of Environment and Heritage. The paper was published in 2018, it was developed by public servants within a State Government agency and was reviewed by eminent Professors of the University of Sydney. It is a highly academic, scientific and relevant report. The paper projects a catastrophic sea level rise by 2100 and beyond. It shows the whole West Byron area will be swamp land 100 years from now and under water 200 years from now. This supports our view that this land is not suitable for development.

In conclusion: The Belongil basin is at absolute capacity; it is extremely sensitive with regard to drainage, water logging and to flooding. It does not take long, 2 to 3 days of rain, for the system to become water logged; even after long dry periods. If not managed properly, the whole catchment will be flooded. Over time the wetlands will be turned into mosquito infested bogs, the whole eco system including the lagoon system will be destroyed, town will flood regularly. This will occur long before we can blame rising sea levels.

The precautionary principle must apply.

Please support Byron Shire Council's rejection of this development.

Thank you very much.

Tom Vidal

Attachments:

- Photos from the flood events in February 2020 and July 2020. All photos are within 1.5km of the proposed development.
- Report from the office of Environment and Heritage.